

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

**FEBRUARY 6, 2007**

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

**COMMISSION  
CHAMBERS**

- 1. CALL TO ORDER**
  - A. Roll Call
  - B. Invocation
  - C. Pledge of Allegiance
  
- 2. AGENDA APPROVAL**
  - A. Additions, Deletions, Substitutions
  - B. Adoption
  
- 3. CONSENT AGENDA (Pages 7 - 37)**
  
- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 38)**
  
- 5. REGULAR AGENDA (Pages 39 - 45)**  
**TIME CERTAIN - 10:00A.M. (Criminal Justice Commission Annual Report) (Page 43)**
  
- 6. BOARD APPOINTMENTS (Pages 46 – 47)**
  
- 7. MATTERS BY THE PUBLIC - 2:00 P.M. (Page 48)**
  
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to receive and file:

A) Resolution No. 2560 from the City Commission of the City of Belle Glade, supporting and endorsing the principals of the Municipal Home Rule Powers Act;

B) Resolution No. 200-2006 from the City Council of the City of Boca Raton, supporting and endorsing the principals of the Municipal Home Rule Powers Act;

C) Resolution No. 06-2 from the Town Council of the Town of Briny Breezes, supporting and endorsing the principals of the Municipal Home Rule Powers Act;

D) Resolution No. 06-334 from the Town Council of the Town of Hypoluxo, supporting and endorsing the principals of the Municipal Home Rule Powers Act;

E) Resolution No. 56-2006 from the City Commission of the City of Lake Worth, supporting and endorsing the principals of the Municipal Home Rule Powers Act;

F) Resolution No. 75-06 from the Town Council of the Town of Palm Beach, supporting and endorsing the principals of the Municipal Home Rule Powers Act;

G) Resolution No. R14-06 from the Town Council of the Town of Palm Beach Shores, supporting and endorsing the principals of the Municipal Home Rule Powers Act; and

H) Resolution No. 06-56 from the Village Council of the Village of Royal Palm Beach, supporting and endorsing the principals of the Municipal Home Rule Powers Act.

2. Staff recommends motion to approve: Amendment No. 3 to the contract for consulting/professional services with Langton Associates, Inc. (R2004-0180) for services related to Palm Beach County's Grant Development Program for the period of February 1, 2007, through January 31, 2008, in the amount of \$86,149.35. **SUMMARY:** On February 3, 2004, the Board approved a consulting/professional services contract with Langton Associates, Inc. for the term of February 1, 2004, through January 31, 2005 to provide grant program development services. Amendment No. 1 approved on February 1, 2005 extended the term an additional one (1) year period and increased the annual amount by 5%. Amendment No. 2 approved on February 7, 2006 extended the term for an additional one (1) year period. This Amendment will extend the term of the contract for an additional one (1) year period and provides a 5% increase over the annual amount. Countywide (DSW)

3. Staff recommends motion to approve: revised Program Guidelines for the Neighborhood Home Beautification Program to include homesteaded property as an additional requirement for the program. **SUMMARY:** The revision being made to the Neighborhood Home Beautification Program (NHBP) guidelines is the requirement that all properties must be homesteaded to be eligible for NHBP funding. Countywide (AH)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

4. Staff recommends motion to approve:

**A)** an Agreement with the City of Pahokee in an amount not-to-exceed Three Hundred Thirty Six Thousand Four Hundred Sixty Nine Dollars (\$336,469) for sewer repairs;

**B)** an Agreement with the City of Belle Glade in an amount not-to-exceed Two Hundred Thirteen Thousand Five Hundred Sixty Eight Dollars (\$213,568) for storm water system repairs;

**C)** an Agreement with the City of Belle Glade in an amount not-to-exceed One Hundred Twenty Five Thousand Dollars (\$125,000) for improvements to Lift Station No. 1;

**D)** an Agreement with Palm Beach County Sheriff's Office (PBSO) in an amount not-to-exceed One Hundred Thousand Dollars (\$100,000) for "Putting Kids First";

**E)** an Agreement with Abundant Life Fellowship of the Palm Beaches in an amount not-to-exceed Seventy Five Thousand Dollars (\$75,000) for expenses related to "Project Exodus";

**F)** Budget Transfer of \$100,000 from the Capital Outlay from CCRT to the Sheriff's Grant Fund; and

**G)** Budget Amendment of \$100,000 in the Sheriff's Grant Fund to recognize and appropriate the transfer from the Capital Outlay Fund.

**SUMMARY:** The above projects were reviewed and recommended for funding by the Countywide Community Revitalization Team (CCRT) Committee on October 10, 2006 and approved by the Board of County Commissioners (BCC) on November 21, 2006. The individual project funding agreements are now being submitted to the BCC for approval. The budget transfer and amendment are needed to allocate funds to PBSO. Countywide (AH)

5. Staff recommends motion to approve: the First Amendment to the contract dated February 1, 2005 (R2005-0172) with J. Gordon Routley relating to the implementation of a voluntary Countywide Fire Rescue Level of Service and Common Dispatch System. This First Amendment extends the agreement until October 31, 2009, revises the scope of work, and increases the total contract not-to-exceed amount by \$16,320 to a total of \$50,160 (\$42,160 for fees and \$8,000 for expenses). **SUMMARY:** In 2005, Mr. J. Gordon Routley consulting/professional services contract provided assistance to the Fire Rescue Level of Service Committee. The scope of services in the original contract included providing assistance in developing a voluntary countywide level of service and common dispatch system. The Fire Rescue Level of Service Committee has made significant progress but has not completed these tasks. The Fire Rescue Level of Service Committee is recommending his contract be extended until October 31, 2009 to coincide with the October 2009 implementation date of these two (2) important programs. Countywide (SB)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

6. **Staff recommends motion to adopt:** a Resolution supporting designating the Jupiter Lighthouse and the surrounding Federal Lands as an Outstanding Natural Area in order to protect, conserve and enhance the unique and nationally important historic, natural, cultural, scientific, educational, scenic, and recreational values of this important site. **SUMMARY:** The protection for the Jupiter Inlet Lighthouse and its surrounding Federal Lands will ensure that this historic structure and the surrounding native ecosystems remain a part of the historic, cultural and natural heritage of the United States. District 1 (SF)

B. CLERK AND COMPTROLLER

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Final	November 21, 2006
Reorganization	November 21, 2006

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Department; and the Department of Airports during November 2006. Countywide

C. ENGINEERING

1. **Staff recommends motion to approve:** the Second Amendment to an agreement (R2004-1620) for professional consulting services with Kimley-Horn and Associates approved on July 13, 2005. **SUMMARY:** This Agreement provides for professional services to develop a database showing the traffic from all approved projects. The database will be used for future concurrency traffic studies and a new five (5) year build-out test. The goal for Small Business Enterprise (SBE) and/or Minority/Women Business Enterprise (MBE) is 15%. The actual participation level is 20% for SBE - MBE, achieved through their sub-consultant, M.T.P. Group, Inc. This Amendment will extend the date for completion of the work from July 31, 2006 to March 31, 2007, and allow for reallocation of budget amounts among the various labor and direct expense tasks to better balance the project effort with task budgets. Countywide (LB)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING (Cont'd)

2. Staff recommends motion to approve:

A) an Agreement with the Village of Royal Palm Beach for the installation of a traffic signal at the intersection of State Road 7 and Victoria Groves Boulevard; and

B) a Budget Amendment of \$405,000 in the Transportation Improvement Fund to recognize the participation of the Village of Royal Palm Beach and appropriate it to the Village of Royal Palm Beach signal at State Road 7 and Victoria Boulevard.

**SUMMARY:** This Agreement will allow the Palm Beach County Traffic Division to construct a traffic signal at the intersection of State Road 7 and Victoria Groves Boulevard. The cost of the traffic signal will be paid by the Village of Royal Palm Beach. District 6 (MRE)

3. Staff recommends motion to:

A) **accept** a Warranty Deed; and

B) **approve** payment of \$733,200 for Parcels 157 and 158.

**SUMMARY:** The property owner has accepted the appraised value of \$733,200 for property that is required for the retention pond that is necessary for the roadway construction project of Seminole Pratt-Whitney Road at the Northlake Boulevard intersection. District 6 (PM)

4. **DELETED**

5. **DELETED**

6. Staff recommends motion to approve: nine (9) Appraiser Agreements with the appraisal firms as listed:

- |   |                                  |
|---|----------------------------------|
| Ames Appraisal Services                   | M. R. Ford & Associates          |
| Anderson & Carr, Inc.                     | S. F. Holden, Inc.               |
| Appraisal & Acquisition Consultants, Inc. | Jenkins Appraisal Services, Inc. |
| Callaway & Price, Inc.                    | R. E. Analysts, Inc.             |
| The Spivey Group, Inc.                    |                                  |

**SUMMARY:** This action approves agreements with nine (9) firms to provide appraisal services to Palm Beach County for right-of-way acquisition purposes. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING (Cont'd)

7. Staff recommends motion to approve: a Contract Amendment of \$1,019,000 and an 18-month contract extension to the annual pavement marking contract (R2005-0848), dated May 3, 2005, with the pavement marking contractor, Transmark, Inc. **SUMMARY:** The Amendment to the annual pavement marking contract extends the expiration date of the existing contract retroactively from November 3, 2006 to May 3, 2008. The dollar value of the contract is to be increased to a not-to-exceed amount of \$3,200,000. The annual pavement marking contract consists of furnishing and installing pavement marking material, raised reflectorized pavement markers and traffic paint on County roadways. Due to the non-existence of any Small Business Enterprise (SBE) company which could furnish thermoplastic material, as verified by the Office of Small Business Assistance, the requirement for SBE participation is hereby deleted from this contract.  
Countywide
  
8. Staff recommends motion to approve:
  - A) a Budget Transfer of \$50,000 in the Transportation Improvement Fund – District 1 Reserves to partially fund the temporary traffic signal at Donald Ross Road and Parkside Drive – District 1; and
  
  - B) a Budget Amendment of \$35,000 to recognize the participation of the Town of Jupiter and appropriate it to partially fund the temporary traffic signal at Donald Ross Road and Parkside Drive.**SUMMARY:** This action will initiate a Budget Transfer of \$50,000 in the Transportation Improvement Fund from reserves for District 1 and a Budget Amendment of \$35,000 required to recognize the participation of the Town of Jupiter, for the temporary traffic signal at Donald Ross Road and Parkside Drive. District1 (MRE)
  
9. Staff recommends motion to approve: an Amendment to the Financial Assistance Agreement (R2004-1409) with the Village of Royal Palm Beach (Village) for an extension of the completion date for improvements on the Florida Department of Transportation's State Road 7 from the south Village limit (approximately one mile south of Southern Boulevard) to Southern Boulevard. **SUMMARY:** The original Agreement provides for a reimbursement, in an amount not-to-exceed \$112,944, to the Village for the planned improvements on the Florida Department of Transportation's State Road 7 from the south Village limit (approximately one mile south of Southern Boulevard) to Southern Boulevard. This Amendment will extend the completion date from September 30, 2006 to September 30, 2007. The completion date of the improvements has been delayed due to the contractual completion date occurring after the agreement deadline. District 6 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING (Cont'd)

10. Staff recommends motion to approve:

**A)** a Financial Assistance Agreement with Keep Palm Beach County Beautiful (KPBCB) to provide a reimbursement contribution not-to-exceed \$30,000 annually for four (4) consecutive years (subject to budget) for a maximum of \$120,000;

**B)** a Budget Transfer of \$30,000 in the Transportation Improvement Fund from Reserve for District 2 to Cabana Colony Local Drainage; and

**C)** a Budget Transfer of \$30,000 in the Capital Outlay Fund from Cabana Colony Local Drainage to KPBCB District 2.

**SUMMARY:** This item provides funding of \$30,000 for the first of four (4) annual allocations to KPBCB for Fiscal Year 2007 through Fiscal Year 2010 for a maximum total of \$120,000. The efforts of KPBCB serve a public purpose by promoting and facilitating public and community area enhancement programs and by promoting, facilitating, and reviewing beautification grants for the purpose of enhancing thoroughfare roadways throughout Palm Beach County. Countywide (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: a Mediation Settlement Agreement, inclusive of attorneys fees and costs, in the total amount of \$95,000 in the personal injury action styled Frank and Magda Szydlowski, his wife vs. Palm Beach County, Case No. 50 2006 CA000489XXXMBAH. **SUMMARY:** This is a personal injury claim arising from an alleged motor vehicle accident that occurred on October 13, 2004 on Lucerne Ave. Lake Worth, Florida. The Plaintiff, Frank Szydlowski, alleged that a County truck that was negligently operated collided with his car on Lucerne Ave, causing him to sustain major neck and back injuries. His wife also has a loss of consortium claim. Staff, including the Risk Management Round Table Committee, agrees that the settlement is in the best interest of the County. Countywide (DRO)

E. COMMUNITY SERVICES

1. Staff recommends motion to:

**A)** ratify the Chairperson's signature on the Service Provider Application (SPA) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for various services to the elderly; and

**B)** approve Standard Agreement for the Older Americans Act (OAA) program with AAA for the period January 1, 2007, through December 31, 2007, in the amount of \$1,900,108 for various services to the elderly.

**SUMMARY:** The Service Provider Application (SPA) was signed by the Chairperson on November 16, 2006 and submitted through the emergency signature process to meet the AAA required deadline. The application has been approved for OAA funding of \$1,900,108. As a result of the SPA approval, the OAA Standard Agreement will allow the Division of Senior Services (DOSS), as lead agency, to contract with vendors to provide adult day care, escort, housing improvement, in-home services (homemaker, personal care, respite, companionship and chore), interpreter/translating, screening/assessment, congregate meals, home delivered meals, nutrition education, nutrition counseling, outreach and specialized medical equipment, services & supplies. The Agreement spans two (2) County fiscal years. Sufficient funding is available in the FY 2007 budget to meet County obligations. County match and additional funding required to meet FY 2008 obligations will be requested in the FY 2008 budget process. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provides OAA services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, & 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. DELETED

3. Staff recommends motion to:

**A) rescind** Amendment No. 002 (R2006-2399; dated November 21, 2006) to Standard Agreement No. IA006-1 for the Older Americans Act (OAA) Program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA);

**B) approve** replacement with revised Amendment No. 002;

**C) approve** Amendment No. 003; and

**D) approve** Amendment No. 004 to Standard Agreement No. IA006-1 for the OAA Program with AAA adjusting program funding amounts and increasing the agreement amount by \$183,943 for a new total not-to-exceed amount of \$2,084,052 for various supportive services to seniors.

**SUMMARY:** Amendment No. 002 needs to be rescinded and replaced due to an error in funding calculations by AAA. Revised Amendment No. 002, and new Amendments No. 003 and No. 004 will adjust funding category amounts and increase the total funding provided by this agreement. The amendments are being executed consecutively according to issue date at the request of the AAA and the State Department of Elder Affairs. There is a required County match of \$20,438 (10%), which is currently in the budget. No additional County funds are needed. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provide OAA services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, & 7 south of Hypoluxo Road (TKF)

4. Staff recommends motion to approve: Amendment No. 002 to Standard Agreement No. IU006-1 (R2005-2322; dated December 6, 2005) for the Nutrition Services Incentive Program (NSIP) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) increasing the number of units and increasing the maximum reimbursement by \$27,693 for a new total not-to-exceed amount of \$332,839.

**SUMMARY:** Additional funding has been granted under the NSIP grant. This Amendment will increase the number of units from 457,470 to 655,175; and increase the new maximum reimbursement from \$305,146 to \$332,839. In the area south of Hypoluxo Road, Ruth Rales currently provide OAA services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, & 7 south of Hypoluxo Road (TKF)

5. Staff recommends motion to approve: Non-Institutional Medicaid Provider Agreement renewals for the Home and Community Base Medicaid Waiver program with the State of Florida Agency for Health Care Administration (AHCA) for a period of ten (10) years from the effective date of eligibility. **SUMMARY:** The Division of Senior Services (DOSS) administers the Home and Community Base Medicaid Waiver program, which provides a variety of services to low-income eligible seniors at risk of nursing home placement. The Non-Institutional Medicaid Provider Agreement will allow DOSS the ability to continue to utilize the Medicaid Program in providing services to seniors. DOSS bills Medicaid directly for case management services on a contracted unit rate basis and receive payments via Electronic Funds Transfers (EFT). No County funding is required. (DOSS) Countywide except for portions of Districts 3, 4, 5, & 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

6. Staff recommends motion to approve: three (3) Amendments to the Ryan White Comprehensive AIDS Resources Emergency Act contracts for the period of March 1, 2006, through February 28, 2007 totaling \$60,000 as follows:

**A)** Amendment No. 1 to contract (R2006-1082) with Legal Aid Society of Palm Beach County, Inc. to increase funding by \$30,000 for a new total not-to-exceed amount of \$230,000 for legal services/permanency planning;

**B)** Amendment No. 1 to contract (R2006-1087) with Treasure Coast Health Council, Inc. to increase funding by \$30,000 for a new total not-to-exceed amount of \$455,000 for Care Council support; and

**C)** Amendment No. 1 to contract (R2006-1083) with Oakwood Center of the Palm Beaches to decrease funding by \$60,000 for a new total not-to-exceed amount of \$48,275 for substance abuse residential and mental health counseling.

**SUMMARY:** Ryan White CARE Act service dollars are reviewed throughout the contract year and dollars unlikely to be spent by the end of the contract period are reallocated to best meet the need of the affected clients. Funding for mental health services will be reduced by \$60,000 with \$30,000 being allocated to legal services and \$30,000 being allocated to Care Council support. No County funds are required. (Ryan White) Countywide (TKF)

7. Staff recommends motion to approve: Amendment No. 3 to the contract with Treasure Coast Health Council, Inc. (R2006-1086) providing an additional \$7,000 for specialty medical services. **SUMMARY:** These are the remaining funds provided by the Palm Beach County Health Department grant to the County (R2006-1350; dated July 18, 2006) to supplement the Ryan White Title I funds. This funding will be used to provide specialty medical services to HIV affected clients. No County funds are required. (Ryan White) Countywide (TKF)

8. Staff recommends motion to approve: Standard Agreement No. IU007-1 for the Nutrition Services Incentive Program (NSIP) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period October 1, 2006, through September 30, 2007, for a total not-to-exceed amount of \$254,124. **SUMMARY:** NSIP funds are available to supplement the cost of meals in the Division of Senior Services (DOSS) congregate and home meals programs. NSIP provides reimbursement for the purchase of United States produced agricultural and other food commodities for use in nutrition projects operating under the approved Older Americans Act (OAA) Title III agreement. The maximum number of meals to be reimbursed is 400,227 at the rate of \$.6349487 per meal for a total of \$254,124. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provide OAA services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, & 7 south of Hypoluxo Road (TKF)

9. Staff recommends motion to approve: Contract with the Palm Beach County Health Department for the period October 1, 2006, through September 30, 2007, in an amount of \$128,120 for counseling services. **SUMMARY:** The Palm Beach County Health Department (PBCHD) will provide in-depth, comprehensive counseling for recalcitrant HIV positive clients tested through the agency as well as necessary punitive actions for repeat offenders. Recalcitrant HIV positive clients are those who are non-compliant and engage in behavior to spread transmission of the infection. Examples of punitive action include court ordered counseling, behavior modification, hospitalization, and isolation. Funding for the PBCHD and other County-sponsored agencies was included in the FY 2007 budget. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to receive and file: seven (7) original contract(s)/ agreement(s)/grant(s) for the Department of Airports:

**A)** Hangar Lease Agreement for North County General Aviation Airport with Leonard Framalin, Hangar Number 11220-08, effective January 8, 2007;

**B)** Hangar Lease Agreement for North County General Aviation Airport with Dennis Lambe, Hangar Number 11200-07, effective December 11, 2006;

**C)** Hangar Lease Agreement for North County General Aviation Airport with Richard Lawrance, Hangar Number 11220-01, effective December 20, 2006;

**D)** Hangar Lease Agreement for North County General Aviation Airport with Rodin Younessi, Hangar Number 11740-08, effective January 8, 2007;

**E)** Agreement to Terminal Hangar Lease Agreement for North County General Aviation Airport with Timothy Williams, Hangar Unit Number 8, Building 11740, effective December 20, 2006 (amends R2006-0975);

**F)** Airline-Airport Use and Lease Agreement with AirTran Airways, Inc., effective October 1, 2006; and

**G)** Airline-Airport Use and Lease Agreement with Continental Airlines, Inc., effective October 1, 2006.

**SUMMARY:** Delegation of authority for execution of the standard County agreements above was approved by the BCC pursuant to R2003-1047, R2004-1367 and R2005-2444. Countywide (LMB)

2. Staff recommends motion to approve: Amendment No. 4 to the General Consulting Agreement with CH2M Hill, Inc. for consulting/professional services to exercise the first one (1) year renewal option for the continued performance of professional planning and design services related to the approved Palm Beach County Airports' Capital Improvement Program. **SUMMARY:** The Consulting Agreement (R2005-0319) with CH2M Hill, Inc. for general airport planning and design was approved on February 15, 2005 in order to carry out the approved Capital Improvement Programs for the County's Airports. On February 7, 2006, the County entered into Amendment No. 1 (R2006-0194) to provide additional services. On May 16, 2006, the County entered into Amendment No. 2 (R2006-0841) to provide additional services. On October 17, 2006, the County entered into Amendment No. 3 (R2006-2207) to provide additional services. This Amendment will allow the County, at its sole discretion, to exercise the first one (1) year renewal option for the continuation of services provided under this Agreement. There is no fiscal impact associated with this Amendment. The Disadvantaged Business Enterprise (DBE) goal will remain at 28.52%. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff recommends motion to approve:** the signing of a Confidentiality Agreement with the Agency for Workforce Innovation, Labor Market Statistics Center (AWI). **SUMMARY:** On July 11, 2006, the Board of County Commissioners approved a Contract with Clarion and Associates (R2006-1345), in association with Dr. James C. Nicholas, to provide professional and consulting services for the preparation and design of an affordable and workforce housing mitigation program for Palm Beach County. Clarion Associates requires access to Quarterly Census of Employment Wages (QCEW) for Palm Beach County in order to perform the contract Scope of Work. AWI will release confidential QCEW data to Palm Beach County for use by Clarion Associates with the signing of the Confidentiality Agreement. Countywide (LB)
  
2. **Staff recommends motion to approve:** a negotiated Settlement Offer in the amount of \$20,745.60 for the full satisfaction of a Code Enforcement Lien that was entered against Automotive Experts of Palm Beach, Inc. on November 21, 2001. **SUMMARY:** The Code Enforcement Special Master (CESM) entered an Order on March 7, 2001 giving Automotive Experts of Palm Beach, Inc. (Automotive Experts) until July 5, 2001 to obtain building permits for interior renovation work that had been done without permits (enclosed second floor loft area). Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$50 per day was imposed. The CESM then entered a claim of lien against Automotive Experts on November 21, 2001. The cited code violations were fully corrected as of December 29, 2003. The total accumulated lien amount through March 29, 2004, the date settlement discussions began, totaled \$62,236.80, of which Automotive Experts has agreed to pay the County \$20,745.60 (33.34%) for full settlement of their outstanding Code Enforcement Lien. District 2 (PM)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** a License Agreement with The Credit Union of Palm Beach County for the installation and operation of an Automated Teller Machine (ATM) in the cafeteria of the Vista Office Building at 2300 North Jog Road. **SUMMARY:** The Credit Union has requested that the County allow a Credit Union ATM to be installed in the Vista Office Building as a convenience to County employees. The Credit Union shall purchase, install, maintain and repair the ATM. The County would only supply the electricity required to operate the ATM and provide access to telephone lines. The ATM will be installed in the cafeteria of the Vista Office Building and shall be available for use only during normal business hours. The Credit Union shall not assess a fee to any user of the ATM. There is no license fee associated with this license. The License Agreement shall extend for five (5) years with an option to renew for two (2) additional five (5) year terms. (FDO Admin) District 2 (JM)
  
2. **Staff recommends motion to approve:** Amendment No. 1 to the annual Contract for Library Expansion Program with Slattery and Associates, Architects Planners (R2004-0326) for professional consulting services on a continuing contract basis. **SUMMARY:** Slattery and Associates was selected to provide professional consulting services for the Library Expansion Program on a continuing contract basis. The Board approved an annual contract on February 24, 2004. The original Contract provided for an initial three (3) year term with two (2) - one (1) year renewal options. This Amendment provides for the first renewal period. Slattery and Associates has a Small Business Enterprise (SBE) participation goal of 15%. During the first three (3) years of the contract, Slattery and Associates has achieved 15.7% participation. (Capital Improvements Division) Countywide (JM)

### 3. CONSENT AGENDA APPROVAL

#### H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. **Staff recommends motion to approve:** Change Order No. 10 to Amendment No. 7 to Centex Construction LLC (R2003-1541) for the Wellington Library in the amount of \$28,010.96. **SUMMARY:** Change Order No. 10 is a result of required upgrades to existing landscaping and changes to planned tree types as a result of plan review and permitting requirements by the Village of Wellington and additional irrigation work due to differing field conditions. Change Order No. 10 must be approved by the Board as it exceeds the cumulative limits of the Department Director and the Contract Review Committee (CRC). The Small Business Enterprise (SBE) goal for this contract is 15% and with this Change Order, overall participation is 15.35%. (Capital Improvements Division) District6 (JM)
  
4. **Staff recommends motion to approve:**
  - A) Contract with Marine Engineering, Inc. for the fit-up of the West County Jail, Pod A in the amount of \$889,000; and
  - B) a Budget Transfer of \$541,000 from reserves in the Public Building Improvement Fund to increase the project budget.

**SUMMARY:** This Contract will provide for the interior build-out of the West County Jail Pod A. Work includes the completion of rough plumbing and the installation of plumbing and electrical fixtures as well as refinishing the floor. The Small Business Enterprise (SBE) goal for this project is 15%. Marine Engineering Contractors, Inc.'s bid includes participation at 28.1%. The Contract time is 90 days to substantial completion. (Capital Improvements Division) District 6 (JM)
  
5. **Staff recommends motion to approve:** a First Amendment to the Agreement with Good Samaritan Medical Center (R2004-0901), allowing for interoperable communications through the countywide and EMS common groups of the County's 800 MHz Radio System, to extend the term of the Agreement until May 18, 2010. **SUMMARY:** The Agreement with Good Samaritan, which provides the terms and conditions under which Good Samaritan can program into its radios and utilize the countywide and EMS common talk groups for certain types of inter-agency communications, will expire on May 18, 2007. The Agreement provides for three (3) - three (3) year renewals but renewals require approval by both parties. Good Samaritan has approved a renewal to extend the term of the Agreement until May 18, 2010. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to other hospitals and EMS providers. There are no charges associated with this Agreement. Good Samaritan is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. (FDO/ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. **Staff recommends motion to approve:** a First Amendment to the Agreement (R2002-1353) with the Village of Wellington (Wellington) allowing for interoperable communications through the countywide common groups of the County's 800 MHz Radio System, to extend the term of the Agreement until August 20, 2012. **SUMMARY:** The Agreement which provides the terms and conditions under which Wellington can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications, will expire on August 20, 2007. The Agreement provides for three (3) - five (5) year renewals but renewals require approval by both parties. Wellington has approved a renewal to extend the term of the Agreement until August, 2012. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. Wellington is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. (FDO/ESS) Countywide (JM)
  
7. **Staff recommends motion to approve:** a First Amendment to the Agreement with Delray Medical Center (R2004-0457), allowing for interoperable communications through the countywide and EMS common groups of the County's 800 MHz Radio System, to extend the term of the Agreement until March 16, 2010. **SUMMARY:** The Agreement which provides the terms and conditions under which Delray Medical can program into its radios and utilize the countywide and EMS common talk groups for certain types of inter-agency communications, will expire on March 16, 2007. The Agreement provides for three (3) - three (3) year renewals but renewals require approval by both parties. Delray Medical has approved a renewal to extend the term of the Agreement until March 16, 2010. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to other hospitals and EMS providers. There are no charges associated with this Agreement. Delray Medical is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. (FDO/ESS) Countywide (JM)
  
8. **Staff recommends motion to approve:** a Second Amendment to extend the term of the Use Agreement (R2003-0126) dated January 28, 2003, with the Sheriff of Palm Beach County for improved residential property located at 328 Urquhart Street in Lake Worth for five (5) months. **SUMMARY:** The Sheriff has used and occupied the improved residential property located at 328 Urquhart Street in Lake Worth since 2003 for the purposes of conducting law enforcement activities to support the community revitalization efforts in the area. The initial term of the agreement was three (3) years ending on January 28, 2006, with two (2) - one (1) year renewals upon mutual agreement. Last year, the agreement was amended to extend the term of the agreement for one (1) year, through January 28, 2007. The Sheriff has determined that it is no longer necessary for the property to be occupied by the Sheriff and should be returned to residential use as anticipated. The sale of the property is expected to take about five (5) months; during that time, the Sheriff has agreed to continue to maintain the property. This Amendment will extend the term of the agreement for five (5) months, through June 28, 2007, in order to allow the Sheriff to provide maintenance of the property prior to its sale. The Sheriff donated \$66,000 from the Law Enforcement Trust Fund (LETF) to the County for the acquisition of this property in 2003, which will be returned to the LETF. (FDO Admin) District 4 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. Staff recommends motion to approve: Change Order No. 7 to the contract with West Construction, Inc. (R2005-0235), in the amount of \$8,214.03. **SUMMARY:** Phil Foster Park is a well-established and heavily used park located on the Intracoastal Waterway at the eastern end of the Blue Heron Boulevard bridge in Riviera Beach. Construction of the improvements were completed in May 2006, and the park was re-opened to the public. Change Order No. 7 is for changes to the existing lift station electrical service and to relocate transformers required for installation of FPL service to the renovated park. This work was completed prior to approval of this Change Order by the Board. Change Order No. 7 must be approved by the Board as it exceeds the cumulative limits of the Department Director and the Contract Review Committee (CRC). The Small Business Enterprise (SBE) goal for this project is 15%. This Change Order includes 25.6% participation, and when combined with previous work done under this contract, the overall SBE participation is 40.6%. (Capital Improvements Division) Districts 1 & 7 (JM)
  
10. Staff recommends motion to approve: Change Order No. 30 to the contract with The Weitz Company (R2002-1868) in the amount of \$139,891 and adding 30 days to the contract time for the South County Courthouse expansion project. **SUMMARY:** Change Order No. 30 provides for the cost associated with owner requested changes to the coal tar roofing system, specifically for a Flexlastic membrane system to eliminate loose gravel in the finished system and to mitigate delays in the supply of the specified roofing materials. The Change Order also includes the cost for a temporary roof to allow for interior work to continue during this change. The Change Order includes a time extension of 30 days to the contract due to delays in securing the roofing materials. The M/WBE goal for this project is 15% overall with 5% Black participation. This Change Order includes 0% overall and 0% Black participation. When combined with previous work done under this contract, the M/WBE percentages are 16.7% overall with 0.75% Black. (Capital Improvements Division) Countywide/District 7 (JM)
  
11. **DELETED**
  
12. Staff recommends motion to approve: exercise of the Second Option to extend the term of the Sublease Agreement (R2003-0529) dated April 15, 2003, with Easter Seals Florida, Inc. for 1,520 SF within the Easter Seals building located on Congress Avenue in West Palm Beach, at an annual rate of \$60,000/yr. **SUMMARY:** The Community Services Department's, Division of Head Start currently subleases and has exclusive use of approximately 1,520 SF of space, together with the shared use of approximately 6,100 SF of lobby/reception area, laundry room, kitchen/staff break room, board room, three (3) therapy rooms, indoor and outside storage areas, a teacher resource room, indoor play area room and three (3) outdoor playgrounds, at the Easter Seals building at 213 South Congress Avenue in West Palm Beach for operation of an Early Head Start program. The initial term of the Sublease Agreement was for three (3) years ending on April 14, 2006, with two (2) extension options, each for a period of one (1) year, subject to approval by Easter Seals. The first option expires on April 14, 2007. This option will extend the term of the Sublease for one (1) year, from April 15, 2007 through April 14, 2008. The annual rent for this extension period is \$60,000 (\$39.47/SF) and includes all maintenance and utilities, except telephone. (PREM) District 7 (JMB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

13. Staff recommends motion to receive and file: notice of exercise of the First Renewal Option under the Agreement of Lease (R2003-1804), with San Castle Community Leadership Organization, Inc., for a 700 SF home within unincorporated Boynton Beach at an annual rate of \$10/yr. **SUMMARY:** On November 4, 2003, the Board approved the Agreement of Lease with the San Castle Community Leadership Organization, Inc. for its use of a 700 SF single-family home located at 1057 Highview Road within the San Castle neighborhood in Boynton Beach, for the operation of a community center. The initial term of the Lease was for three (3) years ending on January 8, 2007, with two (2) extension options, each for a period of two (2) years. Exercise of this option will extend the term of the Lease from January 9, 2007 through January 8, 2009. The annual rent for this extension period is \$10. The County pays for water and electric services while the Tenant is responsible for all taxes and assessments. Pursuant to the terms of the Lease, San Castle Community Leadership has the right to exercise its option 90 days prior to the expiration of the original term and the Board has no discretionary authority to not allow the exercise of the option. However, the letter was not received by County staff until November 28, 2006. (PREM) District 7 (JMB)
  
14. Staff recommends motion to approve: Change Order No. 24 to the contract with Catalfumo Construction, Ltd. (R2004-1626) in the amount of \$19,159.10 to change out four (4) double detector check valves (DDCV) assemblies at the Operations & Support Center Facility. **SUMMARY:** Change Order No. 24 will replace four (4) 6" DDCVs assemblies with 4" DDCV assemblies. There is one (1) assembly for Building 1 (Vehicle Maintenance Facility), two (2) for Building 2 (FDO Building), and one (1) for Building 4 (R&B/TO Building) affected by this Change Order. Reducing the size of the DDCVs to be installed, allows the owner to benefit from significant cost reductions of the utility connection fees. This Change Order must be approved by the Board as it exceeds the cumulative limits of the Department Director and the Contract Review Committee (CRC). Minority/Women Business Enterprise (M/WBE) participation for this Change Order is 0%. When added to the Contractor's participation to date, the resulting (M/WBE) participation is 27%. The Contractor's M/WBE contract goal is 15%. (Capital Improvements Division) District 2 (JM)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: Amendment No. 002 to an agreement (R2005-2345) with the City of Greenacres to extend the expiration date from December 31, 2006 to April 30, 2007, for the expenditure of \$100,000 in Community Development Block Grant (CDBG) funds. **SUMMARY:** The Amendment provides an extension of four (4) months to the term of the existing agreement for the construction of street improvements on Walker, Perry, and Broward Avenues, between 10th Avenue North and the Lake Worth Drainage District L-10 Canal, in the City of Greenacres. The work includes the construction of storm drainage, sidewalks, street lighting, and the paving and restoration of the existing roadway and driveway connections damaged by this new construction. The City is concerned that administrative procedures and issuing of a final payment to the contractor could go beyond the expiration date of this agreement, and has accordingly requested this extension to allow for the orderly completion of the project without undue constraints. **These are Federal funds that require no local match.** District 2 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. **Staff recommends motion to approve:** an Agreement with the Town of Lake Park for storm water drainage improvements in the amount of \$45,353 in Community Development Block Grant (CDBG) funds for the period of February 6, 2007, through December 31, 2007. **SUMMARY:** The work includes the installation of storm water drainage on Bayberry Drive between 7<sup>th</sup> Court and 8<sup>th</sup> Street, in the target area of the Town of Lake Park. This project constitutes the tenth (10<sup>th</sup>) funding phase for storm water drainage improvements in the target area. The design for this project was completed with CDBG funding during previous fiscal years. CDBG funding was used to complete the design and construction for Phases I through IX. **This Agreement will provide \$45,353 in Federal CDBG funds which do not require local matching funds.** District 1 (TKF)
  
3. **Staff recommends motion to approve:** an Agreement with the City of Greenacres for demolition of a building and construction of a parking lot, in the amount of \$70,742 in Community Development Block Grant (CDBG) funds for the period of February 6, 2007, through December 31, 2007. **SUMMARY:** CDBG funds will be used for the demolition of an obsolete building and the construction of a parking lot in its place. The parking lot (including storm drainage, lighting and landscaping) will serve a community center, adjacent ballfields and recreation buildings in Ira Van Bullock Park in the City of Greenacres. **This Agreement will provide \$70,742 in Federal CDBG funds which do not require local matching funds.** District 2 (TKF)
  
4. **Staff recommends motion to receive and file:** a Summary of funding awards made to property owners for housing rehabilitation projects totaling \$43,200 approved between October 1, 2006, and December 31, 2006, pursuant to Resolution No. R94-1139. **SUMMARY:** On September 13, 1994, the Palm Beach County Board of County Commissioners (BCC) approved Resolution No. R94-1139, authorizing the County Administrator or his designee, and/or the Director of the Department of Housing and Community Development (HCD) to approve funding to property owners in accordance with policies of the various housing rehabilitation programs administered by HCD. The authorization also allowed for staff approval of additional funding for projects previously funded. This summary of funding awards, which is reported quarterly, includes housing rehabilitation projects funded between October 1, 2006, and December 31, 2006. Funding awards made during this period in accordance with the authority delegated by the BCC totaled \$43,200. Projects not receiving approval through the delegated authority, are submitted directly to the BCC for approval and do not appear on this report. Countywide (TKF)
  
5. **Staff recommends motion to approve:** Amendment No. 001 to the Conditional Loan Agreement with Villa Regina of West Palm Beach, Inc. **SUMMARY:** HUD has requested an amendment to the loan documents to facilitate the construction of Villa Regina a Florida not-for-profit corporation for \$2,000,000 funded by the State Housing Initiative Partnership Program, approved by No. R2006-1042 on June 6, 2006. Specifically, HUD wants to replace Exhibit "B" entitled "Conditional Promissory Note" and Exhibit "C" entitled Mortgage and Security Agreement with the same shown as an Attachment for the purpose of incorporating the above changes into the documents for consistency. The changes are as follows: A) "The Conditional Loan" language is being revised to move the loan closing date from December 31, 2006 to March 30, 2007; B) the "Disbursement of Conditional Loan Funds" language is being revised to require Palm Beach County to disburse its funds on a prorated basis simultaneously with the release of U.S. Department of Housing and Urban Development's (HUD) funds; and C) the "Indemnification from Third Party Claims" language to is being revised to release HUD from any other obligation of indemnification of any nature whatsoever, to any company, person, or party, now or in the future, if HUD has to take possession of the property. District 2 (TKF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to receive and file:** two (2) Standard Development Agreements and one (1) Utility Concurrency Reservation Agreement complete with executed documents received during the months of November 2006 and January 2007:

**Standard Development Agreement**

- A) Brahmdeo M. Persaud and Odilia V. Persaud 01-01187-000  
B) Grove Nurseries, Inc. 05-01087-000

**Utility Concurrency Reservation Agreement**

- C) Hypoluxo/Jog LLC 05-01088-000

**SUMMARY:** The terms and conditions for Standard Development Agreements are outlined in the Water Utilities Department's Uniform Policies and Procedures Manual. The Board of County Commissioners delegated the authority to execute various types of Standard Development Agreements to the Department Director including potable water and wastewater agreements (R93-1619); reclaimed water agreements (R96-0228); and additional conditions for potable water, wastewater, and reclaimed water agreements (R2003-0539). After these agreements are executed by the developer and the Department, they must be recorded by the County Clerk's Office. This agenda item recommends the Board receive and file the agreements so they may be properly recorded. Countywide (SF)

2. **Staff recommends motion to approve:** Change Order No. 3 to the contract with AKA Services, Inc. (R2006-1003) for the Northern Region Utility Improvement Project Phase 2A increasing the contract price by \$130,677. **SUMMARY:** On June 6, 2006, the Board approved a contract with AKA Services, Inc. in the amount of \$8,745,000 for construction of various sizes of water and force mains and related appurtenances along Northlake Boulevard, Hamlin Boulevard, and Seminole Pratt-Whitney Road. Change Order No. 3 will authorize the Contractor to install storm drainage culverts; to remove and replace unsuitable soil materials; and to use different pipe materials and construction method for multiple road crossings. Total change orders to date, excluding the \$2,425,897.24 sales tax recovery program change order, equal \$195,289 (2.2% increase). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.00% overall. This Change Order includes zero SBE participation. The contractor's cumulative SBE participation, including this Change Order, is 19.90% overall. (WUD Project No. 04-227 A) District 6 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. **Staff recommends motion to approve:** Change Order No. 5 to the contract with Cardinal Contractors, Inc. d/b/a Widell, Inc. (R2005-1893) for the Palm Beach County Research Village (PBCRV) Utility Site Project, adjusting the contract amount by \$98,042.46 and providing a 14-day time extension. **SUMMARY:** On September 27, 2005, the Board approved a contract with Widell, Inc. in the amount of \$8,895,000 for construction of the Mecca Utility Site. In conjunction with the County's Sales and Use Tax Recovery Program, various materials were deleted from Widell's scope of work in Change Order No. 1 (R2005-2071). Purchase Order PBC 05-018-04 was subsequently issued to McDade Waterworks, Inc. for direct purchase of ductile iron pipe and fittings by the County. This resulted in estimated sales tax savings of \$19,613.79. A final reconciliation of Purchase Order PBC 05-018-04 indicates fewer materials were utilized than originally estimated. The combined value of materials purchased under this Purchase Order was \$237,089.44 as compared to the \$326,896.58 authorized for purchase, resulting in a difference of \$89,807.14. As a result of the quantity reduction, the contract with Widell must be increased by \$95,195.37 (\$89,807.14 plus 6% sales tax) to reconcile Purchase Order 05-018-04. The final sales tax savings to the County on this Purchase Order is \$14,225.37. The Change Order also authorizes the Contractor to provide piping adapters and provides a 14-day time extension for coordination of work by another Contractor. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.0% overall. This Change Order includes zero overall SBE participation. The Contractor's cumulative SBE participation, including this Change Order is 19.11% overall. (WUD Project No. 05-018) District 6 (JM)
  
4. **Staff recommends motion to approve:** South Florida Water Management District (SFWMD) Alternate Water Supply Funding Program Agreement No. 4600000591 for construction of the Century Village Reclaimed Water Production Facility in the amount of \$1,000,000. **SUMMARY:** The SFWMD Governing Board has authorized \$1,000,000 in cost-sharing funds to be applied to construction of a reclaimed water production facility. Under this Agreement, the SFWMD will provide the County with a \$1,000,000 grant to fund forty percent (40%) of the construction cost of this project. The balance of the total project cost will be funded through the Water Utilities Department's Capital Improvement Program. Once completed, the Century Village Reclamation Facility will expand the Department's reclaimed water distribution system, eventually allowing for the reclamation of an additional six million gallons per day of water. (WUD Project No. 05-062) District 2 (MJ)
  
5. **Staff recommends motion to approve:** 2006-2007 South Florida Water Management District (SFWMD) Alternate Water Supply Funding Program Agreement No. 4600000595 for construction of the Lake Region Water Treatment Plant (LRWTP) in the amount of \$1,000,000. **SUMMARY:** On October 12, 2006, the SFWMD Governing Board authorized \$1,000,000 in Alternative Water Supply cost-sharing funds to be applied to construction of the LRWTP project. Under this Agreement, the County will complete construction of raw water mains, potable water transmission pipelines, membrane building, clearwell structure, chemical containment structure, and installation of membrane elements by August 1, 2007. SFWMD will provide the County with a \$1,000,000 grant to fund forty percent (40%) of these construction costs. These critical project components will enable the communities of Belle Glade, Pahokee, and South Bay to eliminate their dependence on water from Lake Okeechobee for public water supply. (WUD Project No. 03-169) District 6 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

6. **Staff recommends motion to approve:** a Settlement Agreement with the Florida Department of Environmental Protection (FDEP) and the United States Environmental Protection Agency (EPA) settling the County's challenge to the new EPA Underground Injection Control (UIC) regulations. **SUMMARY:** Palm Beach County Water Utilities Department (WUD) uses underground injection via Class I municipal disposal wells to dispose of a portion of its treated wastewater. In December 2005, the EPA promulgated a new UIC regulation, which will be administered by FDEP. The rule is intended to provide increased surety that potential upward migration of contaminants from treated wastewater will not adversely impact public health. While the County supports the regulatory concept contained in the rule, certain requirements are highly impractical and would interfere with the development of alternative water technology as required by our South Florida Water Management District permits. In January 2006, Palm Beach County, along with a number of other utilities in South Florida, filed a legal challenge to the rule. Following months of discussion, the proposed settlement between EPA/FDEP and the County has been arrived at which effectively balances the implementability of the rule with the protection of public health. Countywide (MJ)
  
7. **Staff recommends motion to approve:** Consultant Services Authorization No. 8 to Brown & Caldwell, Inc. for wellfield capacity enhancements in the amount of \$209,168. **SUMMARY:** This Consultant Services Authorization provides for engineering and hydrogeological services to optimize the wellfield production capacity at Water Treatment Plants No. 3 and 9. This comprehensive wellfield evaluation will assist with the Water Utilities Department's on-going wellfield rehabilitation program and to provide a long term plan to maintain sustainable wellfield yields. The contract with Brown & Caldwell, Inc. includes the Small Business Enterprise (SBE) participation goal of 26%, which exceeds the 15% goal established by the SBE Ordinance. This Consultant Services Authorization includes 24.14% overall participation. The consultant's cumulative SBE participation, including this Authorization, is 30.78% overall. (WUD Project No. 07-022) District 5 (MJ)
  
8. **Staff recommends motion to approve:** a Contract with Miller Pipeline Corporation for rehabilitation of wastewater gravity pipelines in an amount not-to-exceed \$500,000. **SUMMARY:** The Department operates a wastewater collection system, which is comprised of over 1,200 miles of pipelines serving approximately 500,000 residents. This contract will provide for the reconstruction and/or rehabilitation of leaking/damaged wastewater gravity pipelines and service lines to several residential communities. By piggy backing an existing Contract with the City of North Miami Beach (Sewer Collection System Rehabilitation Project No. 2002-14), the department will be able to utilize lower unit cost for cleaning, televising, root removal, sealing, and liner installation for wastewater gravity pipelines. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. This Contract with Miller Pipeline Corporation has zero SBE participation as the City of North Miami Beach does not utilize a SBE program. (WUD Project No. 07-032) Districts 2 & 6 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

9. **Staff recommends motion to approve:** Change Order No. 2 to the contract with Ricman International, Inc. (R2006-1005) for the La Mancha Avenue Pipeline Extension Project increasing the contract price by \$155,549.27 and providing a 15-day time extension. **SUMMARY:** On June 6, 2006, the Board approved a contract with Ricman International, Inc. in the amount of \$5,562,797.15 for construction of various sizes of water and force mains and related appurtenances along La Mancha Avenue and Okeechobee Boulevard. Change Order No. 2 will authorize the Contractor to extend piping along Okeechobee Boulevard to avoid utility conflicts and to provide equipment and labor to disinfect and test existing piping. The Contractor has requested a 15-day time extension to complete this additional work. Total change orders to date, excluding the \$1,560,334.19 sales tax recovery program change order, equal \$0.00. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.00% overall. This Change Order includes zero SBE participation. The contractor's cumulative SBE participation, including this Change Order, is 12.19% overall. (WUD Project No. 04-125B) District 6 (JM)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to:**
- A) approve** Grant Agreement No. 06122 with the Florida Fish and Wildlife Conservation Commission (FWC) that provides \$13,408 for monitoring seventeen (17) reefs, including thirteen (13) artificial reefs built using construction grants from FWS;
- B) approve** Budget Amendment of \$13,408 in the Environmental Enhancement Non-Specific Fund; and
- C) authorize** the County Administrator, or his designee, to sign all future time extensions, task assignments, certifications and other forms associated with this Agreement and necessary minor amendments that do not change the scope of work or terms and conditions of the Agreement.
- SUMMARY:** FWC will pay the County up to \$13,408 for monitoring activities associated with seventeen (17) reefs. The majority of the work will be performed by the volunteer Palm Beach County Reef Research Team (RRT). Grant funding is used to pay for boat charters and supplies. The grant period starts upon FWC's execution of the Grant Agreement and ends December 1, 2008. No matching funds are required. Districts 1, 4 & 7 (AH)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to approve:

**A)** a Budget Amendment of \$3,394,981 in the \$75M Conservation 2001 Bond Fund to recognize the receipt of a reimbursement grant from the Florida Communities Trust for Indian Lakes properties purchased as part of the Pine Glades Natural Area;

**B)** a Budget Amendment in the Capital Outlay Fund of \$2,600,000 to remove the transfer from the Natural Areas Fund;

**C)** a Budget Transfer of \$2,600,000 in the Natural Areas Fund to remove the transfer to Capital Outlay Fund and reallocate the funds.

**SUMMARY:** A Budget Amendment in the \$75M Conservation 2001 Bond Fund will provide \$3,394,981 in State funds from the Florida Communities Trust as a reimbursement for land purchased in FY 2004 as part of the Pine Glades Natural Area. Of the total, \$1.35M will be added to the Pine Glades Natural Areas account for continued eminent domain activities, \$1M will be added to Winding Waters, \$250,000 added to Yamato Scrub, \$600,000 added to Loxahatchee Slough and \$194,981 added to Limestone Creek for construction activities. The removal of a \$2.6M transfer from the Natural Areas Fund to the Capital Outlay Fund will result in a reduction in the Capital Outlay Fund of \$900,000 from Winding Waters, \$1M from Limestone Creek, \$400,000 from Loxahatchee Slough, and \$300,000 from North Jupiter Flatwoods. The Budget Transfer in the Natural Areas Fund recognizes the transfer removal by adding \$800,000 to Natural Areas Management and \$1,800,000 to Reserves. District 1 (SF)

3. Staff recommends motion to receive and file: Declaration of Restrictive Covenants (DRC) No.05-028-FF5 and Grant Award Calculation Statement (GAC) awarding a net of \$3,394,981 from the Florida Communities Trust (FCT) reimbursing a portion of Indian Lakes Natural Area (now known as Pine Glades Natural Area) acquisition costs. **SUMMARY:** A delegation of authority for execution of the standard County contract(s), agreement(s) or grant(s) above was approved by the BCC in Board item No. 3L2 on November 15, 2005 (R2005-2253), pursuant to PPM No. CW-O-051. District 1 (JB)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

4. Staff recommends motion to:

**A) approve** Amendment No. 1 to the Interlocal Agreement with the City of West Palm Beach (City) (R2006-0880) for the installation of Pollution Control Devices (an increase of \$500,000) through the Lake Worth Lagoon Partnership Grant Program (LWLPGP);

**B) approve** Amendment No. 1 to the Interlocal Agreement with the Westgate/Belvedere Homes Community Redevelopment Agency (CRA) (R2006-08810 for infrastructure improvements Phase 4 (an increase of \$400,000) through the LWLPGP; and

**C) approve** Interlocal Agreement with the Town of Hypoluxo (Town) in the amount of \$400,000 for sewerage of Hypoluxo Shores through the LWLPGP; and

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

**SUMMARY:** On October 17, 2006, the BCC approved a \$2,000,000 Amendment No. 1 (R2006-2257) to the State's Department of Environmental Protection (DEP) Grant Agreement No. LP6046 for the LWLPGP. Construction projects benefiting Lake Worth Lagoon habitat and water quality will be administered as subgrants via the Interlocal Agreements with the responsible municipal entities. The total grant funding for the municipal projects is \$1,300,000. A 100% match is required from the local entities. The BCC approved the Interlocal Agreements with the City (R2006-0880) and the CRA (R2006-0881) on May 16, 2006. Countywide (SF)

5. Staff recommends motion to approve: Budget Amendment of \$400,000 in the 2001 Conservation Land Bond Fund to establish a revenue budget for the Florida Department of Environmental Protection (DEP) Task Assignments No. SE-107 (\$200,000) and SE-109 (\$200,000) for exotic plant removal at the Loxahatchee Slough Natural Area. **SUMMARY:** Task Assignments No. SE-107 and SE-109 to DEP Contract No. SL898 (R2001-0772) for \$200,000 each have been received from DEP, effective November 28, 2006 through May 31, 2007, for exotic plant control in the Loxahatchee Slough Natural Area. This Amendment will establish budget for the task assignments. Total project costs are expected to be \$918,541, of which DEP will reimburse \$400,000. No additional budget is required. District 1 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

6. Staff recommends motion to approve: a First Amendment to the Interlocal Agreement (Agreement) with the Town of Juno Beach for the acquisition and management of the Juno Dunes Natural Area (f/k/a Juno Hills site), effective October 7, 1997, to provide various minor changes to the Agreement including a site name change, change of mailing address for the County department administering this Agreement, promote the Northeast Everglades Natural Area (NENA) project within the Town of Juno Beach, update the reporting requirements to the State, and assign additional responsibility to the Town for the placement and maintenance of bollard style lighting along the pathway on the east side of SR A1A. **SUMMARY:** The Agreement was approved by the Board at the meeting of October 7, 1997 (R97-1486D) and provides that the Town will assist the County with management of the Juno Dunes Natural Area. The County wishes to update the Agreement to promote the NENA project within the Town of Juno Beach. The Town wishes to place bollard style lighting, as approved by the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission, along the pathway on the east side of SR A1A and to remove the existing street lights along SR A1A in the vicinity of the natural area. The Town wishes to amend the Agreement to provide that it will install and maintain the bollard lighting on portions of the pathway within the Juno Dunes Natural Area. Amending the existing Agreement will memorialize these desired changes and add this responsibility for the Town. District 1 (SF)
  
7. Staff recommends motion to approve: First Amendment to Option Agreement for Sale and Purchase (R2006-2315) from Thomas C. Whitesell and Charon J. Whitesell, James J. Whitesell and Tallulah L. Whitesell, and James J. Whitesell and Thomas C. Whitesell, as Trustees of the Whitesell Florida Residential Interest Trust under Agreement dated March 5, 1999 (Whitesell, et al.). **SUMMARY:** On October 17, 2006, the Board of County Commissioners approved the exercise of an Option Agreement for Purchase and Sale (R2006-2315) to acquire the Whitesell, et al., property located on the north fork of the Loxahatchee River. Throughout negotiations, it was the intent of the County, for itself and through its agent The Conservation Fund (TCF) and the Sellers that this purchase would be a “bargain sale” at a significant reduction below the property’s fair market value. The negotiated purchase price of \$3,600,000 is \$2,615,000 (42.1%) below the \$6,215,000 average appraised value. This Amendment will acknowledge the “bargain sale” nature of this transaction, and authorize the County, as donee, to execute IRS Form 8283 for non-cash charitable contributions. The IRS requires this form to be attached to the Seller’s tax return in order to claim the charitable contribution. The Seller expressly acknowledges and agrees that the County shall have no liability whatsoever in connection with Seller’s claim for a charitable contribution. The Seller intends to effectuate a tax-deferred exchange pursuant to Section 1031 of the Internal Revenue Code and in that connection, the Seller’s rights and obligations under this Agreement may be assigned to an exchange intermediary or facilitator for the purpose of completing such exchange. The Amendment permits the County to cooperate with the Seller and the exchange intermediary or facilitator in a manner necessary to complete the tax-deferred exchange at no additional cost or liability to the County. The Seller will defend, indemnify and hold the County harmless from and against any and all losses, liabilities, claims, demands, damages, fines and penalties, and related expenses suffered as a result of cooperation in effecting a Tax Deferred Exchange and/or Seller’s claimed non-cash charitable contribution. Closing will take place within 21 days following approval of the Amendment. District 1 (JMB)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

8. Staff recommends motion to approve: Task Order No. 2378-06 to a continuing Contract (R2004-2378) with Humiston and Moore Engineers (Humiston) in the amount of \$384,104.86 to provide professional coastal design and permitting services to develop the Environmental Impact Statement (EIS) in support of the erosion control project for Singer Island. **SUMMARY:** The BCC approved the Contract with Humiston on November 16, 2004 (R2004-2378) and extended the Contract on December 5, 2006 (R2006-2662). The County has issued \$663,415.62 in task orders since the Contract was executed in 2004. Task Order No. 2378-06 authorizes Humiston to design and permit the upcoming Singer Island Erosion Control Project. The County executed a new funding agreement (R2007-0046) with the Florida Department of Environmental Protection (DEP) on January 9, 2007 to cost-share these Singer Island costs. Humiston committed to an overall 25% Small Business and Minority Business Enterprise (SBE-MBE) participation in the Contract. Due to the highly specialized nature of this task, this Task Order has no SBE participation. Humiston has achieved 8.44% cumulative SBE-MBE participation on the contract including this Task Order. District 1 (JM)

M. PARKS & RECREATION

1. Staff recommends motion to approve: Second Amendment to the agreement with Special Olympics Florida, Inc., (R2003-1974) allowing for the continued sale of naming rights at the Therapeutic Recreation Complex as part of their fundraising activities. **SUMMARY:** Special Olympics Florida has undertaken an aggressive program to raise funds for the County to construct a gymnasium and athletic center at the new Therapeutic Recreation Complex in John Prince Park. This Second Amendment provides Special Olympics Florida the opportunity to continue to sell naming rights for the Complex and its associated facilities as part of their fundraising efforts. District 3 (AH)
2. Staff recommends motion to approve: Agreement with the Boca Raton Philharmonic Symphonia, Inc. for the period February 6, 2007, through March 30, 2007, in an amount not-to-exceed \$5,000 for the Sounds of the Season Concert. **SUMMARY:** This funding is to help offset the cost of Sounds of the Season Concert held by Boca Raton Philharmonic Symphonia, Inc. at the Countess de Hoernle Amphitheater at Mizner Park in Boca Raton on December 2, 2006. The Agreement allows for the reimbursement of eligible project costs incurred by the Boca Raton Philharmonic Symphonia, Inc. subsequent to October 1, 2006. Funding is from the Recreation Assistance Program (RAP). District 4 (AH)
3. Staff recommends motion to approve: Agreement with the Delray Beach Downtown Marketing Cooperative for the period February 6, 2007, through July 1, 2007, in an amount not-to-exceed \$15,000 for 2006 winter holiday decorations. **SUMMARY:** This funding is to offset the cost of 2006 winter holiday decorations for the City of Delray Beach assisted by the Delray Beach Downtown Marketing Cooperative (formerly named Delray Beach Joint Venture). This funding will help offset expenses for the erection, lighting, and dismantling of the 100-foot winter holiday tree, which is the focal point of the winter holiday decorations in Delray Beach. The Agreement allows for the reimbursement of eligible project costs incurred by Delray Beach Downtown Marketing Cooperative subsequent to November 1, 2006. Funding is from the Recreation Assistance Program (RAP) District 4 (\$5,000) and District 7 (\$10,000). Districts 4 & 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

4. **Staff recommends motion to approve:** Agreement with the City of Delray Beach for the period February 6, 2007, through April 15, 2007, in an amount not-to-exceed \$5,000 for the 2007 First Night Event. **SUMMARY:** This funding is to offset the cost of 2007 First Night Event held by the City of Delray Beach on December 31, 2006. The Delray Beach First Night Event features local entertainers and artists at a non-alcoholic accessible and affordable community New Year's Eve celebration geared toward families. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to November 1, 2006. Funding is from the Recreation Assistance Program (RAP). District 7 (AH)
5. **Staff recommends motion to approve:** Agreement with the Town of Highland Beach for the period February 6, 2007, through December 30, 2007, in an amount not-to-exceed \$10,000 for the 2006-2007 Library Speakers Program. **SUMMARY:** This funding is to offset the cost of 2006-2007 Library Speakers Program being held by the Town of Highland Beach. The Library Speakers Program is anticipated to be attended by approximately 400 people. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to October 1, 2006. Funding is from the Recreation Assistance Program (RAP). District 4 (AH)
6. **Staff recommends motion to approve:** Agreement with The Palm Beach Shakespeare Festival, Inc. for the period February 6, 2007, through August 1, 2007, in an amount not-to-exceed \$25,000 for the Fifth Annual Sunset at Carlin Music Series. **SUMMARY:** This funding is to assist with costs being incurred by Palm Beach Shakespeare Festival, Inc. (PBSF) for the Fifth Annual Sunset at Carlin Music Series being held at Carlin Park in January, February, and March of 2007. Approximately 5,000 people are anticipated to attend the concerts. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to January 1, 2007. Funding is from the Recreation Assistance Program (RAP). District 1 (AH)
7. **Staff recommends motion to approve:** Agreement with The Palm Beach Shakespeare Festival, Inc. for the period February 6, 2007, through September 30, 2007, in an amount not-to-exceed \$25,000 for funding of Shakespeare by the Sea XVII. **SUMMARY:** This funding is to assist with costs incurred by The Palm Beach Shakespeare Festival, Inc. (PBSF) for the Shakespeare by the Sea XVII, "Pericles" to be presented from July 12, 2007, through July 22, 2007 at Carlin Park. Approximately 10,000 people are anticipated to attend the performance. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to September 1, 2006. Funding is from the Recreation Assistance Program (RAP). District 1 (AH)
8. **Staff recommends motion to approve:** Agreement with Loxahatchee River Historical Society, Inc. for the period February 6, 2007, through February 1, 2008, in an amount not-to-exceed \$25,000 for the Jupiter Inlet Lighthouse & Museum Visitor Center. **SUMMARY:** This funding is to assist with costs being incurred by the Loxahatchee River Historical Society, Inc. (LRHS) for educational and supportive displays, exhibits, and signage for the Jupiter Inlet Lighthouse & Museum Visitor Center. It is anticipated that 35,000 people will visit this facility annually. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to November 1, 2006. Funding is from the Recreation Assistance Program (RAP). District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

9. Staff recommends motion to approve: Agreement with Western Academy, Inc., d/b/a Western Academy Charter School for the period February 6, 2007, through September 30, 2007, in an amount not-to-exceed \$8,000 for the Intramural Sports Program. **SUMMARY:** This funding is to offset costs paid by Western Academy Charter School for after school intramural sports including a variety of grades K-8 activities such as kickball, flag-football, basketball, softball, soccer, cheerleading, etc. The intramural activities serve approximately 60 participants. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to July 1, 2006. Funding is from the Recreation Assistance Program (RAP). District 6 (AH)
10. Staff recommends motion to approve: Agreement with The Citizens' Association of Palm Beach, Inc. for the period February 6, 2007, through December 30, 2007, in an amount not-to-exceed \$10,000 for funding of recreational and cultural programs and events. **SUMMARY:** This funding is to offset costs paid by The Citizens' Association of Palm Beach, Inc. for an on-going series of community recreational and cultural events, which have been open to the general public regardless of residency. The events include 4<sup>th</sup> of July celebrations, educational lectures, a tennis tournament, a golf tournament, an art show, and a public BBQ/ beach party. It is estimated that the events will attract over 1,000 people. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to July 1, 2005. Funding is from the Recreation Assistance Program (RAP). District 7 (AH)
11. Staff recommends motion to receive and file: the following original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project: U.B. Kinsey/Palmview Elementary School of the Arts, in an amount not-to-exceed \$2,000 for the Orchestra trip to participate in the Heritage Festival in Orlando, Florida. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747) approved by the Board on October 21, 2003. District 2 (AH)
12. Staff recommends motion approve: First Amendment to Agreement (R2006-1952) with the City of Lake Worth for Lake Worth Wildcats league expenses. **SUMMARY:** The First Amendment to Agreement increases the \$4,700 previously allocated from the Recreation Assistance Program (RAP) - District 7 for Lake Worth Wildcats league expenses by \$2,000. The additional \$2,000 is from RAP - District 4, for a total allocation of \$6,700. All other terms of the Agreement remain the same. Districts 4 & 7 (AH)
13. Staff recommends motion to receive and file: the following original executed Amendment to Request for Funding Form for School Board Recreation Assistance Program project for Secondary and Career Education's 5<sup>th</sup> Annual Race for the Arts (R2006-2494) to update the project elements list within the approved project scope. **SUMMARY:** This fully executed Amendment to Request for Funding Form is being processed in accordance with the Interlocal Agreement for the funding of Recreation Assistance Program (RAP) Projects (R2003-1747) approved by the Board on October 21, 2003. District 2 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

14. Staff recommends motion to receive and file: the following original executed Third Amendment to Request for Funding Form for School Board Capital Projects for the Jupiter Community High School athletic field lighting project (R2005-0474, R2005-0912, R2006-0704) to increase the amount of project funding by \$2,600 for a total project amount of \$130,000. **SUMMARY:** This fully executed Amendment to Request for Funding Form is being processed in accordance with the Interlocal Agreement for the Funding of Recreation Assistance Program (RAP) Projects (R2003-1747) approved by the Board on October 21, 2003. District 1 (AH)
  
15. Staff recommends motion to approve: First Amendment to Agreement (R2005-0276) with Armory Art Center, Inc. and the City of West Palm Beach for funding renovation of the Robert and Mary Montgomery Historic Armory Building – Phase I. **SUMMARY:** This First Amendment to Agreement adjusts project elements within the approved project scope and line item amounts. The changes were required due to cost increases and design changes in light of post hurricane facility needs. The Amendment also extends the completion date from January 31, 2007 to June 30, 2007, in order to ensure the project will be complete and documents submitted before the project completion date. This project received a \$600,000 allocation from the 2002 \$50 Million Recreation and Cultural Facilities Bond Referendum. District 2 (PFK)
  
16. Staff recommends motion to receive and file: the following original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project: Project Graduation 2007, in an amount not-to-exceed \$15,000 for Project Graduation for W.T. Dwyer Community High School (\$5,000), Jupiter Community High School (\$5,000), and Palm Beach Gardens Community High School (\$5,000). **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747) approved by the Board on October 21, 2003. District 1 (AH)
  
17. Staff recommends motion to approve:
  - A) First Amendment to Interlocal Agreement (R2005-0680) with the City of Delray Beach to provide an increase in project funding, in an amount not-to-exceed \$1,000,000, for Delray Intracoastal Park for the period February 6, 2007, through April 4, 2008, for a total County contribution of \$2,000,000; and
  - B) Revised Exhibit “A” to reflect increases to the project budget.

**SUMMARY:** This Amendment provides \$1,000,000 to increase the previously approved allocation of \$1,000,000 from the 2002 Recreational and Cultural Facilities Bond and the Transportation Improvement Fund for Delray Intracoastal Park construction for a total County contribution of \$2,000,000. The Amendment also provides a revised Exhibit “A” that reflects an increase in the project cost estimate of \$1,453,768 (from \$2,152,240 to \$3,606,008) and a resultant increase in Delray Beach’s matching fund requirement from \$1,152,240 to \$1,606,008. The additional \$1,000,000 of County funding is from the 2004 \$50M Waterfront Access Bond referendum. District 4 (PFK)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

18. **Staff recommends motion to receive and file:** the executed Independent Contractor Agreements received during the month of December:
- A) Kerry Maxaner, Dog Obedience Instructor, West Boynton Park & Recreation Center (MAXA1080150107525200A);
  - B) Aaron Banfield, Wheelchair Rugby Official, Therapeutic Recreation Center (BANF000101075204G);
  - C) Kerin Bowen, Wheelchair Rugby Official, Therapeutic Recreation Center (KE10202301075204C);
  - D) Bernard Crawford, Wheelchair Rugby Official, Therapeutic Recreation Center (CRAW001901075204G);
  - E) Accellearn L.L.C., Children's Technology Workshop, West Boynton Park & Recreation Center. (ACCE1021170107525200A);
  - F) John Bishop, Wheelchair Rugby Official, Therapeutic Recreation Center, (BISH658001075204D); and
  - G) Cindy Martling, Stroller Power Exercise Class, West Jupiter Recreation Center. (MART1087500107523300A).

**SUMMARY:** In accordance with County PPM No. 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 Agreement(s) have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director of the Parks and Recreation Department in accordance with Resolution No. 94-422, amended by Resolution No. 02-2103, and are now being submitted to the Board to receive and file. Countywide (AH)

P. COOPERATIVE EXTENSION SERVICE

1. **Staff recommends motion to approve:** Grant Agreement with Oceanside GreenMarket, Inc. for an amount not-to-exceed \$10,000 as start-up funding for a new seasonal farmers' market located in Lake Worth Beach. **SUMMARY:** Oceanside GreenMarket, Inc. is a newly established Florida corporation located in Lake Worth, Florida. Oceanside GreenMarket will operate a seasonal GreenMarket at Lake Worth Beach and will provide retail outlets for over 40 small growers and businesses from October through May. This Agreement will help assist Oceanside GreenMarket with start-up funding to operate a GreenMarket in Lake Worth Beach. Districts 3 & 7 (AH)
2. **Staff recommends motion to approve:** Grant Agreement with Ray's Heritage, LLC. for an amount not-to-exceed \$360,000 for a new radish and green bean processing and packaging facility. **SUMMARY:** On August 15, 2006, the Board of County Commissioners (BCC) approved grant funding to four (4) value adding agricultural projects, including Ray's Heritage, LLC. This Grant Agreement requires Ray's Heritage, LLC create 50 full-time jobs and expenditures of \$10,000,000 in capital investment. District 6 (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve:

**A)** a Budget Amendment of \$51,000 in the General Fund for the Westgate Community Justice Service Center (CJSC);

**B)** a Budget Transfer of \$20,587 in the Justice Assistance Grant (JAG) 05-09 Fund for the Community Based Anti-Crime Task Force (COMBAT) unit;

**C)** a Budget Transfer of \$70,637 in the Drug Abuse Trust Fund (DATF) for CJSC treatment programs;

**D)** a Budget Amendment of \$49,413 in the 04-08 Local Law Enforcement Block Grant (LLEBG) Fund to carry forward unspent grant funds;

**E)** a Budget Amendment of \$36,270 in the Sheriff's Grant Fund;

**F)** a Budget Transfer of \$20,637 in the General Fund for the West Palm Beach CJSC treatment program; and

**G)** a Budget Transfer of \$106,320 in the Criminal Justice Reserve Fund for the COMBAT unit and the West Palm Beach CJSC.

**SUMMARY:** In order to align these programs with their appropriate funding sources and to ensure that grant funds are fully expended, these revisions are necessary. A budget amendment of \$51,000 in the General Fund is necessary to establish budget for the Westgate CJSC. A budget transfer of \$20,587 in the 05-09 JAG Fund is necessary to revise the funding source for the COMBAT unit and the CJSC. A budget transfer of \$70,637 in the DATF is necessary to establish budget to transfer funds to the General Fund for the treatment programs at both CJSC sites. A budget amendment of \$49,413 in the 04-08 LLEBG Fund is necessary to carry forward budget for unspent grant funds for the COMBAT unit. A budget amendment of \$36,270 in the Sheriff's grant fund is necessary to eliminate budget for the Westgate CJSC treatment program that should have been established in the General Fund. A budget transfer of \$20,637 in the General Fund is necessary to revise the funding source for the treatment program for the CJSC. A budget transfer of \$106,320 in the Criminal Justice Reserve Fund to return funds to reserves appropriated for the CJSC and COMBAT unit. Countywide (DW)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

2. Staff recommends motion to approve:

**A)** a Budget Transfer of \$60,000 in the JAG-Local Law Enforcement Block Grant (LLEBG) 04/08 Fund to establish budget for an assistant State Attorney for gun crimes committed by youthful offenders;

**B)** a Budget Transfer of \$60,000 in the JAG-LLEBG 05/09 Fund to establish budget for an Assistant State Attorney for gang related crimes committed by youthful offenders;

**C)** a Budget Transfer of \$60,000 in the Criminal Justice Reserve Fund to provide continuation funding for a Criminal Justice Analyst for crime data research and analysis;

**D)** a Budget Transfer of \$60,000 in the General Fund to recognize the transfer of funds for the Criminal Justice Analyst; and

**E)** the Eighth Amendment to the agreement (R99-2416D, dated December 21, 1999) with the Office of the State Attorney for the Community Based Anti-Crime Task Force (COMBAT) to expand the agreement to include services of the two (2) additional Assistant State Attorney's for the Youth Violence Prevention Initiative.

**SUMMARY:** On September 27, 2005, the Board of County Commissioners (BCC) approved the submittal of a grant application (R2005-1922) for a Justice Assistance Grant (JAG) awarded effective October 1, 2004, through September 30, 2008 for \$330,435. Sixty Thousand (\$60,000) of the 04/08 JAG grant is currently budgeted in reserves for new projects. The budget transfer is necessary to appropriate the reserve funds to the State Attorney to expand the COMBAT by adding an Assistant State Attorney for gun crimes. On April 18, 2006, the BCC approved the submittal of a grant application (R2006-0728) for a JAG awarded effective October 1, 2005 to September 30, 2009 for \$191,726. Sixty Thousand (\$60,000) of the 05/09 JAG grant was awarded for the Crime Data Research and Analysis Program, however, will now be used to expand the COMBAT by adding an Assistant State Attorney for gang related crimes. Staff recommends the use of Criminal Justice Reserve Fund to replace the JAG funds originally committed for the Crime Data Research and Analysis Program. The budget transfer and amendment is necessary to establish appropriate budget. An amendment to the agreement with the State Attorney's Office is required for legal services in order to expand the COMBAT to include the services of the two (2) additional Assistant State Attorney's for the Youth Violence Prevention Initiative. It is intended to maintain these services for three (3) years. Countywide (DW)

R. HUMAN RESOURCES

1. Staff recommends motion to adopt: a Resolution amending the Palm Beach County Administrative Code by: a) rescinding in their entirety the Palm Beach County Merit System Rules adopted October 5, 1993, and all subsequent amendments and revisions thereto; and b) adopting in their stead the revised Palm Beach County Merit System Rules. **SUMMARY:** A complete revision of the Merit Rules is recommended to bring the rules up-to-date with legislative and legal changes, to make certain policy changes deemed desirable by departments, to simplify the language, and to reformat for ease of understanding. Countywide (EC)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. **Staff recommends motion to approve:** a Memorandum of Understanding (MOU) with the State of Florida, Department of Community Affairs (FDCA), providing for one (1) EMS-Mass Casualty Incident Management Tow Vehicle, funded through the 2003 Domestic Preparedness Grant funding program. **SUMMARY:** The State of Florida, Department of Community Affairs (FDCA) has received grant funds from the US Department of Homeland Security, Office of Grants and Training, as part of the 2003 Domestic Preparedness Grant funding program. The FDCA is authorized to subgrant these funds to other Recipients. Grant guidelines require that, if the State retains a portion of said grant funds on behalf of a Recipient, the State must enter into an MOU with the Recipient. There was no formal application required for this grant funding. However, based on the results of a needs-based survey, the FDCA has prepared an MOU stating the State has retained \$63,500 in grant funding for Palm Beach County for purchases to be made by the State on our behalf. The State has purchased and delivered to Palm Beach County (1) EMS-Mass Casualty Incident Management Tow Vehicle, GMC-4500 (VIN: 1GBE4C1275F506221). There is no cost share requirement associated with this agreement. Countywide (SB)
  
2. **Staff recommends motion to receive and file:** a License relating to Fire Rescue Training and Structure Burn with Amy M. Holloway and Howard R. Holloway. **SUMMARY:** One (1) License relating to Fire Rescue Training and Structure Burn is being submitted as a receive and file agenda item for the Clerk's Office to note and receive. This License grants Palm Beach County Fire Rescue the authority to conduct fire rescue training exercises on the parcel of property identified in the agreement. This is a one-sided License executed by the Owner(s) for the benefit of the County. Countywide (SB)

X. PUBLIC SAFETY

1. **Staff recommends motion to:**
  - A) adopt** a Resolution authorizing the County Administrator or his designee to sign and forward to the Florida Department of Health, Bureau of Emergency Medical Services, the FY 2007 annual EMS County Grant Application and County Distribution Agreement for \$498,322;
  - B) authorize** the County Administrator or his designee to sign state budget transfer forms related to the grant;
  - C) approve** a Budget Amendment of \$103,843 in EMS Grant Fund to adjust budget to actual grant award;
  - D) approve** a Budget Amendment of \$50,000 in Fire Rescue Fund to recognize EMS award.

**SUMMARY:** This is an annual grant provided to Palm Beach County from the State of Florida Department of Health, Bureau of Emergency Medical Services, to improve and expand the EMS system. The funds are distributed as reimbursement to the EMS providers and will also fund the Palm Beach County Medical Communications System. The EMS County Grant Award Program begins October 1, 2007 and concludes September 30, 2008. No County match is required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. **Staff recommends motion to approve:** the write-off of uncollectible accounts receivable for revenue booked in FY 1998 that was due and owing from Heard Communications, Inc., d/b/a Gateway Outdoor Advertising in the amount of \$33,126. **SUMMARY:** Heard Communications had an advertising contract with the County (96-156/PR) to place advertising on the exterior of Palm Tran buses from December 1, 1997, through June 30, 1998. The Contractor was required to pay a guaranteed minimum with an annual audit to reveal if additional sales generated revenues in excess of the guaranteed minimum. The Contractor would then pay a percentage of the excess. Palm Tran received monthly payments of \$11,042 from Heard Communications for December 1997 to March 1998, but the accounts receivable includes the uncollected guaranteed minimum monthly payments of \$11,042 for the months of April, May and June 1998, for a total of \$33,126. The contract default was referred to the County Attorney's office and a lawsuit against them was filed. A judgment in the case was awarded to the County, however, subsequent to the award, Heard Communications, Inc., filed for bankruptcy and there were no assets from the estate to pay off our judgment. Therefore, this outstanding accounts receivable needs to be written-off and moved over to the County's uncollectible database. Countywide (DR)

BB. SUPERVISOR OF ELECTIONS

1. **Staff recommends motion to approve:** Precinct boundary changes submitted by Dr. Arthur Anderson, Supervisor of Elections, as required by Section 101.001(1), Florida Statutes. **SUMMARY:** Precinct boundary changes as indicated. Countywide (LSJ)

CC. SHERIFF

1. **Staff recommends motion to approve:** a Budget Amendment of \$772,906 in the General Fund for law enforcement services provided through a contractual agreement by the Palm Beach County Sheriff's Office to the Town of Mangonia Park for the eight month period of February 1, 2007, through September 30, 2007. **SUMMARY:** The Budget Amendment is requested to provide law enforcement services as prescribed within a contractual agreement between the Palm Beach County Sheriff's Office and the Town of Mangonia Park. The level of service to be provided includes (16) positions, comprised of (2) non-sworn and (14) sworn positions. As funding will be generated through a contractual agreement, no County funds are required. Countywide (DW)

2. **Staff recommends motion to:**

**A) accept** a State of Florida, Division of Emergency Management Award Agreement in the amount of \$24,720 for the purchase of two (2) Tactical Communications Package (TACPAK)'s for the grant period of July 1, 2006, through January 31, 2008; and

**B) approve** a Budget Amendment of \$24,720 in the Sheriff's Grants Fund.

**SUMMARY:** The Agreement is provided by the Florida Department of Emergency Management. The Agreement provides reimbursement for the purchase of two (2) TACPAKs (a briefcase sized, battery powered system containing a ruggedized laptop and ancillary equipment), costing approximately \$12,000 each, which are to be used to enhance regional all discipline project build-out. The additional \$720 will be used for assisting in the management of the grant funds. The Palm Beach County Sheriff's Office will utilize one (1) of the units, while the second unit will be transferred to Monroe County at the request of the funding agency. There is no required match. No County funds are required. Countywide (DW)

\* \* \* \* \*

**4. SPECIAL PRESENTATIONS**

- A.** Certificate of Appreciation to Susan Ferrante in recognition of 21 years of dedication and contributions as Trial Court Administrator to the 15<sup>th</sup> Circuit Court. (Sponsored by Commissioner McCarty)
- B.** Proclamation of the Board of County Commissioners of Palm Beach County, Florida, declaring February 6, 2007 as "Florida Gators National Champions Day" in Palm Beach County. (Sponsored by Commissioner Marcus)
- C.** Proclamation of the Board of County Commissioners of Palm Beach County, Florida, declaring the week of February 18 - 24, 2007 as "Engineers Week" in Palm Beach County. (Sponsored by Commissioner Newell)
- D.** Proclamation of the Board of County Commissioners of Palm Beach County, Florida, declaring the week of February 11 - 18, 2007 as "JFK Medical Center Heart & Vascular Institute Week" in Palm Beach County. (Sponsored by Commissioner Newell)

\* \* \* \* \*

5. REGULAR AGENDA

A. ADMINISTRATION

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on February 27, 2007 at 9:30a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida entitled "All Terrain Vehicle (ATV) Operation on Unpaved Roadways"; providing for the inapplicability of Section 316.2123, Florida Statutes in Palm Beach County; providing for ATV operation; prohibition; providing for applicability; providing for enforcement; providing for penalty; providing; providing for severability; providing for repeal of laws in conflict; for inclusion in the Code of Laws and Ordinances; providing captions; and providing for an effective date. **SUMMARY:** Section 316.2123, Florida Statutes, related to Highway Safety became effective October 1, 2006 and allows an ATV to be operated during the daytime on an unpaved roadway where the posted speed limit is less than 35 miles per hour by a licensed driver, or by a minor under the supervision of a licensed driver. The law also allows for the governing body of the county, following a public hearing by majority vote to exempt the county from this section. Passage of this Ordinance will exempt Palm Beach County from Section 316.2123, Florida Statutes. Staff was directed at the January 9, 2007 meeting to prepare this Ordinance. Countywide (DW)

5. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

2. Staff recommends motion to:

**A) adopt** a Resolution to support Sunbeam Products, Inc. d/b/a Jarden Consumer Solutions, being approved as a qualified applicant for Florida's Qualified Target Industry Tax Refund Program to provide a local match of up to \$100,000; and

**B) approve** the Job Growth Incentive Grant Agreement with Sunbeam Products, Inc. d/b/a Jarden Consumer Solutions, which includes the QTI local match of \$100,000, for the creation of 80 full-time jobs and the relocation of 20 full-time jobs at an average annual salary of \$75,000 (excluding benefits) in Palm Beach County.

**SUMMARY:** Sunbeam Products, Inc. d/b/a Jarden Consumer Solutions, project involves the expansion of the Boca Raton Headquarters. Sunbeam Products, Inc. d/b/a Jarden Consumer Solutions designs, manufactures and markets (nationally and internationally), a diverse portfolio of leading consumer products. Sunbeam Products, Inc. d/b/a Jarden Consumer Solutions has filed a Qualified Target Industry (QTI) Tax Refund Program application with Enterprise Florida, Inc. to seek State tax refunds. It is anticipated that the State will award \$5,000 per job created based on the QTI application's one hundred (100) new full-time job commitment, which would result in a total tax refund not-to-exceed \$500,000. The Annual Economic Impact Projections for Sunbeam Products Inc. d/b/a as Jarden Consumer Solutions is \$665,913 annually. The estimated payroll is \$10,789,042; the average wages are \$75,000 and equate to 187% of the County's average wage. The total output (total annual economic activity) is \$30,714,992. The total economic impact is an estimated combined effect of company and the ancillary industries impacted. The impact is based on the Regional Input-Output Modeling System (RIMS II) U.S. Department of Commerce, Bureau of Economic Analysis. The fiscal impact is an estimate of the combined taxes and fees paid by companies and their employees to Palm Beach County.

Staff recommends that this company be approved as a QTI Business, and that the Board provide the necessary 20% local match by appropriating and designating \$100,000 of the total funds to be provided under the Job Growth Incentive (JGI) Grant Agreement with Sunbeam Products Inc. d/b/a Jarden Consumer Solutions.

The JGI Agreement requires that the company create eighty (80) full-time jobs, relocate twenty (20) full-time jobs and retain its existing three hundred and forty (340) jobs in Palm Beach County. All newly created, relocated and retained jobs must be maintained for an additional 48 months at the proposed Boca Raton facility. The award per job will be \$1,000 based on the program's criteria for this type of business. In the event that the grant recipient does not completely satisfy its QTI obligations and the QTI contract is terminated, but complies fully with its JGI contractual commitments, the company will be entitled to seek reimbursement of expenditures pursuant to the Agreement. However, any funds that may have been provided to the State toward the QTI match must be subtracted from the total grant amount. Staff believes the JGI grant award and a state economic exemption are warranted and therefore staff recommends Board support for both of these incentive applications. Countywide/District 4 (DW)

5. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

3. Staff recommends motion to approve: the Palm Beach County Interlocal Certification Agreement with The School Board of Palm Beach County (School Board), and the City of West Palm Beach (WPB) to provide for reciprocal certification of businesses seeking small business certification. **SUMMARY:** The three (3) governmental agencies would like to establish reciprocity for Small Business Enterprise certification, and where applicable, Minority and/or Women Business Enterprise certification. Each agency has a Small Business Enterprise Program and a Minority/Women Business Enterprise Program. Each agency will accept the certification of SBEs and M/WBEs except where differences in support documentation and domicile requirements occur. In the case of documentation requirements discrepancies, the three (3) agencies have agreed to provide a cover sheet explaining what, if any additional documents will be required by the next agency. **There will be no additional cost to the County to implement this program.** Countywide (TKF)
  
4. Staff recommends motion to approve: support for State Legislation to amend the boundary of Palm Beach County and Broward County to allow 1,949 acres of land south of the Hillsboro Canal within unincorporated Palm Beach County to be annexed into Broward County. **SUMMARY:** The Broward County City of Parkland has requested that the Board formally document its support for proposed legislation that would transfer legal authority over all of the 1,949 acres of Palm Beach County land south of the Hillsboro Canal to Broward County, anticipating that at least 1,450 acres of said land would be annexed into the City. As this land is physically separated from Palm Beach County by the Canal, provision of public services by us is problematical unless new bridge and roadway connections are constructed to allow ready access. There has been public and Board resistance to construction of such additional access west of State Road 7 due to traffic impacts on existing residential areas. The only financial/infrastructure concerns are previous County water utility investment to serve this area and the \$350,000 the County spent on Lox Road guardrails. An agreement has been negotiated with the private Parkland utility provider that we will provide bulk service to them which recovers that investment for us. The County could seek recovery of the guardrail expense. District 5 (DN)

5. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

5. **Staff recommends motion to approve:** a \$150,000 Grant Agreement with The Palm Beach International Film Festival, Inc. (PBIFF) to provide funding to assist operating and conducting the 2007 Palm Beach International Film Festival on April 19 - 27, 2007 commencing retroactively on October 1, 2006 and ending September 30, 2007. This Grant Agreement has been approved for the current budget year. **SUMMARY:** The source for the \$150,000 grant is from the current Economic Development Office budget. The scope of services outlined for this FY 2007 Agreement falls within four (4) categories:

**A) Operations:** recruit and review the submittal of 250 American and international films for the PBIFF, with the goal of 10% to be international; obtain the participation and commitment from 50 talent-industry professionals with the objective of raising awareness of the Festival and providing feedback for future expansion strategies; and provide operational support services for all aspects of the Festival;

**B) Revenue Generation:** match 100% of County grant with private funds; develop a Business & Merchandise Plan for 2008 and develop fundraising/awareness events in 2007;

**C) Education:** provide scholarships to the winners of the Student Showcase of Films and develop student liaisons between the Grantee and the Palm Beach County school system to encourage participation in the festival; and

**D) Economic Development:** offer a seminar on film industry issues; meet with the business community through the BDB and chambers of commerce to encourage local film makers to participate in the festival activities; assist TDC and EDO in the update of the economic impact of the Festival in the County; and document international participation at the festival. Countywide (DW)

6. **Staff recommends motion to approve:** the phased approach as listed in the Everglades Agricultural Area (EAA) Study Proposal. **SUMMARY:** On November 13, 2006, the Palm Beach County Board of County Commissioners (BCC) directed staff to develop a plan with options of the impacts of mining within the EAA. The EAA Study Proposal develops a phased approach for studying the potential impacts associated with large scale mining within the EAA. The recommended Phase 1 and 1A study does not require additional funding. District 6 (MJ)

5. REGULAR AGENDA

B. AIRPORTS

1. Staff recommends motion to:

**A) approve** Specialty Restaurants Corporation closing the restaurant operation at Palm Beach International Airport, provided the minimum rental due under the terms of the Lease be paid to the County throughout the remaining Lease term;

**B) deny** approval for assignment of the Lease Agreement of Airport Property for Restaurant with 94<sup>th</sup> Aero Squadron of West Palm Beach, Inc., and Specialty Restaurants Corporation dated June 19, 1979 to Dezer Development, LLC pursuant to a Contract for the Purchase and Sale of Leasehold Interest dated December 11, 2006; and

**C) approve** staff entering into negotiations with Specialty Restaurants for the voluntary, early termination of the lease at Palm Beach International Airport.

**SUMMARY:** On June 19, 1979, the County entered into a lease with the 94<sup>th</sup> Aero Squadron of West Palm Beach, Inc., and Specialty Restaurants Corporation (Specialty Restaurants) for a restaurant and cocktail lounge on the Palm Beach International Airport (Lease) (R79-786), for a term of 30 years and the option to extend the lease for two (2) additional terms of five (5) years each. In October 2006, Specialty Restaurants requested authorization to close the restaurant and to continue paying minimum rent. On December 11, 2006, Specialty Restaurants notified the Department that it had entered into a Contract for the Purchase and Sale of Leasehold Interest with Dezer Development, which is contingent upon approval of an extension to the term of the Lease by 25 years and a change in use to allow construction and operation of one (1) or more hangars on the property. Correspondence from Specialty Restaurants indicates that Dezer Development intends to use the property for fixed base operator (FBO) services. The Lease requires Specialty Restaurants obtain the County's written approval prior to assigning the Lease. Staff recommends the Board deny approval of the assignment based on the required changes to the lease and proposed use of the property. Staff feels it is in the County's best interest to pursue negotiations with Specialty Restaurants for the voluntary termination of the lease based, in part, on Specialty Restaurants' desire to close the restaurant. Upon completion of negotiations, any proposed termination agreement will be presented to the Board for its review and approval. Countywide (LMB)

C. CRIMINAL JUSTICE COMMISSION

**TIME CERTAIN 10:00A.M.**

1. Staff recommends motion to receive and file: the 2006 Annual Report of the Criminal Justice Commission (CJC), as presented by CJC Chair Harry A. Johnston, II. **SUMMARY:** Since its establishment in 1988, the Criminal Justice Commission has prepared and distributed an Annual Report to the Board of County Commissioners to inform them of its activities and accomplishments of the prior year. Mr. Harry A. Johnston, II, Criminal Justice Commission Chair, will make a brief presentation to the Board. Countywide (DW)

5. REGULAR AGENDA

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: Satisfaction and Release of Mortgages releasing two (2) mortgages, each in the original amount of \$215,700 on rental property located in Canal Point, in consideration for payment in the amount of \$75,000. **SUMMARY:** In 1991, Palm Beach County, utilizing federal funds through the Rental Rehabilitation Program, loaned the owner of this property, Alford Ellick, a total of \$431,400 to rehabilitate rental units for very-low and low income households. The County's loans were secured by second and third mortgages. The first mortgage holder foreclosed its mortgage in September 2006, essentially extinguishing Palm Beach County's interest in the property. The original owner, Alford Ellick, is endeavoring to reacquire the property from the first mortgage company, Meister Financial Group, Inc., and has offered to pay Palm Beach County \$75,000 in consideration for the Satisfaction and Release of Mortgages. The current unpaid balance of the mortgages is \$401,613.27. District 6 (TKF)

E. WATER UTILITIES

1. Staff recommends motion to approve on preliminary reading and to advertise for public hearing on March 13, 2007 at 9:30a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, establishing rates, fees, and charges for potable water, wastewater, and reclaimed water services; providing for indexing; providing for inclusion in the Water Utilities Department's Uniform Policies and Procedures Manual; 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 Water Utilities Department (WUD) is recommending various increases in its rates, fees, and charges based on a rate study recently completed by the WUD's rate consultants, Environmental Financial Group, Inc. and Howard C. Osterman, Inc. Although connection fees, guaranteed revenue fees, and miscellaneous fees were increased effective January 1, 2006, there has been no increase in monthly on-line rates (base facility fees and commodity fees) since October 1, 1997. Adjustments to the Department's rate structure are necessary to comply with the Department's bond requirements, to maintain adequate reserves, to operate the utility in a fiscally sound manner, and to spread the costs fairly and reasonably based on customer demand. Without a rate increase, WUD will be unable to keep pace with inflation and will encounter serious cash shortages within the next two (2) years. Countywide (MJ)

5. REGULAR AGENDA

F. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve:

**A)** JOC Work Order No. 07-038 with H.A. Contracting Corp., (R2005-0540) in the amount of \$406,057.99 to provide construction of a computer room on the 4th Floor of the Judicial Center in West Palm Beach;

**B)** a Budget Transfer of \$430,000 from reserves in the General Fund to increase the transfer out line to the Public Building Improvement Fund; and

**C)** a Budget Amendment of \$430,000 to recognize funds transferred into the Public Building Improvement Fund and to establish a project budget.

**SUMMARY:** The work consists of creating one (1) large code compliant Computer IT Room by remodeling three (3) existing rooms to satisfy all special code requirements, including fire-rating of the perimeter walls, electrical modifications required, and new A/C equipment to satisfy future heat load projections for computer equipment. The SBE participation in this Work Order is 16.92% overall. When the participation for this Work Order is added to H.A.'s total participation-to-date, the resulting values are 18.5% overall. The SBE goals are 15% overall. The total construction duration is 120 days. This work will comply with all applicable local, state, and federal codes and regulations.

Last summer as part of the 2007 budget process, the Clerk and Comptroller requested funding in the amount of \$500,000 for renovations to the 2nd Floor of the Governmental Center. The Board did not include the funding in the budget, but instead indicated that it would reconsider such a request after coordination and justification for the project had been presented. Recently, the Clerk and Comptroller has determined that the renovations on the 2nd Floor are not required and requests that the Board fund an expansion and renovation to its facilities on the 4th Floor of the Courthouse instead, a project which has been on-going for over a year and one for which it had not previously sought County funding. These expenditures are the County's responsibility under Article V and typically would have been requested and considered through the budget process. Since the Board had anticipated funding in this amount as part of the budget process, staff is recommending that it re-allocate the funding previously requested for the 2nd Floor Governmental Center renovations to this project. Countywide/District 7 (JM)

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6. BOARD APPOINTMENTS

A. **FACILITIES DEVELOPMENT & OPERATIONS**  
**(Public Art Committee)**

1. **Staff recommends motion to approve:** appointment of one (1) member designated as Landscape Architect professional; and one (1) alternate member designated as PBC resident with significant visual art background to the Public Art Committee:

<b><u>Nominee:</u></b>	<b><u>Category:</u></b>	<b><u>Term to Expire:</u></b>
Jo Ellen Leisinger	Landscape Architect	September 2009
Lucy M.F. Keshavarz	PBC resident w/significant Visual art background (Alternate)	September 2009

**SUMMARY:** On January 9, 2007, Resolution No. R2007-0028 was approved to increase the Public Art Committee to ten (10) members to expand Committee expertise and improve efficiency in artist selection process. The Committee recommends that one (1) of the seats be designated for a Landscape Architect professional to assist the Committee to successfully integrate the landscape and outdoor public art projects. In addition, the Committee recommends that an alternate seat be created for a Palm Beach County resident with significant visual art background. The term for both new Committee members will be through September 2009, which is the end date of the term for the current Committee members. (FDO Admin) Countywide (MJ)

B. **PLANNING, ZONING & BUILDING**  
**(Land Development Regulation Advisory Board)**

1. **Staff recommends motion to approve:** appointment/reappointment of the following individuals to the Land Development Regulation Advisory Board (LDRAB):

A) one (1) member to complete a term, from February 6, 2007 to February 3, 2009

<b><u>Appoint</u></b>	<b><u>Seat No.</u></b>	<b><u>Requirement</u></b>
Edward Wronsky	11	Architect

B) three (3) members for the term, from February 6, 2007 to February 6, 2010.

<b><u>Reappoint</u></b>	<b><u>Seat No.</u></b>	<b><u>Requirement</u></b>
Ron Last	10	Engineer
Rosa Durando	12	Environmentalist
W. Larry Fish	14	Surveyor

**SUMMARY:** Mr. Edward Wronsky has been recommended by the American Institute of Architects as a new appointee to replace Mr. Thomas Kastner Seat No. 11 who resigned from the LDRAB. The Florida Engineering Society recommends Mr. Ron Last, the Audubon Society of the Everglades recommends Ms. Rosa Durando, and the Florida Surveying and Mapping Society recommends Mr. W. Larry Fish. All three (3) reappointments have indicated a willingness to continue for another term. These appointments/reappointments are consistent with the Unified Land Development Code (ULDC) requirements. Countywide (LB)

6. BOARD APPOINTMENTS

B. **PLANNING, ZONING & BUILDING (Cont'd)**  
**(Construction Board of Adjustments and Appeals)**

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

A) appointment of two (2) individuals to the Construction Board of Adjustment and Appeals, for a three (3) year term, beginning February 6, 2007 to February 6, 2010; and

<b><u>Appoint</u></b>	<b><u>Seat No.</u></b>	<b><u>Requirement</u></b>
Bryon Scholz	1	Plumbing Contractor
Greg Dalaberi	7	Plumbing Contractor

B) reappointment of one (1) individual for a three (3) year term, beginning February 6, 2007 through February 6, 2010.

<b><u>Reappoint</u></b>	<b><u>Seat No.</u></b>	<b><u>Requirement</u></b>
Marc Weiner	4	Architect

**SUMMARY:** Bryon Scholz and Greg Dalaberi were nominated by the Construction Industry Management Council of Palm Beach County. These nominations represents the plumbing contractor and aluminum contractor member of the Board as required by the Palm Beach County Ordinance 2002-005, as amended, Palm Beach County Amendments to the Florida Building Code, 2004 Edition. Marc Weiner is re-appointed by the Construction Industry Management Council of Palm Beach County. The nomination represents the architect member of the Board as required by the Palm Beach County Ordinance 2002-005, as amended, Palm Beach County Amendments to the Florida Building Code, 2004 Edition. Countywide (DW)

**(Zoning Commission)**

3. **Staff recommends motion to approve:** reappointments of the following At-Large Alternate members to the Zoning Commission for a term from February 6, 2007 to February 6, 2010:

<b><u>Reappoint</u></b>	<b><u>Seat No.</u></b>	<b><u>Requirement</u></b>	<b><u>Nominated by</u></b>
Kelley H. Armitage	8	None	Comm. Marcus
Richard E. Bowman	9	None	Comm. Koons Comm. Marcus

**SUMMARY:** The Zoning Commission Membership, Powers, and Duties are established by Ordinance 2003-067, as amended. The Board consists of nine members. Seats 1 through 7 are District Appointments and Seats 8 and 9 are two (2) At-Large Alternate Members appointed by a majority vote of the Board of County Commissioners. Mr. Armitage and Mr. Bowman have both indicated a willingness to continue for another term. The nominations represent seats that have no specific experience requirements as cited in the Unified Land Development Code (ULDC). Memos dated November 27, 2006 and November 28, 2006 were sent to the BCC regarding the reappointments. Countywide (BB)

C. **COMMISSION DISTRICT APPOINTMENTS**

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**FEBRUARY 6, 2007**

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

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**FEBRUARY 6, 2007**

**8. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**9. COMMISSIONER COMMENTS**

**A. District 1 - COMMISSIONER KAREN T. MARCUS**

**B. District 2 - COMMISSIONER JEFF KOONS, VICE CHAIR**

**C. District 3 - COMMISSIONER WARREN H. NEWELL**

**D. District 4 - COMMISSIONER MARY MCCARTY**

**E. District 5 - COMMISSIONER BURT AARONSON**

**F. District 6 - COMMISSIONER JESS R. SANTAMARIA**

Proclamation declaring February 17, 2007 as "State Football Championship Day" in Palm Beach County for Glades Central High School

Proclamation declaring February 17, 2007 as "State Football Championship Day" in Palm Beach County for Glades Day High School

Proclamation declaring February 17, 2007 as "State Football Championship Day" in Palm Beach County for Pahokee High School

**G. District 7 - COMMISSIONER ADDIE L. GREENE, CHAIRPERSON**

**10. ADJOURNMENT**

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

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**FEBRUARY 6, 2007**

<u>PAGE</u>	<u>ITEM</u>	
8	3A-5	<b><u>REVISED SUMMARY:</u></b> In 2005, Mr. J. Gordon Routley consulting/professional services contract provided assistance to the Fire Rescue Level of Service Committee. The scope of services in the original contract included providing assistance in developing a voluntary countywide level of service and common dispatch system. The Fire Rescue Level of Service Committee has made significant progress but has not completed these tasks. The Fire Rescue Level of Service Committee is recommending his contract be extended until October 31, 2009 to coincide with the October 2009 implementation date of <del>these two (2) important programs</del> <u>the final level of service standards.</u>
9	3C-1	<b><u>DELETED: Staff recommends motion to approve:</u></b> the Second Amendment to an agreement (R2004-1620) for professional consulting services with Kimley-Horn and Associates approved on July 13, 2005. (Further staff review) (Engineering)
17	3H-4	<b><u>DELETED: Staff recommends motion to approve: A)</u></b> Contract with Marine Engineering, Inc. for the fit-up of the West County Jail, Pod A in the amount of \$889,000; and ...(Further staff review) (FD&O)
38	4E	<b><u>ADD-ON:</u></b> Proclamation declaring the week of February 11 – 18, 2007 as “2-1-1 Awareness Week” in Palm Beach County. (Sponsored by Commissioner Koons)
40	5A-2	<b><u>REVISED TITLE &amp; SUMMARY:</u></b> <b>Staff recommends motion to:</b>  <b>A) adopt</b> a Resolution to support Sunbeam Products, Inc. d/b/a Jarden Consumer Solutions <u>and Jarden Corporation</u> , ...and  <b>B) approve</b> the Job Growth Incentive Grant Agreement with Sunbeam Products, Inc. d/b/a Jarden Consumer Solutions <u>and Jarden Corporation</u> , which includes the QTI local match of \$100,000, for the creation of 80 full-time jobs and the relocation of 20 full-time jobs at an average annual salary of \$75,000 (excluding benefits) in Palm Beach County.  <b>SUMMARY:</b> Sunbeam Products, Inc. d/b/a Jarden Consumer Solutions <u>and Jarden Corporation</u> , project involves the expansion of the Boca Raton Headquarters. Sunbeam Products, Inc. d/b/a Jarden Consumer Solutions <u>and Jarden Corporation</u> designs, manufactures and markets (nationally and internationally), a diverse portfolio of leading consumer products. Sunbeam Products, Inc. d/b/a Jarden Consumer Solutions <u>and Jarden Corporation</u> has filed a Qualified Target Industry (QTI) Tax Refund Program application with Enterprise Florida, Inc. to seek State tax refunds. It is anticipated that the State will award \$5,000 per job created based on the QTI application’s one hundred (100) new full-time job commitment, which would result in a total tax refund not-to-exceed \$500,000. The Annual Economic Impact Projections for Sunbeam Products, Inc. d/b/a as Jarden Consumer Solutions <u>and Jarden Corporation</u> is \$665,913 annually....  Staff recommends that this company be approved as a QTI Business, and that the Board provide the necessary 20% local match by appropriating and designating \$100,000 of the total funds to be provided under the Job Growth Incentive (JGI) Grant Agreement with Sunbeam Products Inc. d/b/a Jarden Consumer Solutions <u>and Jarden Corporation</u> ... (Administration/Economic Development)

**ADD-ON, REVISED TITLE: Staff recommends motion to approve:**

**A)** a request from the Florida Department of Health (DOH) for \$4,752,451 in additional capital funding toward the design and construction for the proposed Palm Beach County Health Department Administration Building;

**B)** Budget Transfer of \$4,752,451 from Reserves to ~~the General Fund to increase the transfer out-line~~ to the Public Building Improvement Fund within the General Fund;

**C)** Budget Amendment of \$4,752,451 in the Public Building Improvement Fund to recognize funds transferred ~~in~~ from the General Fund and to increase the project budget; and

**D)** Amendment No. 2 to an Agreement with the Department of Health of the State of Florida and the Board of Trustees of the Internal Improvement Fund (R2001-0587 and amended by R2006-0137).

**SUMMARY:** On December 5, 2006, the Board of County Commissioners (BCC) directed staff to follow-up on three (3) items related to the Department of Health's estimate to complete the design and construction of its Administration Building on a new location on the Dimick Block, which would support the future development of a Transit Oriented Development on the remainder of the Dimick Block and surrounding area. The three (3) items were to: 1) determine the availability of funds from the City of West Palm Beach and/or its Community Redevelopment Agency (CRA); 2) prepare an explanation of the benefits of relocating the DOH Administration Building to its new mid-block location; and 3) conduct an independent review of the proposed construction costs. Subsequently in a joint workshop of the Health Care District (HCD) and the BCC, the BCC indicated that it would consider funding the project deficit, estimated at \$3,750,000, providing that; 4) the review of the costs supported the amount of funds being requested for the project, and 5) that the final request for funding be inclusive of all costs and finite so that the BCC would know its ultimate funding commitment and that the project was fully funded and therefore could proceed. The first two (2) items have been addressed in a letter from the West Palm Beach CRA dated January 16, 2007. County staff and one of its annual Contract Manager (CM) At Risk contractors have performed a review of the plans, specifications, Preliminary Guaranteed Maximum Price (GMP) and the proposed total project budget and find them to be reasonable for the current market and similar to those incurred by the County for comparable facilities. As such, staff is recommending that the BCC fund the remaining project deficit of \$4,752,451 solely in an effort to ensure that the Administration Building moves forward and does not incur additional costs. If the Board does not fund the entire deficit, staff recommends that it identify the specific amount it would fund and return the item to the Health Care District to consider funding the difference at its February 14, 2007 meeting. Amendment No. 2 increases the funding to a total amount not-to-exceed \$12,852,451 and provides for: 1) a pre-construction downward adjustment based on final GMP, which eliminates contingencies for items currently undersigned; 2) a reimbursement of unspent project funds; and 3) a prohibition against further requests for funding on this project. (FDO Admin) Countywide/District 7 (JM)

**NOTE:** Items that were revised, added, deleted, or backup submitted and were not listed on the preliminary addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (\*).