

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

MARCH 13, 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 - 28)**

- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 29)**

- 5. PUBLIC HEARINGS – 9:30 A.M. (Page 30)**

- 6. REGULAR AGENDA (Pages 31 - 38)**
TIME CERTAIN – 9:30A.M. (Annual Service Awards) (Page 37)
TIME CERTAIN – 11:00A.M. (Sheriff's request for \$11,000,000) (Page 38)

- 7. BOARD APPOINTMENTS (Pages 39 -40)**

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S. FIRE RESCUE - None

T. HEALTH DEPARTMENT - None

U. INFORMATION SYSTEMS SERVICES - None

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to receive and file:** Resolution No. 007-2 by the Town Commission of the Town of Gulf Stream expressing opposition to House Bill 529 (H529), known as the "Consumer Choice Act of 2007", urging Florida Legislature representatives to refrain from any form of support or co-sponsorship of H529 and to vote in opposition to H529, requesting Governor Crist to advise the House and Senate leadership that he does not support H529 in advance of the opening of the 2007 Regular Session. Countywide

2. **Staff recommends motion to receive and file:** Resolution No. R2007-02 by the Town Commission of the Town of Ocean Ridge, supporting and endorsing the principals of the Municipal Home Rule Powers Act.

3. **Staff recommends motion to approve:** Golf Tournament Agreement with Trump International Golf Club, L.C. and the Florida Atlantic University Foundation, Inc. for a one day charitable golf tournament to be held on May 16, 2007. **SUMMARY:** The Development Site Lease Agreement with the Trump International Golf Club, L.C. (Trump), approved September 3, 1996 (R96-1277D), allows use of the golf course during the months of May through October for the County to host either a single two-day or two (2) - one (1) day charitable golf tournament(s). The Golf Tournament Agreement provides for the Trump International Golf Club to be available exclusively for the tournament to be held on May 16, 2007. Proceeds from the golf tournament will benefit the Florida Atlantic University Foundation, Inc. Countywide (LMB)

4. **Staff recommends motion to approve:**
 - A) an Interlocal Agreement with the City of South Bay totaling \$60,000 for the South Bay Park of Commerce for predevelopment costs; and
 - B) a Budget Transfer of \$60,000 from the Capital Outlay Fund to the Economic Development Fund.

SUMMARY: The Interlocal Agreement will provide for the pre-development costs required for the purchase of the South Bay Park of Commerce by a master developer. District 6 (DW)

5. **Staff recommends motion to approve:** an Agreement with Tripp Electric Motors, Inc. under the Community Development Block Grant (CDBG)/Economic Development Set-Aside Program for \$400,000. **SUMMARY:** On December 5, 2006, the Board of County Commissioners (BCC) approved four (4) CDBG/ Economic Set-Aside projects for fiscal year 2006/2007 funding (Item No. 5A-3). Through the funding granted, Tripp Electric Motors will create twenty-seven (27) full-time equivalent positions. The Agreement with Tripp Electric Motors, Inc. will be retroactive and commence on January 1, 2007. Countywide/District 6 (DW)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

6. **Staff recommends motion to approve:** Golf Tournament Agreement with Trump International Golf Club, L.C., Junior Golf and Academics of America, Inc., and Tab Development, Inc. for a one (1) day charitable golf tournament to be held on May 28, 2007. **SUMMARY:** The Development Site Lease Agreement with the Trump International Golf Club, L.C. (Trump), approved September 3, 1996 (R96-1277D), allows use of the golf course during the months of May through October for the County to host either a single two (2) day or two (2) – one (1) day charitable golf tournament(s). The Golf Tournament Agreement provides for the Trump International Golf Club to be available exclusively for the tournament to be held on May 28, 2007. Proceeds from the golf tournament will benefit Junior Golf and Academics of America, Inc and Tab Development, Inc. Countywide (LMB) (Admin.)

B. CLERK & COMPTROLLER

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Joint Meeting/Legislative Delegation	December 11, 2006

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

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** the renewal of the MSTU Districts "A" through "E" Services Agreement with the following firm:

<u>Firm Name</u>	<u>Original Agreement Date</u>	<u>Resolution No.</u>
Last Devenport, Inc.	March 15, 2005	R2005-0519

SUMMARY: This Agreement is being considered for renewal for required professional services, on a task order basis. Countywide (PFK)

2. **Staff recommends motion to approve:** Supplemental Agreement No. 12 to Project Agreement R2000-1737 in the amount of \$289,211.58 with Greenhorne & O'Mara, Inc. (GOI) for professional services. **SUMMARY:** This Supplemental Agreement will provide the services necessary for the preparation of revised construction plans for Okeechobee Boulevard from west of State Road 7 to east of Jog Road (Project). Districts 2 & 6 (PFK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to approve: an Agreement in the amount of \$292,264.38 with Arcadis G&M, Inc. (Arcadis) for professional services. **SUMMARY:** This Agreement will provide the professional services necessary for the preparation of design plans and construction bid documents for Blue Heron Boulevard and Congress Avenue Phase II Intersection Improvements (Project). District 7 (MRE)
4. Staff recommends motion to receive and file: a Report of plat recordations from October 1, through December 31, 2006. **SUMMARY:** This is a quarterly summary of subdivision plats recorded during the past fiscal quarter as required by the Department of Engineering and Public Works Policies and Procedures Manual Item No. ED-O-11, governing administrative approval of plats by the County Engineer. Countywide (MRE)
5. Staff recommends motion to adopt: a Resolution releasing the County's interests in a portion of an existing drainage easement located on County-owned property, and declare an alternative location on a portion of the same County-owned property as a drainage easement to serve as a replacement for the portion being released, being in Section 03, Township 41 South, Range 42 East. **SUMMARY:** This item will release the County's interest in an existing drainage easement, and declare a new drainage easement to replace the released easement. District 1 (PFK)
6. Staff recommends motion to approve: an Interlocal Agreement with the City of Pahokee totaling \$710,950 for the installation of the Canal Point Sanitary Sewer. **SUMMARY:** The Interlocal Agreement will provide for the construction and other related costs of the sanitary sewer expansion serving the unincorporated Canal Point area from Pahokee to the West Palm Beach Canal. The City of Pahokee will perform all work to complete the project. The Economic Development Office has prepared applications and assisted the City in preparing applications for State and Federal grants to fund construction of the sanitary sewer expansion in the Canal Point area. The County has allocated funds through the Countywide Community Revitalization Team (CCRT) for this project. District 6 (MRE)
7. Staff recommends motion to approve: an Agreement with Tetra Tech EC, Inc. (TTEC) for the \$128,000 purchase of 1.60 freshwater mitigation credits from the Loxahatchee Mitigation Bank required for the construction of Hypoluxo Road from west of Lyons Road to west of Hagen Ranch Road (Project). **SUMMARY:** Through this Agreement, the County will obtain the mitigation credits required to satisfy the County's mitigation obligation to the South Florida Water Management District and the United States Army Corps of Engineers for the Project. District 3 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

8. Staff recommends motion to approve:

A) a Joint Project Participation Agreement (JPA) with the City of West Palm Beach for the construction of an emergency mast arm traffic signal at the intersection of Okeechobee Boulevard (SR 704) and Benoist Farms Road;

B) a Budget Amendment of \$150,000 in the Transportation Improvement Fund to recognize the City of West Palm Beach's participation in this project and appropriate it to Signal/Okeechobee Boulevard and Benoist Farms Road; and

C) a Budget Transfer of \$150,000 in the Transportation Improvement Fund from Traffic Signals-Mast Arms FY 2007 to Signal/Okeechobee Boulevard and Benoist Farms Road.

SUMMARY: The City of West Palm Beach will reimburse the County for one-half of the cost of the construction of the emergency traffic signal on Okeechobee Boulevard (SR 704), a State road, at the intersection with Benoist Farms Road, a County-maintained roadway. The City is currently building Fire Station Number 7 on the northeast corner of the intersection. Funding for the County's share of the project's cost is available in the Traffic Signals – Mast Arms FY 2007 Account. District 2 (MRE)

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

A) a Tender Agreement between Palm Beach County, Carolina Casualty Company, J.W. Cheatham, Inc., and Petro Hydro, Inc., relating to Project No. 2003600, State Road 80 and Forest Hill Boulevard intersection improvements; and

B) a Budget Transfer of \$297,417 in the Road Impact Fee Fund – Zone 3 to recognize a payment from Carolina Casualty Company as surety for Petro Hydro, Inc., and appropriate it to State Road 80 and Forest Hill intersection improvements as additional cost to complete the project by a substitute contractor.

SUMMARY: In February 2006, Palm Beach County and Petro Hydro, Inc., entered into a contract for Project No. 2003600 for intersection improvements at State Road 80 and Forest Hill Boulevard. In September 2006, the Board terminated Petro Hydro's rights to complete the work on the project due to their failure to prosecute the work in a manner satisfactory to the County. The parties have negotiated a settlement of the claims made by each of them and, as a result, Carolina Casualty Company is tendering J. W. Cheatham, Inc. as the completing contractor for the project, and has provided the County with a check in the amount of \$297,416.12 to cover the increased costs of completing the project. District 6 (JM)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. Staff recommends motion to approve:

A) Amendment No. 10 to the Contract (R96-0714D, as amended by R98-0392D, R99-0493D, R2000-0402, R2001-0419, R2002-0371, R2003-0410, R2004-0499; R2005-0591; R2006-0442) with Denise M. Nieman, County Attorney; and

B) a 7% salary increase for the period March 26, 2007, through March 25, 2008.

SUMMARY: In accordance with the terms and conditions of the original contract, this Amendment provides for the County Attorney's services through March 25, 2012. A 7% increase would raise the County Attorney's salary from \$181,912.50 to \$194,646.40. Such an increase is consistent with the County's treatment of non-contract County employees. Countywide (DN)

2. Staff recommends motion to receive and file: the Agreement of Removal, Appointment and Acceptance (the "Agreement") between U.S. Bank National Association, the Bank of New York Trust Company of America, The Bank of New York Trust Company and Palm Beach County, Florida, as authorized by Resolution R2006-2307 adopted on October 17, 2006, as it concerns the Airport System Revenue Bonds project. **SUMMARY:** On October 17, 2006, the Board adopted Resolution No. R2006-2307 authorizing the execution of the Agreement. The fully executed Agreement by the parties has been provided. This Agreement should now be received and filed in the Minutes Department. Countywide (PFK)

3. Staff recommends motion to receive and file: the Official Transcript for the closing of the \$6,976,600 Palm Beach County, Florida, Public Improvement Revenue Bond Anticipation Notes (Biomedical Research Park Project) Series 2006A (the "Bonds") as authorized by Resolution R2006-2644 adopted on December 5, 2006, and \$479,765 Palm Beach County, Florida, Taxable Public Improvement Revenue Note (Biomedical Research Park Project), Series 2006B as authorized by Resolution R2006-2682 adopted on December 12, 2006. **SUMMARY:** The closing occurred December 15, 2006. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

4. Staff recommends motion to receive and file: the Official Transcript for the closing of the \$16,322,600 Palm Beach County, Florida, Public Improvement Revenue Bond Anticipation Notes (Biomedical Research Park Project), Series 2006 (the "Bonds"), as authorized by Resolution R2006-1044 adopted on June 6, 2006. **SUMMARY:** The closing occurred November 22, 2006. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

5. Staff recommends motion to receive and file: the Official Transcript for the closing of the Palm Beach County, Florida, \$12,000,000 Tax-Exempt Adjustable Mode Revenue Bonds (Palm Beach Day Academy, Inc. Project) Series 2006 (the "Bonds") as authorized by Resolution R2006-2541 adopted on November 21, 2006. **SUMMARY:** The closing occurred November 30, 2006. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

6. Staff recommends motion to receive and file: the Official Transcript for the closing of the Palm Beach County, Florida, \$17,500,000 Variable Rate Demand Revenue Bonds (Hanley Center, Inc. Project) Series 2006 (the "Bonds") as authorized by Resolution R2006-2002 adopted on September 12, 2006. **SUMMARY:** The closing occurred October 26, 2006. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

7. Staff recommends motion to receive and file: the Official Transcript for the closing of the Palm Beach County, Florida, \$22,000,000 Tax-Exempt Adjustable Mode Revenue Bonds (The King's Academy, Inc. Project) Series 2006 (the "Bonds") as authorized by Resolution R2006-0896 adopted on May 16, 2006. **SUMMARY:** The closing occurred August 10, 2006. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve:
 - A) Application for Participation to the Florida Department of Education (DOE) for the period June 4, 2007, through August 17, 2007 in the amount of \$532,572 for the Summer Food Service Program (SFSP); and
 - B) Sponsor Agreement with the Florida DOE for the period June 4, 2007, through August 17, 2007 in the amount of \$532,572 for the SFSP.

SUMMARY: This program will fund the operation of approximately 70 sites where meals will be provided to children 18 years or younger. These sites will provide daily an estimated 10,237 breakfasts, lunches, and snacks during the summer months. No County funds are required. (Human Services) Countywide (TKF)

2. Staff recommends motion to approve: Amendment No. 1 to The ARC of Palm Beach County contract (R2006-2624) for the period October 1, 2006, through September 30, 2007, to change the unit cost rate. **SUMMARY:** Adjustments to the unit cost rate and units delivered are necessary to better serve clients and more appropriately reflect the cost of the services provided. A unit of service is defined as one (1) month of independent living or group home care, which includes supported living coach services in supported living. The Amendment to their contract will change the cost per unit to \$543.05 for a total of 480 units to be delivered. There is no change to the contract amount and no additional funding is being requested. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to approve:

A) Contract with United Way of Palm Beach County, Inc. (United Way) and Palm Beach County Disaster Recovery Coalition, Inc. (Disaster Recovery Coalition) for the period October 1, 2006, through September 30, 2007 in an amount not-to-exceed \$125,000 to provide disaster recovery services; and

B) Budget Amendment of \$125,000 in the General Fund, Human Services.

SUMMARY: This Contract with United Way and Disaster Recovery Coalition, Inc. will support staffing and related expenses for the Disaster Recovery Coalition. United Way agrees to provide oversight as the fiscal agent for the Coalition and direct supervision of coalition personnel and the Coalition agrees to provide disaster response and recovery services in support of the Palm Beach County Comprehensive Emergency Management Plan. (Human Services) Countywide (TKF)

4. **DELETED**

5. Staff recommends motion to approve: a Contract with the Area Agency on Aging Palm Beach/Treasure Coast, Inc. for senior programs and services for the period October 1, 2006, through September 30, 2007, in an amount not-to-exceed \$117,000.

SUMMARY: Contract with this County-sponsored, non-profit agency will enhance services to seniors through the provision of program monitoring, technical assistance and training to ensure that provider agencies deliver high quality service, and comply with all contract terms and applicable state and federal laws. The Contract funds will be applied as matching funds necessary to maximize State and Federal grant dollars requested by the Agency. Countywide (TKF)

6. Staff recommends motion to approve:

A) Contract with the Area Agency on Aging Palm Beach/Treasure Coast, Inc. (AAA) to provide disaster preparedness and response services for the period October 1, 2006, through September 30, 2007, in an amount not-to-exceed \$125,000; and

B) Budget Amendment of \$125,000 in the General Fund, Human Services.

SUMMARY: This Contract with the Area Agency on Aging Palm Beach/Treasure Coast, Inc. will provide for services in support of County efforts to identify at-risk seniors and persons with disabilities and to assist individuals and communities to plan for and respond to disasters. These services will be conducted under the framework of the Palm Beach County Comprehensive Emergency Management Plan. (Human Services) Countywide (TKF)

7. Staff recommends motion to approve: Contract with the Executive Service Corps of Southeast Florida, Inc. for services provided by the Center for Nonprofit Excellence for the period October 1, 2006, through September 30, 2007, in an amount not-to-exceed \$100,000.

SUMMARY: Contract with this County-sponsored agency will provide funding for programs designed to strengthen the administrative, financial and technical capabilities of not-for-profit agencies, particularly those that provide services to the County through the Financially Assisted Agencies Program. The Center for Nonprofit Excellence, a program of the Executive Service Corps of Southeast Florida, Inc., will develop and produce the 2007 Certification Assessment Tool, a Self-Assessment Manual, and will offer an array of training, education and technical assistance resources and programming to FAA grantees. The majority of funding for the Center is currently provided by the Children's Services Council, United Way and Palm Health Care. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. **Staff recommends motion to approve:** a U. S. Customs and Border Protection (CBP) Bond for \$100,000 for operations at Palm Beach International Airport (PBIA). **SUMMARY:** CBP operates an airport security program under the authority of Title 19, Code of Federal Regulations, Section 122.182. This section of the regulation stipulates the conditions of unescorted access to airport security program participants within the identified CBP security areas. The regulation requires certain persons to apply and qualify for a CBP security seal identification card and the applications be supported by a bond of the applicant's employer or principal on CBP Form 301. Countywide (LMB)

2. **Staff recommends motion to approve:** increasing the Passenger Facility Charge (PFC) at Palm Beach International Airport (PBIA) from \$3 to \$4.50. **SUMMARY:** In order to carry out the projects contained in the Board of County Commissioners' approved Airport Master Plan for PBIA, the Department of Airports requests approval to increase the PFC from \$3 to \$4.50. Board approval of this item does not constitute final authority to increase the PFC to \$4.50 at this time. Final acceptance of this increase is contingent upon the approval of the County's application by the Federal Aviation Administration, currently anticipated in late Summer 2007. Countywide (LMB)

3. **Staff recommends motion to approve:** First Amendment to the Agreement for Purchase and Sale with Frank W. Cathey, Trustee of the Frank W. Cathey Revocable Trust, dated December 23, 1986, and Frank W. Cathey and Martin V. DeLisi, Co-Successor Trustees of the Virginia C. Cathey Revocable Trust, dated December 23, 1986 for property located West of Runway 9L at Palm Beach International Airport (PBIA). **SUMMARY:** On December 19, 2006 the BCC approved an Agreement for Purchase and Sale (R2006-2718) in the amount of \$1,370,000 for property located at 383 North Military Trail, West Palm Beach, Florida. As a result of a title search conducted prior to closing, it was discovered that one (1) of the Co-Successor Trustees of the Virginia C. Cathey Revocable Trust had been replaced as of April 9, 2003 in accordance with the requirements of the Virginia Trust and the BCC was not made aware of this change until after the original Agreement was approved. Also, the name of the Virginia Trust in the original Agreement contained a scrivener's error. Approval of this Amendment is requested to correct the aforementioned issues. Countywide (LMB)

4. **Staff recommends motion to receive and file:** two (2) original agreements for the Department of Airports:
 - A) Airline-Airport Use and Lease Agreement with American Airlines, Inc., effective October 1, 2006; and
 - B) Airline-Airport Use and Lease Agreement with Delta Airlines, Inc., effective October 1, 2006.**SUMMARY:** Delegation of authority for execution of the standard County agreements above was approved by the BCC in R2006-1906 pursuant to PPM CW-0-51. Countywide (LMB)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff recommends motion to approve:** a Budget Transfer of \$740,764 in the Road Impact Fee Fund-Zone 1 from Reserves to PGA Boulevard from Florida Turnpike to west of Jog Road/Ryder Cup Boulevard. **SUMMARY:** The Impact Fee Office has approved a refund of previously collected road impact fees paid in error by Taylor Woodrow Communities (TWC) at Mirasol. This Budget Transfer provides for the appropriation of the previously collected road impact fees and allows the County to pay a refund to Taylor Woodrow in accordance with Article 13, Impact Fees, of the Unified Land Development Code (ULDC). District 1 (LB)
2. **Staff recommends motion to approve:** the recording of the FY 2006 retirements of tangible personal property (equipment, vehicles, publications) in the official minutes of the Board of County Commissioners' meeting as prescribed by Florida Statutes, Chapter 274. **SUMMARY:** Florida Statutes, Chapter 274 and the Palm Beach County "Surplus Property Ordinance" require the recording of the disposal (retirement) of tangible personal property from the official records of Palm Beach County at historical value. Disposal, retirement and reconciliation adjustments total \$20,291,307.28, which includes 355 items unaccounted for but not disposed of in Fiscal Year 2006, in the amount of \$1,512,552.02 (depreciated value of \$147,820.14). Approval of this agenda item allows Palm Beach County to meet required legal obligations. Countywide (PFK)
3. **Staff recommends motion to approve:** a negotiated Settlement offer in the amount of \$15,000 for the full satisfaction of a Code Enforcement lien that was entered against Gail S. & Larry A. Kreielsheimer on November 21, 2001. **SUMMARY:** The Code Enforcement Special Master (CESM) entered an Order on September 5, 2001 giving the Kreielsheimers until October 5, 2001 to remove a contractor's construction trailer that was being stored on the property without an appropriate active building permit. 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 the Kreielsheimers on November 21, 2001. The cited code violation was fully corrected as of October 8, 2003. The total accumulated lien amount through January 8, 2007, the date settlement discussions began, totaled \$66,321.21, of which the Kreielsheimers have agreed to pay the County \$15,000 (22.6%) for full settlement of their outstanding Code Enforcement Lien. District 1 (PM)
4. **Staff recommends motion to approve:** a negotiated Settlement offer in the amount of \$24,000 for the full satisfaction of a Code Enforcement lien that was entered against Robert W. Miller on April 15, 1997. **SUMMARY:** The Code Enforcement Special Master (CESM) entered an Order on December 4, 1996 giving Robert W. Miller until April 3, 1997 to obtain building permits, inspections and Certificates of Completion for the enclosure and conversion of an existing porch into a living space and the addition of a laundry room, which were done without permits. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$75 per day was imposed. The CESM then entered a claim of lien against Robert W. Miller on April 15, 1997. The cited code violations were fully corrected as of January 28, 1999. The total accumulated lien amount through April 30, 2006, the month settlement discussions began, totaled \$87,137.52, of which Robert W. Miller has agreed to pay the County \$24,000 (27.5%) for full settlement of his outstanding Code Enforcement Lien. District 2 (PM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** JOC Work Order No. 07-061 with M.A.C. Construction, Inc. (R2005-0537) in the amount of \$72,685.45 to provide additional renovations at the Canal Point Community Center in Canal Point. **SUMMARY:** The additional work is required to complete post-hurricane renovations associated with replacement of the roof and structure. Additional renovations include new aluminum handrails at front steps; R-10 insulation attached to the underside of the new roof; sheet metal A/C duct; railings for the front porch; replace mechanical room louvers; relocate AHU/disconnect; interior/exterior painting; etc. The SBE goals are 15%. The SBE participation in this Work Order is 0%. When the participation for this work order is added to M.A.C.'s total participation-to-date, the resulting values are 21.8%. This Work Order is being sent for Board approval since the total project cost exceeds \$200,000 (the original Work Order for \$171,224.86 was approved by the Contract Review Committee (CRC) on May 24, 2006). The total construction duration is 30 days. This work will comply with all applicable local, state, and federal codes and regulations. (FD&O Admin) Countywide/District 6 (JM)

2. **Staff recommends motion to approve:** JOC Work Order No. 07-051 with Holt Contractors, Inc. (R2005-0538) in the amount of \$10,977.76 to provide additional renovations at the new Belle Glade Fire Rescue Modular in Belle Glade. **SUMMARY:** The work consists of additional work required to complete installation of a three (3) bedroom modular. Additional work includes removal of the factory installed vinyl coated wall and replacement with painted drywall. The SBE goals are 15%. The SBE participation in this Work Order is 100%. When the participation for this Work Order is added to Holt's total participation-to-date, the resulting values are 100% overall. This Work Order is being sent for Board approval since the total project cost exceeds \$200,000 (the original Work Order for \$199,341.07 was approved by the Contract Review Committee (CRC) on November 8, 2006). The total construction duration is 30 days. This work will comply with all applicable local, state, and federal codes and regulations. (FD&O Admin) Countywide/District 6 (JM)

3. **Staff recommends motion to approve:** JOC Work Order No. 07-053 with H.A. Contracting Corp., (R2005-0541) in the amount of \$232,394.55 for renovations at the Housing Building at Eagle Academy. **SUMMARY:** The renovations consist of the replacement of the existing stucco finish, including subsurface repairs, painting, and installing hurricane shutters. The SBE goals are 15%. The SBE participation in this Work Order is 1.72%. When the participation for this Work Order is added to H.A.'s total participation-to-date, the resulting values are 18.1%. The total construction duration is 180 days. This work will comply with all applicable local, state, and federal codes and regulations. (FD&O Admin) Countywide/District 6 (JM)

4. **Staff recommends motion to approve:** Amendment No. 1 to Contract with C.R. Dunn, Inc. (R2006-0203) to implement the first renewal of an annual contract. **SUMMARY:** This agenda item is a renewal to the Annual Contract–Electrical which was awarded to C.R. Dunn, Inc. as one (1) of four (4) approved participants. The contractor will continue to perform on projects for various facilities. This annual Electrical contract is an indefinite-quantity contract and this renewal has a maximum value of \$ 600,000. The renewal term is twelve (12) months or until \$600,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on expiration of the term. All terms of the original contract remain in effect. This is the first of four extensions allowed by the Contract. SBE goals are 15%. C.R. Dunn's participation for work orders issued-to-date is 100%. Work orders issued-to-date for all four (4) contracts includes a combined SBE participation of 80.5%. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. **Staff recommends motion to approve:** First Amendment to the Agreement (R2004-0897) with Boca Raton Community Hospital, Inc. (Hospital) to extend the term of the Agreement until May 18, 2010. **SUMMARY:** The Agreement provides the terms and conditions under which the Hospital 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. Boca Raton Community Hospital 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. The Hospital 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)

6. **Staff recommends motion to approve:** Contract with Colome` & Associates, Inc. to provide architectural services on a continuing contract basis. **SUMMARY:** The purpose of this Contract is to have a consultant pre-selected and under contract to provide architectural services for capital improvement projects generally with a construction value less than \$3,000,000. Consultant fees will be negotiated on an individual basis for the identified projects. This Contract will be for two (2) years with two (2) - one (1) year renewal options. This Contract includes a goal of 15% which can be met through the use of either M/WBE or SBE firms. Colome` & Associates, Inc. has committed to a 70% goal. (Capital Improvements Division) Countywide (JM)

7. **Staff recommends motion to approve:** Contract with Saltz Michelson Architects, Inc. to provide architectural services on a continuing contract basis. **SUMMARY:** The purpose of this Contract is to have a consultant pre-selected and under contract to provide architectural services for capital improvement projects generally with a construction value less than \$3,000,000. Consultant fees will be negotiated on an individual basis for the identified projects. This Contract will be for two (2) years with two (2) - one (1) year renewal options. This Contract includes a goal of 15% which can be met through the use of either M/WBE or SBE firms. Saltz Michelson Architects, Inc. has committed to a 23% goal. (Capital Improvements Division) Countywide (JM)

8. **Staff recommends motion to approve:** Contract with MPA Architects, Inc. to provide architectural services on a continuing contract basis. **SUMMARY:** The purpose of this Contract is to have a consultant pre-selected and under contract to provide architectural services for capital improvement projects generally with a construction value less than \$3,000,000. Consultant fees will be negotiated on an individual basis for the identified projects. This Contract will be for two (2) years with two (2) - one (1) year renewal options. This Contract includes a goal of 15% which can be met through the use of either M/WBE or SBE firms. MPA Architects, Inc. has committed to a 80% goal. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. Staff recommends motion to:

A) approve the Termination of Lease Agreement (R84-977) with Loxahatchee River Historical Society, Inc. (LRHS);

B) adopt a Resolution authorizing the lease of certain real property to Loxahatchee River Environmental Control District (ENCON), pursuant to Florida Statute Section 125.38; and

C) approve the Lease Agreement with Loxahatchee River Environmental Control District (ENCON).

SUMMARY: Since 1984, LRHS has leased from the County approximately three (3) acres of property at Burt Reynolds Park, including a 4,748sf building, for the operation of a history museum. LRHS has relocated to the Town of Jupiter's Lighthouse Park and has requested to terminate its lease with the County effective upon Board approval. LRHS will remove The Tindall House, which LRHS brought to the property in 1988, and restore the leased premises to the satisfaction of the Department of Parks and Recreation by September 30, 2007. ENCON, a special District of the State of Florida under Chapter 2002-358, Laws of Florida, as amended, has requested to lease approximately .889 acres, together with the existing 4,748sf museum building. ENCON will operate a environmental learning center, which will be open to the public. The term of the Lease Agreement is for ten (10) years until March 12, 2017, with no extension options and is contingent on annual budgetary funding of both parties. The annual rental rate is \$10. ENCON will be renovating the museum building and will complete all interior and exterior renovations at its sole cost and expense within three (3) years of occupancy. ENCON anticipates opening its facility to the public in mid-2007. ENCON shall be solely responsible for the payment of all utilities and the maintenance of the leased premises. ENCON has agreed to pay for: (i) the electric bills associated with the use of The Tindall House until such time as it is removed from the Park; and (ii) all utilities to the leased premises from the date LRHS vacates the leased premises. (PREM) District 1 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

10. Staff recommends motion to approve: a Lease Agreement with Tallman, LLC, a Florida limited liability company, for 4,990sf of warehouse space and 6,000sf of outdoor secured parking within the Murphy's Towing Complex in unincorporated West Palm Beach for use as a Palm Beach County Sheriff's Office (PBSO) impound lot and forfeited property storage facility. **SUMMARY:** The existing PBSO impound lot located at the PBSO Criminal Justice Complex on Gun Club Road is at capacity and PBSO has requested an overflow impound storage lot and a warehouse building for indoor storage of forfeited vehicles. No County owned properties are available for this purpose. After an extensive search, the Murphy's Towing complex was the only location meeting the criteria established by PBSO. The lease premises consists of a 4,990sf indoor storage warehouse building, exclusive use of two (2) adjacent parking spaces and a 6,000sf outdoor parking storage area. The initial term of the Lease Agreement is two (2) years, commencing upon issuance of a Certificate of Occupancy, with four (4) extension options, each for a period of one (1) year. The gross annual rent is ninety-six thousand dollars (\$96,000), with annual increases of three and one-half percent (3.5%). Landlord will make all improvements required for PBSO's use of the premises at Landlord's sole cost and expense, including: i) installation of a ventilation system; ii) supplying and installing vehicle storage racks along the perimeter of the warehouse building; and iii) installation of a security fence around the perimeter of the outside parking lot. Landlord will provide the following services: i) maintenance, repair and security for the premises; ii) draining and removal of fuel from tanks of all vehicles prior to storage in warehouse building; iii) delivery and placement/moving of up to fifty (50) vehicles per month at no cost to the County, with a charge of \$26 per excess move; and iv) comply with all PBSO requirements for handling of evidence and comply with County's Access to Critical Facilities Procedures. The County has the option to terminate this Lease for any reason upon thirty (30) days prior written notice to Landlord and payment of a termination fee of two (2) month's rent. (PREM) District 2 (JMB)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to receive and file: Amendment No. 001 to an Agreement (R2005-2030) with Seagull Industries for the Disabled, Inc. to provide \$50,000 in Community Development Block Grant (CDBG) funds to operate an adult training program. **SUMMARY:** Under the authority provided to the County Administrator by the Palm Beach County Board of County Commissioners on February 27, 2001 (R2001-0340), the County Administrator executed Amendment No. 001 to extend the expiration date of the Agreement with Seagull Industries for the Disabled, Inc., from September 30, 2006 to December 31, 2006. The Amendment includes the following: a) substitute December 31, 2006 for September 30, 2006 in A. Part III-Section 1: Maximum Compensation, and b) substitute December 31, 2006 for September 30, 2006 in B. Part III-Section 2: Time of Performance. The source of funds is Community Development Block Grant funds. This extension was needed in order to allow unexpended funds allocated through this Agreement be available to the agency to reimburse allowable services. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to approve: one (1) revision to the Community Development Block Grant (CDBG) Program Local Entitlement Methodology and Strategy. **SUMMARY:** Approval of this item will revise the County's CDBG Program by deleting the following criterion: - Local CDBG sub-recipients (municipalities, public agencies, private non-profits, etc), which at the time of the application deadline, have not expended 51% of any previous year's grant awards, excluding the fiscal year running at time of submission, shall not be considered for funding. The proposed revision will become effective upon approval, commencing with the FY 2007-2008 Action Plan. All other CDBG Program criteria will remain the same. Notice of the proposed revision was published in the Palm Beach Post on February 19, 2007, and posted on Housing and Community Development's (HCD) website. Countywide (TKF)

3. Staff recommends motion to approve: a "Request for Release of Funds (RROF) and Certification Form" for Countywide Infrastructure Development and Infrastructure Activities, to be funded with Community Development Block Grant (CDBG) Program funds. **SUMMARY:** Every activity funded under the CDBG Program is required to comply with environmental grant conditions established by the U.S. Department of Housing and Urban Development (HUD) at 24 CFR Part 58. The Countywide Infrastructure Development and Improvement Activities ERR covers projects funded over a five (5) year period (2006-2011). Per 24 CFR Part 58, the County is required to: a) aggregate geographically or functionally, all activities into projects; b) determine which projects are in need of an environmental assessment and, where applicable, issue an environmental clearance finding; c) publish the finding to receive public input; and d) request release of funds from U.S. Department of Housing and Urban Development (HUD). Steps "A" through "C" have been finalized. Execution of RROF and its submission to HUD will accomplish Step "D". The RROF and Certification Form documents and certifies that all steps have been taken with respect to HUD's environmental grant conditions. Before expending any CDBG funds for these activities, the County must receive a notification from HUD of the removal of grant conditions. Countywide (TKF)

K. WATER UTILITIES

1. Staff recommends motion to adopt: a Resolution amending Resolution No. R2006-1336 for the Lago Del Sol Water Main Extension Improvement Project, reducing the individual assessment from \$10,615.80 per parcel to \$9,701.21 per parcel. **SUMMARY:** On July 11, 2006, the Board adopted Resolution R2006-1336 confirming the Lago Del Sol Water Main Special Assessment. Pursuant to Section 9 of Ordinance No. 2001-0010, property owners are entitled to a reduction in their individual assessment if the final cost of the project falls below the original estimate. The assessment adopted by the Board was based upon an estimated cost of \$297,242.40 while the final assessable cost is \$271,633.88. Based on 28 parcels, the individual cost to the property owners is decreased from \$10,615.80 per parcel to \$9,701.21 per parcel. (WUD Project No. 05-161) District 3 (MJ)

2. Staff recommends motion to adopt: a Resolution amending Resolution No. R2006-1164 for the Eden Lawn Terrace & Kathy Lane Water Main Extension Improvement Project, reducing the individual assessment from \$71.29 per front foot to \$68.10 per front foot. **SUMMARY:** On June 20, 2006, the Board adopted Resolution R2006-1164 confirming the Eden Lawn Terrace & Kathy Lane Water Main Special Assessment Project. Pursuant to Section 9 of Ordinance No. 2001-0010, property owners are entitled to a reduction in their individual assessment if the final cost of the project falls below the original estimate. The assessment adopted by the Board was based upon an estimated cost of \$136,242.32, while the final assessable cost is \$130,145.91. Based on 1,911.10 linear feet of assessable frontage, the individual cost to the property owners is decreased from \$71.29 per front foot to \$68.10 per front foot. (WUD Project No. 05-016) District 6 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. **Staff recommends motion to approve:** Change Order No. 3 to the Contract with Ricman International, Inc. (R2006-1005) for the La Mancha Avenue Pipeline Extension Project increasing the contract price by \$235,832.15 and providing a 45-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. 3 will authorize the Contractor to replace four aerial canal crossings along La Mancha Avenue with subaqueous crossings to satisfy the requirements of the Village of Royal Palm Beach. The Contractor has requested a 45-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 \$391,381.42. 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 11.96% overall. (WUD Project No. 04-125B) District 6 (JM)

4. **Staff recommends motion to approve:** Change Order No. 2 to the Contract with the Poole and Kent Company, Inc. (R2005-1928) for the Lake Region Water Treatment Plant Project (LRWTP) increasing the contract price by \$250,728. **SUMMARY:** On September 27, 2005, the Board approved a contract with the Poole & Kent Company, Inc. in the amount of \$19,727,000 for construction of the LRWTP (R2005-1928). This Change Order authorizes the Contractor to provide underground fuel storage tanks in lieu of aboveground tanks. Change Order No. 2 (\$250,728) results in a net increase of \$129,836 to the project. Total change orders to date, excluding the \$7,549,033.78 sales tax recovery program change order, equal zero. 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 15.92% overall. (WUD Project No. 03-169) District 6 (JM)

5. **Staff recommends motion to approve:** Amendment No. 03 to Cost-sharing Agreement No. OT040195 (R2004-1568) with the South Florida Water Management District (SFWMD) for design, permitting, and construction of the Lake Region Water Treatment Plant (LRWTP). **SUMMARY:** On July 13, 2004, the Board of County Commissioners approved a cost sharing agreement with SFWMD (R2004-1568) for design, permitting, and construction of the LRWTP. The Board of County Commissioners committed \$12,500,000 and the SFWMD committed \$4,500,000 to be disbursed in three (3) installments of \$1,500,000 each in FY 2004, FY 2005, and FY 2006. The SFWMD provided the County with the first two (2) \$1,500,000 installments in September 2004 and September 2005. Amendment No. 2 to the agreement revises the scope of work for the FY 2006 installment to include construction tasks and amends the payment and delivery schedule accordingly. These cost-sharing funds will be used to reduce the net cost of the LRWTP to the cities of Belle Glade, Pahokee and South Bay. Amendment No. 03 is to revise the Summary Schedule of Tasks and Deliverables of the Agreement in accordance with Exhibit "D3" and made a part of this Amendment No. 03. (WUD Project No. 03-169) District 6 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

6. **Staff recommends motion to approve:** a unit price contract with AKA Services, Inc. for the Water Utilities Department Continuing Construction Contract to install potable water, reclaimed water, and wastewater pipelines over a twelve month term in a cumulative amount not to exceed \$8,699,850. **SUMMARY:** On November 8, 2006, two (2) bids were received for the Water Utilities Department Continuing Construction Contract, from Foster Marine Contractors, Inc. in the amount of \$8,441,819 and AKA Services, Inc. in the amount of \$8,699,850. On December 19, 2006, the Board awarded a contract to Foster Marine Contractors, Inc. (R2006-2732). Staff recommends contract award to both bidders to provide sufficient opportunity to complete all work scheduled for the twelve month period. These contracts will be used to expedite utility special assessment projects and other pipeline projects where timing is critical. Contract award is for the base contract only, and the contract by itself does not guarantee nor authorize AKA Services to perform any work. Work will be assigned during the twelve month contract period by formal work authorizations drawn against this contract, with approvals pursuant to PPM CW-F-050. The unit prices contained in this Contract will be used in determining the cost of work authorizations. Supplements to work authorizations for changes that occur during construction will be subject to the change order limits for construction contracts as established under PPM CW-F-050 with each work authorization considered as an individual construction contract. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. This Contract with AKA Services, Inc. provides for SBE participation of 15.92% overall. (WUD Project No. 06-144) Districts 1, 2, 3, 5 & 6 (JM)
7. **Staff recommends motion to receive and file:** one (1) Standard Development Agreement and one (1) Standard Development Renewal Agreement complete with executed documents received during the months of December 2006 and January 2007:

Standard Development Agreement

A) Boynton Beach Associates XVIII, LLLP 05-90011-000

Standard Development Renewal Agreement

B) Windsor Place, LLC 05-01046-R01

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)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) approve Contract No. 4600000676 with the South Florida Water Management District (District) for the Palm Beach County Delaware Scrub Restoration Project (Project), commencing upon execution of the agreement, for a period of one (1) year, in an amount not-to-exceed \$150,000;

B) approve Budget Amendment of \$75,000 in the Natural Areas Fund including a transfer from Reserves for \$75,000, for a total of \$150,000 in project cost for the Delaware Scrub Natural Area; and

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

SUMMARY: The Contract will provide \$75,000 of state funding, administered by the District on a reimbursement basis, for the Delaware Scrub Restoration Project. The total project cost is \$150,000. The County's cost share is \$75,000, which will be paid from the Natural Areas Fund. The project proposes to remove exotic plant species from the entire site and will further restoration activities on the wetland areas. The restoration project includes enhancement of both water quality and storage, and wetland habitat functions within the watershed by providing storm-water filtration areas and removing exotic vegetation that is invading the area. District 1 (SF)

2. Staff recommends motion to approve: a Budget Transfer of \$353,900 in the South Lox SI Wetland Restoration Fund from Reserves to the South Loxahatchee Slough Wetland Restoration Project (SLSRP). **SUMMARY:** The approximate 780-acre SLSRP area is part of the County's Loxahatchee Slough Natural Area. A Memorandum of Understanding (MOU) was approved by the Board on July 23, 2002 (R2002-1198). The MOU defines the process by which the U. S. Army Corps of Engineers, Jacksonville District (USACOE) and the Florida Department of Environmental Protection (FDEP) will direct wetland mitigation dollars to the County to help pay for the restoration, enhancement, and long-term management and maintenance of County-owned lands within the SLSRP area. This Budget Transfer will provide \$353,900 from reserves to the South Loxahatchee Slough Wetland Restoration project. These funds are needed for the restoration, enhancement and long-term management and monitoring activities identified within the SLSRP as identified in the MOU. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to:

A) accept the donation of a 0.99-acre preserve parcel from Tierra del Sol at Jupiter, LLC (Tierra del Sol) to be added to the Jupiter Ridge Natural Area and managed by the County's Department of Environmental Resources Management (ERM), subject to satisfactory completion of County due diligence;

B) accept the donation from Tierra del Sol of a perpetual ingress and egress easement on a 0.53-acre portion of the Jupiter Riverwalk adjoining the 0.99-acre parcel, for management of the natural area, subject to satisfactory completion of County due diligence;

C) accept a donation of \$10,000 from Tierra del Sol for the long-term maintenance and management of the preserve; and

D) approve a Budget Amendment for \$10,000 in the Natural Areas Stewardship Endowment Fund.

SUMMARY: On February 21, 2006, the Town of Jupiter approved the site plan (Resolution 12-06) for a 20-unit multifamily residential project known as "The Ridge" on a 4.1-acre tract located on the west side of U.S. Highway 1, south of Indiantown Road, adjacent to the County-managed Jupiter Ridge Natural Area. The conditions of approval required the owner to dedicate a 0.99-acre preserve to the County, to grant an access easement to the County over a 0.53-acre portion of the Jupiter Riverwalk, and to provide \$10,000 to the County for management of the preserve. Tierra del Sol at Jupiter, LLC purchased the property on July 7, 2006 and changed the name of the development to "Tierra del Sol". The proposed donations meet all criteria required specified in the Policy for Acceptance of Conservation Lands approved by the Board on July 11, 2006 (7C-1). District 1 (JMB)

4. Staff recommends motion to approve: Task Order No. 2377-10 to a continuing Contract (R2004-2377) with Taylor Engineering, Inc. (Taylor) in the amount of \$126,593 to provide professional engineering design and permitting services in support of Phase II of a redevelopment plan for Dubois Park. **SUMMARY:** The BCC approved the Contract with Taylor on November 16, 2004 (R2004-2377) and extended the Contract on December 5, 2006 (R2006-2661). Nine (9) task orders totaling \$421,222.80 have been issued under the Contract. Task Order No. 2377-10 authorizes Taylor to prepare an Environmental Resource Permit (ERP) application and provide final engineering designs, construction plans and specifications for the recommended infrastructure improvements within Dubois Park. The improvements include creation of a docking facility with approximately twenty-four (24) 30-foot day slips, a snorkeling area and stabilization of the shoreline. Taylor is committed to an overall 20% Small Business and Minority Business Enterprise (SBE-MBE) participation in the Contract. This Task Order has 1.7% SBE participation. Taylor has achieved 17.5% cumulative SBE-MBE participation on the Contract including this Task Order. District 1 (JM)

5. Staff recommends motion to approve: a Budget Transfer of \$900,000 within the Beach Improvement Fund from reserves to the Singer Island Shore Protection Project. **SUMMARY:** This Transfer will provide \$900,000 from reserves in the Beach Improvement Fund for dune restoration and erosion control structure design activities on the Singer Island Shore Protection Project. Districts 1 & 4 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

6. Staff recommends motion to approve:

A) Task Order No. 2377-11 to a continuing Contract (R2004-2377) with Taylor Engineering, Inc. (Taylor) in the amount of \$243,147 for sea turtle monitoring services in northern Palm Beach County; and

B) Budget Transfer of \$50,000 in the Beach Improvement Fund from reserves to the Coral Cove Dune Restoration Project.

SUMMARY: The BCC approved the Contract with Taylor on November 16, 2004 (R2004-2377) and extended the Contract on December 5, 2006 (R2006-2661). Nine (9) task orders totaling \$421,222.80 have been issued under the Contract. Another Board item (3L-4) seeks BCC approval today for a Task Order in the amount of \$126,593. Taylor will manage sea turtle monitoring along 9.5 miles of beach for the 2007 sea turtle nesting season. Monitoring of the Juno Beach project area, included in this Task Order, is eligible for cost-sharing with the state, and a funding agreement is being drafted by the Florida Department of Environmental Protection (DEP). The funding agreement being drafted by DEP will be submitted to the BCC for approval at a future date. Taylor is committed to an overall 20% Small_Business and Minority Business Enterprise (SBE-MBE) participation in the Contract. Taylor has achieved 12.1% cumulative SBE-MBE participation on the Contract. District 1 (JM)

M. PARKS & RECREATION

1. Staff recommends motion to approve:

A) Agreement with Boca Raton Champions Golf Charities, Inc. for the period March 13, 2007, through September 30, 2007, in an amount not-to-exceed \$50,000 for the 2007 Allianz Championship;

B) a Budget Transfer of \$50,000 in the Transportation Improvement Fund from Reserve for District 4 to the County Transportation Trust Fund;

C) a Budget Transfer of \$50,000 in the Transportation Trust Fund increasing the annual transfer from the Transportation Improvement Fund and decreasing the annual transfer from the General Fund;

D) a Budget Transfer of \$50,000 in the General Fund decreasing the annual transfer to the County Transportation Trust Fund and increasing the annual transfer to the Park Improvement Fund; and

E) A Budget Amendment of \$50,000 in the Park Improvement Fund increasing the annual transfer from the General Fund and increasing the appropriation to the District 4 Recreation Assistance Program (RAP).

SUMMARY: This funding is to help offset the cost of 2007 Allianz Championship golf tournament held at The Old Course at Broken Sound on February 5 through February 11, 2007. The Agreement allows for the reimbursement of eligible project costs incurred by Boca Raton Champions Golf Charities, Inc. subsequent to August 1, 2006. The budget transfers and budget amendment increase the Gas Tax support and decrease the ad valorem support of the County Transportation Trust Fund, thereby allowing for the allocation of the available ad valorem support to the District 4 Recreation Assistance Program. At the November 21, 2006 Board meeting, the flexibility of up to \$200,000 in transfers was approved for this purpose. This project uses the remainder of the available balance in transfers for District 4. District 4 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

2. **Staff recommends motion to receive and file:** the following original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project: Pahokee Middle/Senior High School, in an amount not-to-exceed \$5,000 for the purchase of uniforms and batting cages for softball and baseball programs. **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 6 (AH)

3. **Staff recommends motion to adopt:** a Resolution amending Resolution No. 94-422 as amended by Resolution No. 2002-2103 delegating authority to the Assistant Director of Parks and Recreation to sign Independent Contractor Agreements for recreation instructors and sports officials. **SUMMARY:** This amendment to Resolution No. 94-422 as amended by Resolution No. 2002-2103 will extend to the Assistant Director of Parks and Recreation the authority to sign Independent Contractor Agreements for recreation instructors and sports officials. Due to the number and value of these contracts and the need to execute them expeditiously, particularly in the absence of the Director of Parks and Recreation, the Department recommends extending signing authority to the Assistant Director. Countywide (AH)

P. COOPERATIVE EXTENSION SERVICE

1. **Staff recommends motion to approve:** Grant Agreement with the Western Palm Beach County Farm Bureau in an amount not-to-exceed \$24,975 from Agricultural Economic Development Program funds to assist in conducting the 2007 Palm Beach County Sweet Corn Fiesta in West Palm Beach. **SUMMARY:** The 2007 Palm Beach County Sweet Corn Fiesta will be held on April 29, 2007, with expenses incurred after April 1, 2007 being eligible for reimbursement. This event will increase public awareness of local agriculture on a regional and statewide basis. It provides an opportunity for a local agricultural organization, the Western Palm Beach County Farm Bureau, to stage an event that will make our residents more aware of the significance of our largest vegetable row crop in our County's billion dollar agricultural industry, while bringing in people from surrounding counties. This is the fifth year for the event. The Palm Beach County Agricultural Enhancement Council has reviewed the request and met with representatives of the Western Palm Beach County Farm Bureau. Countywide (AH)

Z. RISK MANAGEMENT

1. **Staff recommends motion to approve:** renewal of the Excess Property & Liability Insurance Program for the period April 1, 2007, through March 31, 2008 purchased through the County's contracted broker, Arthur J. Gallagher & Co., under Contract No. 05-102/LJ, for a total cost not-to-exceed \$14,932,850. **SUMMARY:** The Excess Property & Liability Insurance Program currently provides excess layers of property insurance totaling \$150 million inclusive of the County's \$1,000,000 self-insured retention and excess layers of liability insurance totaling \$6 million inclusive of the County's \$500,000 self-insured retention. The program also includes various ancillary excess insurance covering damage to County-owned property resulting from flood, terrorism, boiler & machinery, and employee dishonesty. The total not-to-exceed cost of \$14,932,850 is inclusive of anticipated mid-year charges for newly added properties and represents a \$1,011,728 (7.3%) increase over the actual expiring premium. The County's total insurable values will increase 7.7% this year to approximately \$1.74 billion. The increase in costs is also impacted by a 1% Florida Hurricane Catastrophe Fund Emergency Assessment on all Florida insurance policies. Sufficient funds are budgeted in FY 2008 for this coverage. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

Z. RISK MANAGEMENT (Cont'd)

2. **Staff recommends motion to approve:** renewal of the Excess Automobile Liability Insurance Policy from State National Insurance Company, purchased through the County's contracted broker, Arthur J. Gallagher & Co., under Contract No. 05-102/LJ, in the amount of \$335,750 for the operation of Palm Tran, Inc's bus fleet for the period April 1, 2007, through April 1, 2008. **SUMMARY:** This policy from State National Insurance Company provides \$2,000,000 of coverage excess of a \$100,000 per claimant/\$200,000 per occurrence self-insured retention that is provided by the Self-Insured Retention Plan. The renewal premium is \$335,750, an increase of 8%. This premium is not subject to adjustment for changes in the size of the fleet during the policy period. Countywide (TF/DR)

BB. SHERIFF

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

A) the Florida Department of Law Enforcement's Florida Consortium "2006 Paul Coverdell National Forensic Sciences Improvement Grant" in the amount of \$39,560 for the period of October 1, 2006, through September 30, 2007; and

B) a Budget Amendment of \$39,560 in the Sheriff's Grants Fund.

SUMMARY: The National Institute of Justice (NIJ) has awarded the Florida Department of Law Enforcement (FDLE) for the "Paul Coverdell National Forensic Sciences Improvement Act". The PBSO was awarded \$39,560, which will be used to improve the quality of forensic services. This grant will be used for training 20 staff members in expert witness court testimony techniques, and training 20 managers and staff in documentation. This grant will also be used to purchase document management software. There is no grant match required, nor are any County funds required in FY 2007. Countywide (DW)

2. **Staff recommends motion to:**

A) accept a Florida Department of Transportation Highway Safety grant increase for I-95 Corridor enforcement in the amount of \$26,276 for the period of January 10, 2007, through September 30, 2007; and

B) approve a Budget Amendment of \$26,276 increasing the Sheriff's Grant Fund.

SUMMARY: The Florida Department of Transportation (FDOT) has awarded a Highway Safety grant to the Palm Beach County Sheriff's Office (PBSO) in the amount of \$51,276. The initial funding amount was \$25,000. The Florida Department of Transportation has released additional funding in the amount of \$26,276, bringing the grand total for this award to the \$51,276. The funds will be used to pay the partial salary and benefits of one (1) full-time law enforcement officer assigned to enforce traffic laws on the I-95 Corridor. This enforcement will be a combined agency effort, whereby other local agencies including Boca Raton Police Department, Boynton Beach Police Department, and the Florida Highway Patrol, will be participating in this effort. Aggressive driving habits are widely understood to be a key variable in many traffic crashes. Countywide (DW)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF (Cont'd)

3. Staff recommends motion to approve: a Budget Amendment of \$69,550 in the General Fund for law enforcement services provided through a contractual agreement between the Palm Beach County Sheriff's Office and Palm Beach County to provide services at the Lake Worth Tax Collector's Office for the twelve (12) month period of January 1, 2007, through December 31, 2007. **SUMMARY:** The Budget Amendment is requested to provide law enforcement/security services as prescribed within a contractual agreement between the Palm Beach County Sheriff's Office and Palm Beach County for the Lake Worth Tax Collector's Office. The level of service to be provided includes one (1) position, comprised of one (1) sworn position for forty (40) hours per week. Services will be paid on a 50/50 basis by the Tax Collector and Palm Beach County. Countywide (DW)

CC. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to approve:
 - A) First Amendment to Agreement with Palm Beach County Film & Television Commission, Inc. (R2006-1991) for the provision of services under the County's Tourist Development Plan; and
 - B) a Budget Transfer of \$20,000 in the operating budget from operating reserves for the Palm Beach County Film & Television Commission.

SUMMARY: The Palm Beach County Film and Television Commission contract for FY '07 was approved by the BCC on September 12, 2006 (R2006-1991). The Film and Television Commission is amending the Agreement to fund \$20,000 for advertising, travel and public relations in marketing the Palm Beach International Film Festival for Palm Beach County. The Amendment increases the contract from \$613,000 to \$633,000. Countywide (MC)

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MARCH 13, 2007

4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A.** Proclamation declaring March 23, 2007 as “Alexander W. Dreyfoos Day” in Palm Beach County. (Sponsored by Commissioner Greene)

- B.** Proclamation declaring March 31, 2007 as “William G. Winters Day” in Palm Beach County. (Sponsored by Commissioner Greene)

- C.** Proclamation declaring March 2007 as “American Red Cross Month” in Palm Beach County. (Sponsored by Commissioner Koons)

- D.** Proclamation declaring March 29 – 31, 2007 as “Loxahatchee Groves Days” in Palm Beach County. (Sponsored by Commissioner Santamaria)

- E.** Proclamation declaring March 11 – 17, 2007 as “Extension Living Well Week” in Palm Beach County. (Sponsored by Commissioner Santamaria)

- F.** Certificates of Appreciation in recognition of dedicated and effective efforts to protect conservation and agriculture lands in Palm Beach County as a member of the Conservation Land Acquisition Selection Committee. (Sponsored by Commissioner Marcus)

- G.** Certificates of Appreciation in recognition of dedicated and effective efforts to protect conservation lands in Palm Beach County as a member of the Environmentally Sensitive Lands Acquisition Selection Committee. (Sponsored by Commissioner Marcus)

- H.** Proclamation of the Board of County Commissioners of Palm Beach County, Florida welcoming Ambassador Jean-David Levitte of France to Palm Beach County”. (Sponsored by Commissioner Aaronson)

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

A. Staff recommends motion to:

A) **adopt** a Resolution confirming the special assessment process for the Ferndale Drive Water Main Extension; and

B) **approve** Work Authorization No. 1 to AKA Services, Inc., under the Water Utilities Department Continuing Construction Contract (Consent item 3K6 on this agenda) in the amount of \$353,934.

SUMMARY: Petitions in favor of the installation of a potable water main have been provided by 63% of the property owners in the Ferndale Drive project area. The project will serve 36 residential properties currently on private wells. Individual assessments of \$76.62 per front foot are based on 100% of the assessable cost and may be paid over twenty (20) years with equal annual payments of principal and 6½% interest. The total project cost is \$395,547.13 and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration and construction contingency. The Water Utilities Capital Fund will cover the \$211,558 cost to oversize the water main along Ferndale Drive and to loop the water main along Lake Ida Road. The project will be constructed utilizing a work authorization under the Water Utilities Department Continuing Construction Contract with AKA, Inc. (Consent item 3K6 on this agenda.) (WUD Project No. 06-036) District 5 (MJ)

B. Staff recommends motion to adopt: 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)

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6. REGULAR AGENDA

A. ADMINISTRATION

1. **Staff recommends motion to approve:** a Business Incubation Program Grant Agreement with the Enterprise Development for Glades Entrepreneurs, Inc. (EDGE) in the amount of \$44,000 from April 1, 2007 to September 30, 2007. **SUMMARY:** The proposed \$44,000 Incubation Program Grant Agreement with EDGE, Inc., will provide for operational expenses to assist start-up and existing businesses and to improve the services offered to the business community. The scope of services outlined for the FY 2007 contract include: creating ten (10) new full-time jobs and nine (9) new businesses, providing technical assistance to 150 businesses/entrepreneurs, generating \$7,500 in revenue from operations, and signing 20 new incubation agreements with clients. As of March 2, 2007, EDGE's performance for its existing Agreement (R2006-2316) with Palm Beach County is shown in the table below. Highlights of EDGE's performance include expanding services to include packing & shipping, establishing a Professional Certification site where applicants can take computer tests for different fields, and extending service hours to Saturdays and increasing its account receivables. Countywide (DW)

Performance Measure	FY07 Contracted 10/06-03/07	Actual Results 10/01/06-3/02/07	% Accomplished
Jobs Created	10	16	165%
New Business Created	7	11	157%
Businesses Assisted	50	258	516%
Revenue from Operations	7,500	3,836	51%
New Incubation Agreements	10	33	330%

2. **Staff recommends motion to approve:** a Business Incubation Program Grant Agreement with the Business & Economic Development & Revitalization (BEDR) Corporation in the amount of \$44,000 from April 1, 2007 to September 30, 2007. **SUMMARY:** The proposed \$44,000 Incubation Program Grant Agreement with BEDR Corporation will provide for operational expenses to assist start-up and existing businesses and to improve the services offered to the business community. The scope of services outlined for the FY 2007 contract include: creating ten (10) new full-time jobs and five (5) new businesses, providing technical assistance to 35 businesses/entrepreneurs, generating \$2,500 in revenue from operations, and signing ten (10) new incubation agreements with clients. As of March 2, 2007, BEDR's performance for its existing Agreement (R2006-2309) with Palm Beach County is shown in the table below. A highlight of BEDR's performance is that it assisted two (2) businesses in obtaining loans totaling \$55,000. Countywide (DW)

Performance Measure	FY07 Contracted 10/06-03/07	Actual Results 10/01/06-3/02/07	% Accomplished
Jobs Created	10	10	100%
New Business Created	5	7	140%
Businesses Assisted	35	53	151%
Revenue from Operations	2,500	4,260	170%
New Incubation Agreements	10	12	120%

6. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

3. **Staff requests Board direction:** regarding Junior Achievement's request for Palm Beach County to sponsor the Government Center at Exchange City in the amount of \$50,000 a year for five (5) years. The Government Center is a learning center which educates students on the basic community economics to increase their ability to compete in the workforce place. Funding alternatives include: 1) fund out of General Fund Contingency; 2) consider in next year's budget; or 3) not to fund. **SUMMARY:** Junior Achievement has begun a capital campaign for its new center, the Stiles-Nicholson Center Junior Achievement at Northwood University. The Government Center will be located at the new JA Center at Northwood University. Junior Achievement is in their 22nd year of providing excellence in economic education in Palm Beach County. Their programs have reached more than 343,000 students with over 20,000 teachers and volunteers since 1984. The mission of Junior Achievement is to educate and inspire young people to value the American free enterprise system and entrepreneurship, to understand business and economics and to be workforce ready. Countywide (DW)

4. **Staff recommends motion to approve:** a \$166,000 Film and TV Tech Prep Grant Agreement with The Palm Beach County Film & Television Commission (FTC) commencing March 11, 2007 and ending March 10, 2008. **SUMMARY:** The objectives of the PBC Film & TV Tech Prep Program are to prepare high school students for career pathway and create a future workforce in the film & television industry through the Palm Beach County Film & TV Tech Prep Program; and to provide educational, financial and logistic resources for high school and college students and teachers through the Palm Beach County Film & Television Commission. The \$166,000 Agreement with FTC will provide funding for operational, education and equipment expenses for conducting the Film & TV Tech Prep Program, which is entering its 11th year of operation, with the purpose of continuing to develop the Film & TV Industry in Palm Beach County through an enhanced strategic plan (drafted by educators and professionals). The Scope of Services outlined for FY 2006 (R2006-0428) were all completed. The Scope of Services outlined for the FY 2007 Agreement is to: 1) complete the last two (2) phases (III and IV) of the strategic plan for the Film & TV Education Program, which includes the re-configuration and repair of existing equipment and some facilities, and training workshops to instructors and students; 2) purchase and distribute available equipment and educational resources to participating PBC schools and Palm Beach Community College; 3) produce the 12th Annual Palm Beach International Film Festival Student Showcase of Films (SSOF) award ceremony, the SSOF opening film, and the Students Movie Premiere; 4) increase awareness of and visibility to the Film & TV Program and Palm Beach County through the production of seven (7) commercials that will identify the County's cluster industries and the international distribution of student-produced programming; and 5) develop an on-line voting competition around the finalists of the SSOF and structure an Alumni Program for past winners of the SSOF to track their success in the film and TV industry. This Grant Agreement has been approved for the current budget year. Countywide (DW)

6. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

5. Staff recommends motion to adopt: the Strategic Economic Development Plan. **SUMMARY:** The Palm Beach County Strategic Economic Plan is aligned for implementation with the emerging State of Florida Strategic Economic Plan, Palm Beach County's five (5) year Capital Improvement Plan, and the Business Development Board's five (5) year performance contract. At the May 23, 2006, workshop the Board of County Commissioners approved the Strategic Economic Plan Vision Statement, Work Plan, and signature projects, which are included in the Strategic Economic Plan. Five (5) Strategic Directions are outlined: Prosperity, Sustainability, Quality of Place, Equity and Education, and Positioning. The Plan recognizes that Palm Beach County is on the tipping point of change. The marketplace is global. Information transfer is instant. Our economy is linked to national and international trends. To compete and thrive, the County will have to adopt economic development strategies and actions that are flexible, innovative and sustainable. This Strategic Economic Plan is a roadmap to effectively compete within these new realities. Countywide (DW)

6. Staff recommends motion to adopt: a Resolution by the Board of County Commissioners of Palm Beach County, Florida, requesting: a) reactivate the Florida Innovation Incentive Fund for economic incentives for the Life Science Industry for the purpose of identifying, attracting and/or expanding the biotechnology, medical science, and related health care and technology research business sectors to Florida; and b) an exemption to the 50 percent local match requirement for local governments who have contributed to the Life Science Industry through the State's local Match Program. **SUMMARY:** The State of Florida in its Roadmap to Florida's Future, 2007-2012 Strategic Economic Plan, prioritized Innovation Economy Legislation featuring the Florida Innovation Incentive Fund. Encouraged by this vision to attract science and technology, Palm Beach County has followed the lead of the State of Florida in 2005-2007 by contributing over \$250 million in County funding to anchor to its community, the Scripps Research Institute. In 2006, the Florida Innovation Incentive Fund successfully attracted the internationally recognized institutions of Torrey Pines Institute of Molecular Studies, the Burnham Institute, and SRI, Inc. to further the State of Florida's Life Science Industry. Countywide (DW)

6. REGULAR AGENDA

B. AIRPORTS

1. Staff recommends motion to:

A) approve the Request for Proposal (RFP) for Lantana Commercial Land Development including the Development Site Lease Agreement (Lease) to develop 19.11 acres of property located on Palm Beach County Park Airport (Lantana Airport); and

B) authorize staff to modify the RFP and/or the Lease based on the public pre-proposal conference and negotiations with the selected proposer.

SUMMARY: Staff recommends an RFP process to select the most qualified developer to lease 19.11 acres of property on Lantana Airport. The Department of Airport's Master Plan has identified the parcel to be used for commercial development. On December 13, 2006, the Aviation and Airports Advisory Board (AAAB) approved a motion to proceed with the RFP. Development must comply with all zoning regulations. The Lease prohibits residential use, pawn shops, religious institutions, adult entertainment of any nature and certain educational facilities. The Department of Airports will conduct a public, mandatory pre-proposal meeting to answer questions pertaining to the RFP. Based on proposers' input, staff may modify the RFP and/or Lease to insure competition. All attendees will be formally noticed of any changes. The BCC and County Administrator will be notified by letter of any significant changes. To qualify, a proposer must have experience (within the last 5 years) in the development and leasing of one or more commercial/retail properties consisting of not less than a total of 500,000 square feet. Based on written proposals and oral presentations, a Selection Committee will evaluate and rank the proposals based on predetermined criteria listed in the RFP: monetary rent payment to the County, development experience, and project approach. The five (5) member Selection Committee is anticipated to be two (2) County representatives, two (2) AAAB members, and a representative from the City of Atlantis. The Lease will be returned to the BCC for final review and approval. Any significant changes to the process or Lease will be highlighted for the BCC Review. The final Lease is also subject to review and approval by the FAA. Staff has established \$1,000,000 per year as the minimum rent based on independent appraisal and Federal Aviation Administration guidelines. Rent proposals exceeding the minimum will be given extra consideration in the selection scoring. The Department is currently re-appraising the property which may alter this minimum. Rent shall be escalated throughout the life of the agreement using a combination of fixed increases, CPI increases and re-appraisals. Lease term will be limited to a maximum of 75 years. Countywide (LMB)

6. REGULAR AGENDA

C. COUNTY ATTORNEY

1. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida amending Resolution No. R88-1375, as amended by Resolution Nos. R93-871, R94-1452, R95-178, R95-704, R96-198, R97-604, R99-341, R2000-1218, R2001-0421, R2002-1463, R2003-0232, R2003-1982, R2004-1619, R2005-1273, R2006-0506 and R2006-1176, which set forth the County Investment Policy, further amending the Investment Policy provisions related to the performance measurement benchmark applicable to the County's investment portfolio. **SUMMARY:** This amending Resolution changes the current performance measurement benchmark for the County's investment portfolio from the Rolling 48-Month Moving Average of the yield of the 2-Year Constant Maturity Treasury (CMT) index to the yield of the 24-Month Moving Average of that index. The Investment Policy Committee recommends this change because the revised benchmark is a more appropriate one for the County's portfolio. This change will not affect the County's investment strategy. Countywide (PFK)

2. **Staff recommends motion to approve:** format and use of Disclosure Statement for Commissioners and their family members and Disclosure of Ownership Interests for certain business entities and individuals seeking to do business with Palm Beach County. **SUMMARY:** The disclosure forms were prepared in response to Commission requests for greater transparency in government decision making. The Disclosure Statement for Commissioners and their family members requires each commissioner to identify, among other things, employers, business interests, and real property holdings of the commissioner, his or her spouse, and children. The Disclosure of Ownership Interests must be completed on behalf of an individual or business entity that seeks to do business with the County. It applies to all contracts in excess of \$200,000 that must be approved by the BCC. It does not apply to contracts awarded solely on the basis of sealed bid, or to change orders. In addition, disclosure is not required for publicly traded corporations, non-profit corporations, or government agencies. Upon BCC approval, this form will be included in future agenda items. Also for your information are two (2) forms recently developed by the Planning and Zoning Divisions. These require identification of ownership interests in applicants and landowners connected with development order applications. Countywide (LB)

3. **Staff recommends motion to adopt:** a Resolution approving the sale of not-to-exceed \$18,000,000 Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Refunding Bonds (LaCosta Apartments Project) (the "Bonds") within the meaning of Ordinance No. 2002-022, and providing an effective date. **SUMMARY:** The Bonds are being issued by the Authority to refinance the costs of acquisition, construction and equipping of a 328-unit multifamily rental housing facility known as LaCosta Apartments (formerly known as Mahogany Bay Apartments) (the "LaCosta Apartments Project"), to be rented by qualified persons and families in Palm Beach County, Florida, as required by the Internal Revenue Code of 1986, as amended (the "Code"), through the refunding of the Authority's aggregate principal amount of \$18,000,000 Weekly Adjustable/Fixed Rate Multifamily Housing Revenue Refunding Bonds, Series 1988C (Mahogany Bay Apartments Project), the proceeds of which were used to refinance the costs of the acquisition, construction and equipping of the LaCosta Apartments Project. The Project is located at 4301 Mahogany Drive, in Boynton Beach, Florida, in Palm Beach County, Florida. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** District 3 (PFK)

6. REGULAR AGENDA

C. COUNTY ATTORNEY (Cont'd)

4. Staff recommends motion to adopt: a Resolution approving the sale of not-to-exceed \$11,550,000 Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Refunding Bonds (Palm Gardens Apartments Project) (the "Bonds") within the meaning of Section 147(f) of the internal Revenue code of 1986, as amended (the "Code") and approving the sale of the Bonds within the meaning of Ordinance No. 2002-022, and providing an effective date. **SUMMARY:** The Bonds are being issued by the Authority to finance the costs of acquisition, construction and equipping of an 80-unit multifamily rental housing facility known as Palm Gardens Apartments, located at 4th Avenue North and North A Street in Lake Worth, Florida, to be rented by qualified persons and families in Palm Beach County, Florida, as required by the Code. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** District 7 (PFK)

D. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: the conceptual Transfer of the deed for Jupiter Gardens (Kennedy Estates) consisting of approximately 5.6 acre parcel of land to the Community Land Trust of Palm Beach County (CLT of PBC). **SUMMARY:** This conceptual approval will allow the transfer of County owned land to the CLT of PBC for development of 27 affordable housing units once the entity receives a 501(C)(3) tax exempt designation from the Internal Revenue Service. Actual conveyance of the title to the property will require BCC approval at a later date. The Jupiter Gardens parcel is located in Section 3, Township 41 South, Range 42 East, Palm Beach County, Florida. The land is commonly known as Kennedy Estates and is situated in unincorporated Palm Beach County east of I-95, just south of Indiantown Road. Countywide (TKF)
2. Staff recommends motion to approve: a Release of Restrictions for Hope House of the Palm Beaches, Inc., releasing them from two (2) Declarations of Restrictions executed in favor of Palm Beach County, in exchange for payment \$101,534.56. **SUMMARY:** On November 4, 1997, and on October 19, 1999, Palm Beach County entered into two (2) agreements with Hope House of the Palm Beaches, Inc. (Hope House) allocating \$44,000, and \$75,000, respectively, from its Federal Community Development Block Grant (CDBG) funds. No County funds were used. These funds were allocated for improvements to the buildings at Kings Court (located on Wedgewood Way in unincorporated West Palm Beach) where housing was provided to women with HIV/AIDS and their dependent children. A Declaration of Restrictions was executed by Hope House in favor of Palm Beach County to secure the amount funded under each agreement, and the two (2) Declarations of Restrictions were recorded in the public records encumbering the property then owned by Hope House. Of the total \$119,000 allocated, \$101,535 were expended on the improvements needed by Hope House (the remaining unexpended funds reverted to the County). The requested Release of Restrictions will remove the encumbrances in exchange for the receipt of a reimbursement of the expended amount. District 6 (TKF)

6. REGULAR AGENDA

D. **HOUSING & COMMUNITY DEVELOPMENT (Cont'd)**

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

A) the creation of one (1) full-time Fiscal Manager I position within Housing and Community Development (HCD) to be funded with Community Development Block Grant (CDBG) and State Housing Initiatives Partnership (SHIP) program funds; and

B) a Budget Transfer of \$88,540 in the Housing and Community Development Fund from Contributions Non-Governmental Agencies to cover the cost of the new position.

SUMMARY: The Fiscal Manager I position is required to oversee the Fiscal Section of HCD. The position is required by HCD because of: significantly increased responsibilities of its Fiscal Section; difficulties being experienced in reconciling financial data with some grant funders; and the increasing need to effectively plan to meet HUD's fiscal benchmarks. The Fiscal Manager I will be hired at Pay Grade 42 with a salary range of \$58,004.96 to \$87,969.44, excluding benefits. Since the position will oversee the financial management of all funds received and administered by HCD, salaries and benefits associated with the position will be borne by the Department's flagship programs, that is, the CDBG Program and the SHIP Program. Per regulations, up to 20% of the annual CDBG grant received by the County may be used to cover administrative costs. The SHIP program allows use of up to 10% of the annual grant for administrative expenses; however, this percentage may be increased through a stipulation regarding the use of program income. **This position will be funded with Federal and State grants. Countywide (TKF)**

E. **HUMAN RESOURCES**

TIME CERTAIN – 9:30 A.M.

1. **Staff recommends motion to adopt:** Presentation of annual Service Awards to two hundred ninety-six (296) County employees with 20, 25, 30 and 35 years of service. **SUMMARY:** This is Palm Beach County's 41st Annual Service Awards Ceremony to honor County employees for their dedicated service. Countywide (MC)

F. **CRIMINAL JUSTICE COMMISSION**

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

A) the establishment of a Crime Prevention Project Specialist position at a pay grade 36; and

B) a Budget Transfer of \$38,193 in the Crime Prevention Fund to establish budget for expenditures.

SUMMARY: The Criminal Justice Commission on February 26, 2007, approved the use of Crime Prevention Trust Funds to establish a Countywide Crime Prevention Specialist position for coordination of the adult and youth councils that are being established in the community as a component of the youth violence prevention initiative. Using the Bureau of Justice/National Crime Prevention Council practices as a model, the position will coordinate the recruitment, training and activity of the councils to ensure that they partner to best use and share limited resources, are accountable, enlist partnerships with the business community, find and maintain community support and find ways to recruit, train and maintain volunteers. This will increase the department's complement by one (1) position. The continuation of this position is contingent upon sufficient funding from the Crime Prevention Trust Fund. Countywide (DW)

6. REGULAR AGENDA

G. SHERIFF

TIME CERTAIN – 11:00A.M.

1. **Sheriff recommends motion to approve:** Budget Amendment of \$11,000,000 in the General Fund to fund an accelerated time line for the Mobile Data Project to equip deputy vehicles with modern data technology systems, and to fund the purchase of replacement vehicles which are used to provide law enforcement services. **SUMMARY:** The multi-year Mobile Data Project was initiated in the latter part of FY 2006 with a five (5) year implementation time line. Additional funding is needed in the current budget year to comply with the Board of County Commissioners' request at the FY 2007 budget hearings to accelerate the year by which the Palm Beach County Sheriff's Office is equipped with this modern crime prevention and crime fighting technology. The accelerated schedule will allow for laptop technology in deputy vehicles to be implemented earlier. The \$5,700,000 additional funding is requested for FY 2007. The balance of the budget amendment, \$5,300,000, is required to continue the on-going initiative to bring the fleet of deputy vehicles up to readiness regarding age of vehicle and cumulative mileage. The additional funding requested will address part of the backlogged routine replacement. Countywide (DW)

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7. BOARD APPOINTMENTS

A. **ADMINISTRATION**
(Health Facilities Authority)

1. **Staff recommends motion to approve:** appointment of one (1) individual to the Health Facilities Authority to complete a four (4) year term, which expires April 30, 2007, plus an additional four (4) term from May 1, 2007, through April 30, 2011:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Tenna Wiles	5	Resident of PBC	Comm. Koons Comm. Greene

SUMMARY: Per Chapter 154.207, Florida Statutes and Resolution Nos. R77-379, R77-398 and R92-563, the Health Facilities Authority is composed of five (5) members appointed at-large by the Board of County Commissioners (BCC). A memo dated February 9, 2007, was circulated to the BCC notifying the BCC that Jeannette Corbett (Seat No. 5) had resigned and that Ms. Tenna Wiles, Executive Director, Palm Beach County Medical Society expressed interest in filling the vacancy. The above Commissioners have nominated Ms. Wiles. No other nominations were received. Countywide (TKF)

(Workforce Alliance, Inc.)

2. **Staff recommends motion to approve:** reappointment of Robert Alt for a term beginning on March 13, 2007 to January 31, 2010:

<u>Nominee</u>	<u>Seat No.</u>	<u>Area of Representation</u>	<u>Position/Employer</u>	<u>Nominated by</u>
Robert Alt	15	Organized Labor Ironwork LU 402 Apprenticeship	Training Director	Palm Beach/ Treasure Coast AFL/CIO

SUMMARY: The membership of Workforce Alliance, Inc. (Alliance) conforms to the requirements of the Workforce Investment Act (WIA) of 1998, and the Workforce Innovation Act of 2000. The Workforce Investment Act of 1998 requests that an emphasis be placed on CEO's or highest level of management positions for both community and business sector appointments. Countywide (TKF)

7. BOARD APPOINTMENTS

B. **CRIMINAL JUSTICE COMMISSION**
(Palm Beach County Criminal Justice Commission)

1. **Staff recommends motion to approve:** appointment of one (1) private sector nominee to the Criminal Justice Commission, effective March 13, 2007 through December 31, 2009.

<u>Nominee</u>	<u>Seat No.</u>	<u>Term to Expire</u>
William L. Kramer	33	12/31/09

SUMMARY: The Criminal Justice (CJC) is comprised of 33 members including elected officials and representatives from private and public sectors. The twelve (12) private sector members are nominated for three (3) year terms by the Economic Council of Palm Beach County, Inc., and appointed by the Board of County Commissioners. The Council has nominated Mr. William L. Kramer for appointment effective March 13, 2007. Countywide (DW)

C. **COMMISSION DISTRICT APPOINTMENTS**

MARCH 13, 2007

8. MATTERS BY THE PUBLIC – 2:00 P.M.

MARCH 13, 2007

9. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

MARCH 13, 2007

10. 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

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

11. ADJOURNMENT

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

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

MARCH 13, 2007

<u>PAGE</u>	<u>ITEM</u>	
7	3A-4	<p><u>REVISED TITLE:</u> Staff recommends motion to approve:</p> <p>A) an Interlocal Agreement with the City of South Bay totaling \$60,000 for the South Bay Park of Commerce for predevelopment costs; and</p> <p>B) a Budget Transfer of \$60,000 from the Capital Outlay Fund to the Economic Development Fund; <u>and</u></p> <p>C) <u>a Budget Amendment of \$60,000 to recognized the transfer from Community Revitalization and appropriated to the City of South Bay.</u></p>
10	3C-9	<p><u>DELETED:</u> Staff recommends motion to approve: A) a Tender Agreement between Palm Beach County, Carolina Casualty Company, J.W. Cheatham, Inc., and Petro Hydro, Inc., relating to Project No. 2003600, State Road 80 and Forest Hill Boulevard intersection improvements; and ... (Further staff review) (Engineering)</p>
13	3E-3	<p><u>REVISED TITLE:</u> Staff recommends motion to approve:</p> <p>A) Contract with United Way of Palm Beach County, Inc. (United Way) and Palm Beach County Disaster Recovery Coalition, Inc. (Disaster Recovery Coalition) for the period October 1, 2006, through September 30, 2007 in an amount not-to-exceed \$125,000 to provide disaster recovery services; and</p> <p>B) Budget Amendment <u>Transfer</u> of \$125,000 in the General Fund, Human Services.</p>
13	3E-6	<p><u>REVISED TITLE:</u> Staff recommends motion to approve:</p> <p>A) Contract with the Area Agency on Aging Palm Beach/Treasure Coast, Inc. (AAA) to provide disaster preparedness and response services for the period October 1, 2006, through September 30, 2007, in an amount not-to-exceed \$125,000; and</p> <p>B) Budget Amendment <u>Transfer</u> of \$125,000 <u>\$25,000</u> in the from General Fund, Human Services <u>Financially Assisted Agency Unallocated to County Sponsored Programs Area Agency on Aging.</u></p>
26	3Z-1	<p><u>REVISED SUMMARY:</u> The Excess Property & Liability Insurance Program currently provides excess layers of property insurance totaling \$150 million inclusive of the County's \$1,000,000 self-insured retention and excess layers of liability insurance totaling \$6 million inclusive of the County's \$500,000 self-insured retention. . . . Sufficient funds are budgeted in FY 2008 <u>2007</u> for this coverage. <u>Countywide</u> (TKF)</p>

- 27 3Z-2 **REVISED TITLE & SUMMARY:** Staff recommends motion to approve: renewal of the Excess Automobile Liability Insurance Policy from State National Insurance Company, purchased through the County's contracted broker, Arthur J. Gallagher & Co., under Contract No. 05-102/LJ, in the amount of ~~\$335,750~~ \$340,000 for the operation of Palm Tran, Inc's bus fleet for the period April 1, 2007, through April 1, 2008. **SUMMARY:** This policy from State National Insurance Company provides \$2,000,000 of coverage excess of a \$100,000 per claimant/\$200,000 per occurrence self-insured retention that is provided by the Self-Insured Retention Plan. The renewal premium is ~~\$335,750~~ \$340,000 an increase of ~~8%~~ 9%. This premium is not subject to adjustment for changes in the size of the fleet during the policy period.
- 28 3CC-1 **REVISED SUMMARY:** The Palm Beach County Film and Television Commission contract for FY '07 was approved by the BCC on September 12, 2006 (R2006-1991). The Film and Television Commission is amending the Agreement to fund \$20,000 for advertising, travel and public relations in marketing the Palm Beach International Film Festival for Palm Beach County. The Amendment increases the contract from \$613,000 to \$633,000 and maintains prior years funding level of \$30,000. Countywide (MC)
- 29 4A **MOVED TO 10G/Commissioner Comments:** Proclamation declaring March 23, 2007 as "Alexander W. Dreyfoos Day" in Palm Beach County. (Sponsored by Commissioner Greene)
- 29 4I **ADD-ON:** Certificate of Recognition to the Solid Waste Authority for receiving the Distinguished Budget Presentation Award from the Government Finance Officers Association. (Sponsored by Commissioner Greene)
- 33 6A-7 **ADD-ON: Staff recommends motion to authorize:**
- A)** Staff to take all actions necessary to repeal or amend, as appropriate, the Comprehensive Plan Ordinances related to the Scripps approval on the Mecca property; and
- B)** Staff to negotiate the use of the Mecca property for agricultural purposes pending clarification of regional development issues and development concepts for the Mecca property.
- SUMMARY:** This is intended to strip development approvals that were obtained to allow the development of the Mecca property for the Scripps project. This would return the property to the prior development level of RR10 (1 unit in 10 acres). This recommendation is made to alleviate timing pressures caused by continuing legal action due to the Scripps approval, and because we do not think it is possible to preserve traffic capacity associated with the Scripps approval for even reduced development use. Also, the continuing uncertainty of other area development matters including the Sector Plan and Callery-Judge has made it impossible for staff to take definitive positions in settlement negotiations with Department of Community Affairs (DCA) and other parties. While this recommendation might seem to delay the sale of Mecca, it will relieve Staff of wasteful effort, should end outstanding legal actions and will provide the time required for a more rational approach as to how to eventually maximize the County's benefit from owning the Mecca property. In the meantime, agricultural use is recommended. District 1 (ATP)
- 37 6F-1 **REVISED TITLE:** Staff recommends motion to approve:
- A)** the establishment of a Crime Prevention Project Specialist position at a pay grade ~~36~~ 34; and ... (CJC)

- 38 6G-1 **DELETED: Sheriff recommends motion to approve:** Budget Amendment of \$11,000,000 in the General Fund to fund an accelerated time line for the Mobile Data Project to equip deputy vehicles with modern data technology systems, and to fund the purchase of replacement vehicles which are used to provide law enforcement services. (Sheriff requested deletion) (Sheriff)
- 38 6H-1 **ADD-ON, TIME CERTAIN 11:30 A.M.: Staff requests Board direction:** regarding the action plans presented by the subcommittees of the Budget Advisory Committee. **SUMMARY:** The Budget Advisory Committee established four (4) subcommittees to focus on; Budget Process, Operating Budgets, Capital Budgets, and Performance Measures. The subcommittees, which have one (1) member each, have developed proposed plans of action for carrying out their intended research activities. The Budget Advisory Committee is requesting Board direction concerning the proposed plans of action to determine that the proposed plans are in accordance with the desires of the County Commission. Countywide (PFK)

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 (*).