

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

JULY 10, 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 - 39)**

- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 40)**

- 5. PUBLIC HEARINGS - 9:30 A.M. (Pages 41 - 43)**
TIME CERTAIN 10:00A.M. (Palm Beach Transportation Communications Center) (Page 43)

- 6. REGULAR AGENDA (Pages 44 - 48)**

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SPECIAL PRESENTATIONS - 9:30 A.M.

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PUBLIC HEARINGS - 9:30 A.M.

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to receive and file:** Resolution No. R11-2007 by the Town Commission of the Town of Manalapan, Florida to support House Bill 1363 entitled "Organized Criminal Activity".

2. **Staff recommends motion to approve:** a Budget Amendment of \$2,947,615 in the Capital Improvement Fund to recognize the donation from the City of Palm Beach Gardens to the Scripps/Briger Building Construction (CIP) Project. **SUMMARY:** The City of Palm Beach Gardens adopted a Resolution (27-2006) on February 13, 2006, expressing continued support for Scripps Florida to locate on the FAU John D. MacArthur Campus and Briger parcel. The City committed \$3,000,000 for infrastructure improvements, concurrency reservation, and/or land purchase costs for the acquisition of approximately 70 acres within the Briger property. The Agreement also required the City to obtain due diligence on the property at the County's request and permitted the City to deduct the actual costs of \$52,385 of the due diligence from the reimbursement payment. Countywide/District 1 (JM)

3. **Staff recommends motion to adopt:** a Resolution by the Board of County Commissioners of Palm Beach County, Florida, amending Resolution No. R2005-1921 to increase the number of members on the Overall Economic Development Program (OEDP) Committee from twenty-five (25) to thirty-one (31) members. **SUMMARY:** This Resolution will amend Section 6: Membership to allow for thirty-one (31) committee members by adding the following six (6) new Seats:
 1. The Palm Beach County Department of Airports - Seat No. 24;
 2. The Florida Inland Navigation District - Seat No. 25;
 3. The World Trade Center Association Palm Beach, Inc. - Seat No. 26;
 4. A North County Business Representative - Seat No. 27;
 5. A South County Business Representative - Seat No. 28; and
 6. A Cluster Industry Representative - Seat No. 29.

These new Seats will add an important dimension to the Overall Economic Development Program (OEDP) Committee, reflecting the growth of Palm Beach County and contributing to the future implementation of the Strategic Economic Development Plan. The OEDP Committee supports this recommendation. Countywide (DW)

4. **Staff recommends motion to approve:** First Amendment to the Agreement (R2006-2160) with Palm Beach County Housing Authority for the Neighborhood Partnership Grant (NPG) Program. **SUMMARY:** The Palm Beach County Housing Authority requested the County amend their NPG Agreement (R2006-2160), to revise the political entity reference from a Florida not-for-profit corporation to a Florida Special District of the State of Florida and amend the name of their Executive Director from Barry F. Seaman to Joe Zalman. District 6 (AH)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

- 5. **Staff recommends motion to approve:** participation in an amount not-to-exceed \$6,000 by the Office of Small Business Assistance (\$2,000), Department of Airports (\$2,000) and Palm Tran (\$2,000) in the Palm Beach Partners 2007 Matchmaker Conference & Expo to be held on September 18, 2007 in the Palm Beach County Convention Center. **SUMMARY:** The Office of Small Business Assistance, Department of Airports and Palm Tran are participating with the School District, South Florida Water Management, the City of West Palm Beach and the Center for Technology, Enterprise & Development, Inc., (TED Center) to present the 2007 Matchmaker Conference & Expo (a statewide conference). The conference and expo will provide Small Business Enterprise owners an opportunity to collaborate with larger business, in an effort to increase business opportunities and knowledge of programs afforded by the above listed governmental partners. Countywide (TKF)

B. CLERK & COMPTROLLER

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Regular	April 10, 2007
Regular	May 15, 2007

- 3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
- 4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during May 2007. Countywide
- 5. **Staff recommends motion to review for sufficiency and to receive and file:** Report of County Officials Bonds for the Board's examination as to the sufficiency of the sureties; dated June 2007. **SUMMARY:** Ordinance 98-51 sets various bond amounts for specified county officers and provides for examination of the sufficiency of all the bonds at the regular meeting of the Board of County Commissioners in January and June of each year. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve:

A) a Reimbursement Agreement in the amount of \$16,000 with the Valencia Lakes Homeowners Association to reimburse the Association for costs incurred removing brick pavers and re-asphalting; and

B) a Budget Transfer of \$16,000 in the Transportation Improvement Fund from Reserve for District 5 to brick paver removal from Valencia Lakes at Hagen Ranch Road – District 5.

SUMMARY: This Agreement will reimburse the Association for costs incurred as a result of removing brick pavers from their entrance road. The brick pavers will be replaced with asphalt resurfacing so the County can install signal detection loops in the egress lanes to accommodate the signal installation. District 5 (MRE)

2. Staff recommends motion to approve:

A) a Reimbursement Agreement in the amount of \$16,000 with the Avalon Estates Homeowners Association to reimburse the Association for costs incurred removing brick pavers and re-asphalting; and

B) a Budget Transfer of \$16,000 in the Transportation Improvement Fund from Reserve for District 5 to brick pavers removal from Avalon Estates at Hagen Ranch Road – District 5.

SUMMARY: This Agreement will reimburse the Association for costs incurred as a result of removing brick pavers from their entrance road. The brick pavers will be replaced with asphalt resurfacing so the County can install signal detection loops in the egress lanes to accommodate the signal installation. District 5 (MRE)

3. Staff recommends motion to approve: Change Order No. 2 in the amount of \$14,350, together with a 20-day time extension to Contract No. R2006-2350 with J.W. Cheatham, LLC for construction of Persimmon Boulevard South Extension from 110th Avenue North to Okeechobee Boulevard. **SUMMARY:** Change Order No. 2 is compensation for additional costs and delays resulting from an error in the survey control points furnished to the contractor. Districts 2 & 6 (MRE)

4. Staff recommends motion to approve: the Second Amendment to Agreement R2004-1620, for professional consulting services with Kimley-Horn and Associates, approved on July 13, 2004. **SUMMARY:** This Agreement provides for professional services to develop a database showing the traffic from all approved projects. The database will be used for future concurrency traffic studies and a new five (5) year built-out test. The goal for Small Business Enterprise Minority/Women Business Enterprise (SBE/MBE) is 15%. The actual participation level is 20% for SBE/MBE, achieved through their sub-consultant, M.T.P. Group, Inc. This Agreement will extend the date for completion of the work from July 31, 2006 to July 31, 2007, and allow for reallocation of budget amounts among the various labor and direct expense tasks to better balance the project effort with task budgets. Countywide (LB)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

5. Staff recommends motion to approve: a \$1,073,440.70 Contract with Rosso Paving & Drainage, Inc., the lowest responsive, responsible bidder, for the construction of Yamato Road from west of Cain Boulevard to west of S.R. 7 (Project). **SUMMARY:** This Contract will provide all the work necessary to construct the Project. The Small Business Enterprise (SBE) goal for the Project is 15% overall. The SBE participation committed for the project by Ranger Construction South, the low bidder, is 0.00% overall and does not meet the SBE requirement for this Project. The second low bidder, Rosso Paving & Drainage, Inc., has met the SBE requirement (52%) for this project and their bid falls within the limit for ranking of responsive bidder consideration (\$64,675.15 more than the Ranger bid). District 5 (MRE)

6. Staff recommends motion to approve:
 - A) a Contract with Charles S. Whiteside, Inc., in the amount of \$2,299,451.25, for the construction of the Westgate North Infrastructure Improvements – Phase 3 (Project); and
 - B) Change Order No. 1 for a forty-five (45) day contract extension.

SUMMARY: Phase 3 of the Project includes sidewalk construction, roadway paving, retention area excavation, drainage piping, potable water modifications and installation of sanitary sewer improvements to portions of Cherokee Avenue, Genesee Avenue and Seminole Boulevard. This Project is federally funded and the Contractor has met the requirements of the Davis-Bacon Act and Federal Wage requirements. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the project by Charles S. Whiteside, Inc., is 15.20% overall. District 2 (MRE)

7. Staff recommends motion to approve: a Reimbursement payment to the South Indian River Water Control District (SIRWCD) for a share of repair costs to damaged drainage easements and canal outfalls shared by the County within their District. **SUMMARY:** The County's portion of the shared cost for storm damaged drainage easements and canal outfalls caused by Hurricanes Frances, Jeanne and Wilma is \$163,000 funded from the County's Transportation Trust Fund. Countywide (MRE)

8. Staff recommends motion to adopt: Resolutions declaring the acquisition of property designated as Parcel 135 as a whole-take in fee simple for the retention pond; Parcels 132 and 133 as partial takes in fee simple for the necessary Right-of-Way; Parcels 105, 106, 107, 108, 109, 111, 113, 117, 119, 121, 125, 129, 130 and 159 as perpetual Right-of-Way Easements; Parcels 205, 206, 208, 221, 225, 229, 230, 232, 233, 236, 239, 248, 249, 252, 253, 255, 256, 258 and 259 as perpetual Embankment Easements; Parcels 305, 307, 311, 313, 317, 319, 333, 340, 341, 342, 343, 344, 345, 346, 354, 356, 357, 358, 362, 363 and 364 as Temporary Construction Easements, necessary for the construction and improvement of Northlake Boulevard from east of Seminole Pratt Whitney Road to east of Coconut Boulevard, to be a public necessity, authorizing the selection of appraisers and filing of Eminent Domain proceedings. **SUMMARY:** This action will initiate Eminent Domain proceedings against fifty-seven (57) parcels comprising of a retention pond, right-of-way and easements with an appraised value of \$2,859,080. This will also change previous Board direction. The County will not pursue eminent domain on the 10-acre site (Boose/Elmore) as previously directed by the Board in January, instead we will be acquiring an adjacent 13-acre parcel (Parcel 135). Districts 1 & 6 (PM)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

9. **Staff recommends motion to approve:** an Agreement with Bay Hill Estates Property Owners Association Incorporated for traffic control jurisdiction to be performed by the Sheriff's Office. **SUMMARY:** This Agreement authorizes the Palm Beach County Sheriff's Office to provide traffic control enforcement services within the above-referenced private residential community. District 6 (MRE)

10. **Staff recommends motion to approve:** a County Deed in favor of Joan H. Woodson for the northern most portion of a parcel known as Pine Tree Drive in Tequesta. **SUMMARY:** This item will convey title of County-owned property, being the northern most portion of a parcel known as Pine Tree Drive, to the adjacent property owner. This portion is not a roadway and is not maintained by Palm Beach County. District 1 (PFK)

11. **Staff recommends motion to approve:** a License Agreement with the School Board of Palm Beach County (School Board), which is necessary for the eight (8) lane widening of Okeechobee Boulevard, west of State Road 7 to west of Jog Road project. **SUMMARY:** This action approves a License Agreement with the School Board which is required for school entrance road adjustments on the Okeechobee Boulevard, west of State Road 7 to west of Jog Road project. Districts 2 & 6 (PFK)

12. **Staff recommends motion to approve:** an Agreement with The Signal Group, Inc., the lowest responsive, responsible bidder, for a Contract not-to-exceed the total value of \$405,655 for task orders, which may be issued for the Annual Traffic Signal Loop Detectors Contract. **SUMMARY:** The Annual Traffic Signal Loop Detectors Contract consists of the installation and/or furnishing of traffic detection loop items as needed on roadways countywide. The Small Business Enterprise (SBE) goal for the Project is 15%. Neither of the two (2) bidders, The Signal Group, Inc. nor Roadway Technologies, LLC, met the SBE requirement for this Project. Countywide (MRE)

13. **Staff recommends motion to approve:** a Termination of Declaration of Maintenance Covenants. **SUMMARY:** Approval of this action will provide for the termination of the Declaration of Maintenance Covenants previously recorded by the property owner, Herbert F. Kahlert, individually, and as Personal Representative of the Estate of Heinz Kahlert and Karl A. Kahlert et al, in accordance with the requirements of Condition E3 of Palm Beach County Zoning Petition PDD 1999-035. The owner was required to install and maintain landscaping within the median strip of Jog Road at its intersection with Woolbright Road and file this covenant. This median strip on the owner's frontage is limited to a concrete traffic separator. The Declaration of Maintenance Covenants was recorded in the Official Records of the Clerk of Palm Beach County, Official Record Book 12968 Page 0912. Subsequently, in October of 2004, the Board of County Commissioners of Palm Beach County (BCC) directed staff not to require developers to install median separator cutouts any longer. This ended the requirement of median maintenance in this case and the Median Maintenance Covenants became unnecessary. District 5 (PFK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

14. Staff recommends motion to approve: an Agreement with the Boca 54, LLC to provide funds of up to \$2,000,000, which will be reimbursed by the State of Florida Office of Tourism, Trade, and Economic Development (OTTED), for off-site roadway improvements associated with the new Office Depot Headquarters. **SUMMARY:** This Agreement will allow Palm Beach County to pay Boca 54, LLC for the cost of off-site improvements required for the Office Depot Headquarters. The funds will be reimbursed to the County by a grant for Economic Development Transportation Funds (EDFT) from OTTED for off-site roadway improvements required for the Office Depot Headquarters. District 4 (MRE)
15. Staff recommends motion to approve:
- A)** a Budget Transfer of \$241,055 in the Unincorporated Fund from Reserves to 60th Street Bridge over the "M" Canal (Project);
- B)** a \$129,211 Task Agreement with Keshavarz & Associates (KAI), to provide engineering surveying, permitting, and geotechnical services for the Project; and
- C)** a \$48,546 Task Agreement with Bridge Design Associates, Inc. (BDA) for structural engineering services for a bridge over the 'M' Canal.
- SUMMARY:** The Budget Transfer will provide funds for the engineering services required for the preparation of plans and specifications for the Project. The Project is a Municipal Service Taxing Unit (MSTU) Street Improvement Project, and the benefiting property owners to the west of the Project will be assessed 50% of the project design and future construction costs, currently estimated at \$1.84 million dollars. District 6 (PFK)
16. Staff recommends motion to approve: a Budget Transfer of \$20,000 in the Transportation Improvement Fund from Reserve for District 5 to Sun Valley Curbing - District 5. **SUMMARY:** The District 5 Transportation Improvement Fund will pay for the requested curbing on El Clair Ranch Road to improve the safety and reduce u-turns in the swales. District 5 (MRE)
17. Staff recommends motion to approve: Budget Transfer of \$750,000 in the Transportation Improvement Fund from Reserve for District 3 to Reserve - Road Program Sweeps. **SUMMARY:** This Budget Transfer provides additional funding for road program projects from District 3 unallocated reserve. District 3 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

18. Staff recommends motion to approve:

A) an Interlocal Agreement in the amount of \$134,000 with the City of Delray Beach for future road work on Barwick Road, in association with the transfer of jurisdictional responsibility of the road to the City of Delray Beach; and

B) a Budget Transfer of \$134,000 in the Transportation Improvement Fund from Reserve for District 4 to the City of Delray Beach for Barwick Road.

SUMMARY: The City of Delray Beach has agreed to assume maintenance responsibility for Barwick Road from West Atlantic Avenue, north to the Lake Worth Drainage District (LWDD) L-30 Canal. The Budget Transfer is to provide the City of Delray Beach (City) with funding for the resurfacing of the road and the installation of a traffic separator, both of which were scheduled to be done in the near future. District 4 (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: Amendment No. 1 to the Agreement (R2007-0021) with the law firm of Ruden McClosky Smith Schuster & Russell, P.A., to provide bond counsel and related legal services for the \$105 million Public Improvement Revenue Bonds, Series 2007 (Biomedical Research Park Project). **SUMMARY:** The law firm was selected as bond counsel for the above financing by the Board at the June 5, 2007 meeting. This Amendment No. 1 confirms that selection by amending the existing Agreement for bond counsel and related services between Palm Beach County and the law firm. Payment for the legal services in connection with the bond issuance will be as provided for in the Agreement. Countywide (PFK)

2. Staff recommends motion to approve: Amendment No. 1 to the Agreement (R2007-0020) with the law firm of Hogan & Hartson LLP, to provide disclosure counsel and related legal services for the \$105 million Public Improvement Revenue Bonds, Series 2007 (Biomedical Research Park Project) (the "Bonds"). **SUMMARY:** The law firm was selected as disclosure counsel for the Bonds by the Board at the June 5, 2007 meeting. This Amendment No. 1 confirms that selection by amending the existing Agreement for bond counsel and related services between the County and the law firm. Payment to the law firm for the legal services in connection with the disclosure counsel services will be at 50% of the amount paid to bond counsel for the Bonds. Countywide (PFK)

3. Staff recommends motion to approve: execution of a Quit-Claim Deed to Jeffrey Lawrence Kugler and Elizabeth M. Smart-Kugler, husband and wife, conveying any County interest in certain rights-of-way in Palm Beach Farms Plat No. 3. **SUMMARY:** Recent recorded quit-claim deeds to the County from West Peninsular Title Company and Absolute, Inc. have raised a title issue. County Quit-Claim Deeds have been used to resolve this title issue with other affected property owners. This Quit-Claim Deed covers certain Palm Beach Farms Plat No. 3 strips that had lost public dedication through the West Peninsular federal lawsuit. The property is located at 562 Whippoorwill Way, West Palm Beach, Florida. District 6 (PFK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

4. **Staff recommends motion to approve:** First Amendment to Agreement with Billing, Cochran, Heath, Lyles, Mauro & Anderson, P.A., for Legal Services (R2006-0539) in a law suit relating to countywide fire rescue dispatch funding. This First Amendment increases the not-to-exceed amount by One Hundred Thousand Dollars (\$100,000) for fees and Five Thousand Dollars (\$5,000) for costs, for a total not-to-exceed contract amount of Two Hundred Thirty Thousand Dollars (\$230,000) for legal services at trial, rehearing, and all appellate levels. This contract is effective retroactively to February 1, 2007. **SUMMARY:** Pursuant to the Agreement dated April 4, 2006, between the parties for legal services (R2006-0539), the law firm of Billing, Cochran, et. al. was engaged to represent the County in a law suit initiated by the City of Boca Raton and the City of Delray Beach regarding the manner in which the County has chosen to fund its Countywide Fire Rescue Dispatch System. This law firm has expertise in governmental, constitutional and funding matters and challenges. Additional novel and complex issues arose during the course of litigation, including the intervention by numerous other municipalities, which resulted in additional, substantial time and effort by the law firm. Based upon the law firm's expertise and their knowledge of the issues raised at trial, approval of this First Amendment will allow the law firm to continue to assist the County through rehearing and all appellate levels, should the County decide to pursue an appeal. Countywide (SB)

5. **Staff recommends motion to approve:** Amendment No. 1 to the Agreement (R2007-0024) with the law firm of Edwards Angell Palmer & Dodge LLP, to provide bond counsel and related legal services for the \$165 Million Public Improvement Revenue Bonds, Series 2008, for the jail expansion program and other government facilities (the "Bonds"). **SUMMARY:** The law firm was selected as bond counsel for the above financing by the Board at the June 19, 2007 meeting. This Amendment No. 1 confirms that selection by amending the existing Agreement for bond counsel and related services between Palm Beach County and the law firm. Payment for the legal services in connection with the bond issuance will be as provided for in the Agreement. Countywide (PFK)

6. **Staff recommends motion to approve:** Amendment No. 1 to the Agreement (R2007-0477) with the law firm of Holland & Knight LLP, to provide disclosure counsel and related legal services for the \$165 million Public Improvement Revenue Bonds, Series 2008, for the jail expansion program and other government facilities (the "Bonds"). **SUMMARY:** The law firm was selected as disclosure counsel for the Bonds by the Board at the June 19, 2007 meeting. This Amendment No. 1 confirms that selection by amending the existing Agreement for bond counsel and related services between the County and the law firm. Payment to the law firm for the legal services in connection with the disclosure counsel services will be at 50% of the amount paid to bond counsel for the Bonds. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** Contract with Oakwood Center of the Palm Beaches, Inc. for the period August 1, 2007, through July 31, 2008, in an amount of \$168,847 for 17 permanent housing beds for disabled, homeless individuals. **SUMMARY:** This Contract with Oakwood Center of the Palm Beaches, Inc. is a collaborative with the Division of Human Services funded under a Housing and Urban Development (HUD) Shelter Plus Care Program Grant. The grant provides rental assistance for permanent housing beds for 17 disabled, homeless individuals. No local match is required by the County for this grant. (Human Services) Countywide (TKF)

2. **Staff recommends motion to approve:** Payment for services in a total amount not-to-exceed \$55,000 to the following providers:
 - A) Easter Seals Florida, Inc. in an amount of \$45,000, for early intervention occupational, physical, and speech therapy services for fragile and disabled children ages 0 – 3; and

 - B) Quantum Foundation in an amount of \$10,000, for the Senior Flu Immunization Project administered through the Area Agency on Aging to approximately 2,000 seniors.**SUMMARY:** On July 13, 2006, and September 19, 2006, the Board of County Commissioners approved the list of agencies and funding allocations under the Financially Assisted Agency (FAA) Program and Other County Sponsored, including the above listed agencies. Both agencies provide services and bill the County for the agreed upon amount. Countywide (TKF)

3. **Staff recommends motion to approve:** Contract with Adoption by Shepherd Care for the period July 1, 2007, through June 30, 2008, in the amount of \$100,000, providing for the use of “Choose Life” license plate funds. **SUMMARY:** Adoption by Shepherd Care meets the intent of Section 320.08058(30), Florida Statutes, which requires counties to distribute annual use fees from the sale of “Choose Life” license plates. Services provided are limited by the Statute and involve meeting the physical needs of pregnant women who are committed to placing their children up for adoption. The Contract funding recommended in this item reflects part of the total funds received from the “Choose Life” license plate funds for the 2005 - 2006 fiscal year. Countywide (TKF)

4. **Staff recommends motion to approve:** Amendment No. 1 to Contract (R2007-0747; dated May 15, 2007) with Minority Development and Empowerment, Inc. to change reimbursement method from unit cost to actual cost of service. **SUMMARY:** The Amendment will change the current method of reimbursement from unit cost to actual cost for outreach services. A unit is a per person service as opposed to outreach which involves more than one. There is no change in the dollar amount of the contract. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to approve:

A) the Construction Manager (CM) at Risk Contract with J.F. Houston Construction, Inc. for a term of two (2) years with three (3), one (1) year renewable options in the amount of \$622,158 for miscellaneous repair, replacement and improvement projects at Palm Beach County Glades Airport (Pahokee); and

B) a Budget Amendment of \$497,726 in the Airport's Improvement and Development Fund to recognize grant funding from the Florida Department of Transportation (FDOT); authorize budget of \$622,158 for the first phase of the redevelopment program at Pahokee Airport; which includes a transfer from reserves of \$124,432.

SUMMARY: The Department of Airports requested proposals for CM at Risk Services for Miscellaneous Repair, Replacement and Improvement Projects at Pahokee Airport. Based on this request, two (2) proposals were received on October 18, 2006. On December 20, 2006, the Countywide Selection Committee selected the firm of J.F. Houston Construction, Inc. to provide these services. The services identified and negotiated in this contract include various tasks related to the reconstruction of the T-Hangars at Pahokee Airport in the amount of \$622,158. The services provided in this agreement constitute the first phase of a multi-phase redevelopment program at Pahokee Airport. Certain tasks performed during the term of this Contract will be eligible for State grant participation. The Small Business Enterprise (SBE) goal for this Contract was established at 15%. J.F. Houston Construction, Inc. met 15% SBE participation. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. Staff recommends motion to:

A) approve Termination of the North County General Aviation Airport Hangar Lease Agreement with Barry Aviation Florida, Inc., dated July 21, 2004 (R2004-1665) for Hangar No. 11300-19, effective July 10, 2007 for failure to make required rental payments;

B) approve Termination of the North County General Aviation Airport Executive Hangar Lease Agreement with Barry Aviation Florida, Inc., dated October 18, 1995 (R95-1744D), as assigned on March 19, 1999 (R99-533D) for Hangar No. 11250-8, effective July 10, 2007 for failure to make required rental payments;

C) approve Termination of the North County General Aviation Airport Executive Hangar Lease Agreement with Barry Aviation Florida, Inc., dated January 7, 2003 (R2003-0039) for Hangar No. 11250-2, effective July 10, 2007 for failure to make required rental payments; and

D) authorize the County Attorney's Office to initiate eviction proceedings or other appropriate legal action against Barry Aviation Florida, Inc., if necessary.

SUMMARY: The Board approved the North County General Aviation Airport Hangar Lease Agreement for Hangar No.11300-19 on August 17, 2004; the North County General Aviation Airport Executive Hangar Lease Agreement for Hangar No.11250-8 on December 19, 1995, which was assigned to Barry Aviation Florida; and the North County General Aviation Airport Executive Hangar Lease Agreement for Hangar No. 11250-2 on January 7, 2003. Since January 1, 2007, Barry Aviation Florida has failed to make its monthly rental payments as required by the Lease Agreements. Staff is recommending termination of the Lease Agreements effective July 10, 2007. Although it is unclear whether legal proceedings will be necessary, the Department is requesting the Board to authorize the County Attorney's Office to proceed with appropriate legal action in the event eviction proceedings and/or proceedings for the recovery of unpaid rentals or damages becomes necessary. Countywide (JB)

3. Staff recommends motion to adopt: Resolution delegating authority to the County Administrator or his designee to execute a standard form Executive Hangar Lease Agreement; providing for a variance from the Minimum Standards for Commercial Aeronautical Activities at the North County General Aviation Airport (R2003-1956); repealing Resolution 95-846; and becoming effective upon adoption. **SUMMARY:** The Resolution approves a new standard form Executive Hangar Lease Agreement that may be executed by the County Administrator or his designee. The Resolution will allow minor modifications to the standard form to update insurance requirements, to make non-material changes, and to allow for a temporary variance from the Minimum Standards for Commercial Aeronautical Activities (Minimum Standards) at the North County General Aviation Airport until the expiration of the Management Agreement for Fixed Base Operator Services, which will be August 31, 2009 if the County exercises its final option to extend the Agreement. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. Staff recommends motion to receive and file: ten (10) original agreements for the Department of Airports:

A) North County General Aviation Airport Hangar Lease Agreement with PNC Leasing, LLC, Hangar No. 11220-04, effective May 29, 2007;

B) North County General Aviation Airport Hangar Lease Agreement with Robert Woods, Hangar No. 11240-11, effective June 5, 2007;

C) Consent to Assignment of North County General Aviation Airport Executive Hangar Lease Agreement to Mustang Air, Inc. for Hangar Number 11250-06, effective June 5, 2007;

D) Consent to Assignment of North County General Aviation Airport Executive Hangar Lease Agreement to Thomas J. Dise for Hangar Number 11250-07, effective June 6, 2007;

E) Access Agreement for Remedial Work Extension No. 1 with Remediation and Liability Management Company, Inc. (REALM), effective June 21, 2007 through June 20, 2008 (amending R2006-1109);

F) Access Agreement with Catalfumo Construction and Development, Inc., effective June 4, 2007 through June 27, 2007;

G) General Aeronautical Services Agreement with GFM Service, Inc., effective May 29, 2007;

H) Consent to Sublease between Computer Sciences Corporation and Gulfstream International Airlines, Inc., effective June 7, 2007;

I) Agreement to Terminate Hangar Lease Agreement with Scott Kramer for Hangar No. 14, Building 11720, effective May 22, 2007 with a termination date of May 31, 2007, (amending R2003-1307); and

J) Agreement to Terminate Hangar Lease Agreement with Patricia A. Brennan Holdings LLC for Hangar No. 11, Building 11240, effective June 5, 2007 with a termination date of June 30, 2007, (amending R2005-0167).

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the BCC in R94-1453, R2003-1047, R2004-1367 and R2006-1109. Countywide (AH)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff recommends motion to approve:** a negotiated Settlement Offer in the amount of \$150,000 for the full satisfaction of a Code Enforcement Lien that was entered against Palm Bay Investments, Inc. on May 22, 1996. **SUMMARY:** The Code Enforcement Board (CEB) entered an Order on January 3, 1996 giving Palm Bay Investments, Inc. until May 2, 1996 to reduce the height of masonry walls in their development to the maximum permitted height of six (6) feet as reflected on the approved building plans for the development, or to obtain a required variance. Compliance with the CEB's Order was not achieved by the ordered compliance date and a fine in the amount of \$250 per day was imposed. The CEB then entered a claim of lien against Palm Bay Investments, Inc. on May 22, 1996. The cited code violations were fully corrected as of February 19, 1998, when the variance was approved. The total accumulated lien amount through May 17, 2007 totaled \$346,925.79, of which the title insurers, together with the non-insured property owners, have collectively agreed to pay the County \$150,000 (43.24%) for full settlement of the County's outstanding Code Enforcement Lien. District 4 (PGE)

2. **Staff recommends motion to adopt:** a Resolution authorizing the issuance and negotiated sale of Public Improvement Revenue Bonds (Biomedical Research Park Project), Series 2007 in an initial aggregate principal amount of not exceeding \$104 Million for the purpose of redeeming the County's Public Improvement Revenue Bond Anticipation Notes (Biomedical Research Park Project), Series 2006 at or prior to maturity, funding a grant to the Scripps Research Institute (Scripps) to enable Scripps to pay a portion of the costs of acquiring, constructing, improving and equipping permanent facilities to be developed by Scripps, funding certain additional costs of the Biomedical Research Park Project, as more fully described herein, and paying all costs necessary or incidental to the foregoing; delegating authority to proper officials of the County, in consultation with the County's Financial Advisor, to determine whether to obtain a bond insurance policy and to fund a reserve account for the bonds, and if so funded, whether to obtain a reserve account credit facility in satisfaction of all or a part of the reserve requirement; authorizing the execution and delivery of one or more insurance agreements in connection with any bond insurance policy and/or reserve account credit facility and the payment of the related premiums; approving the form of a bond purchase agreement and delegating authority to proper officials of the County to determine certain details of such bonds and to execute and deliver a bond purchase agreement to effect the negotiated sale of the Bonds, all subject to the parameters set forth in this Resolution; approving the form of and authorizing the distribution of a preliminary official statement in connection with the offering and sale of the Bonds and authorizing the execution and delivery by proper officials of the County of a final official statement; authorizing the proper officials of the County to do all things deemed necessary or advisable in connection with the issuance of such Bonds; providing for certain other matters in connection therewith; and providing for an effective date. **SUMMARY:** On May 23, 2006, the County entered into a Grant Agreement with Scripps providing for the County to make certain monetary grants to Scripps to be applied, together with the other amounts available from the original Scripps Grant Account, to enable Scripps to pay the costs of acquiring, constructing, improving and equipping the permanent facilities at its new location on the FAU campus in Jupiter. According to the Grant Agreement, the permanent facilities costs at the FAU site is \$186,751,957 and the County has \$108,970,345 from the initial Series 2005 Scripps Facilities Bonds that will be spent on the facilities at FAU. The additional funding of \$77,781,612 will be included in the Series 2007 Bonds. The Series 2007 Bonds will also include paying off the \$16,322,600 Public Improvement Bond Anticipation Notes, Series 2006 plus interest (Briger Land Acquisition), development costs and entitlements totaling \$6,500,000 related to the Briger Land and cost of issuance of the bonds. We anticipate that the bonds will be issued in November 2007. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Amendment No. 1 to Contract with Kerney & Associates, Inc. (R2006-2090) to implement the first renewal of an annual HVAC contract. **SUMMARY:** Amendment No. 1 is a renewal to the Annual Contract–HVAC which was awarded to Kerney & Associates, Inc. as one (1) of eight (8) approved participants. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,000,000. The renewal term is twelve (12) months or until \$1,000,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the first of four (4) extensions allowed by the Contract. SBE participation goals for the HVAC contracts are 15%. Kerney’s participation for work orders issued to date is 0%. Work Orders issued to date for all eight (8) annual contracts include a combined SBE participation of 36.06%. (FD&O Admin) Countywide (JM)

2. Staff recommends motion to approve: Amendment No. 1 to Contract with Precision Air Systems, Inc. (R2006-2091) to implement the first renewal of an annual HVAC contract. **SUMMARY:** Amendment No. 1 is a renewal to the Annual Contract–HVAC which was awarded to Precision Air Systems, Inc. as one (1) of eight (8) approved participants. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,000,000. The renewal term is twelve (12) months or until \$1,000,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the first of four (4) extensions allowed by the Contract. SBE goals for the HVAC contracts are 15%. Precision Air’s participation for work orders issued to date is 100%. Work Orders issued to date for all eight (8) annual contracts include a combined SBE participation of 36.06%. (FD&O Admin) Countywide (JM)

3. Staff recommends motion to approve: Amendment No. 1 to Contract with Hawthorne Industries, Inc. (R2006-2424) to implement the first renewal of an annual HVAC contract. **SUMMARY:** Amendment No. 1 is a renewal to the Annual Contract–HVAC which was awarded to Hawthorne Industries, Inc. as one (1) of eight (8) approved participants. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,000,000. The renewal term is twelve (12) months or until \$1,000,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the first of four (4) extensions allowed by the Contract. SBE participation goals for the HVAC contracts are 15%. Hawthorne’s participation for work orders issued to date is 0%. Work Orders issued to date for all eight (8) annual contracts include a combined SBE participation of 36.06%. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve: Amendment No. 1 to Contract with Siemens Building Technologies, Inc. (R2006-2103) to implement the first renewal of an annual HVAC contract. **SUMMARY:** Amendment No. 1 is a renewal to the Annual Contract–HVAC which was awarded to Siemens Building Technologies, Inc. as one (1) of eight (8) approved participants. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,000,000. The renewal term is twelve (12) months or until \$1,000,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the first of four (4) extensions allowed by the Contract. SBE goals for the HVAC contracts are 15%. Siemens' participation for work orders issued to date is 0%. Work Orders issued to date for all eight (8) annual contracts include a combined SBE participation of 36.06%. (FD&O Admin) Countywide (JM)

5. Staff recommends motion to approve: Amendment No. 1 to Contract with E.C. Stokes Mechanical Contractor, Inc. (R2006-2093) to implement the first renewal of an annual HVAC contract. **SUMMARY:** Amendment No. 1 is a renewal to the Annual Contract–HVAC which was awarded to E.C. Stokes Mechanical Contractor, Inc. as one (1) of eight (8) approved participants. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,000,000. The renewal term is twelve (12) months or until \$1,000,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the first of four (4) extensions allowed by the Contract. SBE participation goals for the HVAC contracts are 15%. Stokes' participation for work orders issued to date is 100%. Work Orders issued to date for all eight (8) annual contracts include a combined SBE participation of 36.06% (FD&O Admin) Countywide (JM)

6. Staff recommends motion to approve: Amendment No. 1 to Contract with York International/A Johnson Controls Company (R2006-2092) to implement the first renewal of an annual HVAC contract. **SUMMARY:** Amendment No. 1 is a renewal to the Annual Contract–HVAC which was awarded to York International/A Johnson Control Company as one (1) of eight (8) approved participants. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,000,000. The renewal term is twelve (12) months or until \$1,000,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the first of four (4) extensions allowed by the Contract. SBE goals for the HVAC contracts are 15%. York's participation for work orders issued to date is 0%. Work Orders issued to date for all eight (8) annual contracts include a combined SBE participation of 36.06%. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. Staff recommends motion to approve: Amendment No. 1 to Contract with Farmer & Irwin Corp. (R2006-2089) to implement the first renewal of an annual HVAC contract. **SUMMARY:** Amendment No. 1 is a renewal to the Annual Contract–HVAC which was awarded to Farmer & Irwin Corp. as one (1) of eight (8) approved participants. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,000,000. The renewal term is twelve (12) months or until \$1,000,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the first of four (4) extensions allowed by the Contract. SBE goals for the HVAC contracts are 15%. Farmer & Irwin's participation for work orders issued to date is 0%. Work Orders issued to date for all eight (8) annual contracts include a combined SBE participation of 36.06%. (FD&O Admin) Countywide (JM)

8. Staff recommends motion to approve: a Contract with Robling Architecture Construction, Inc. for the Job Order Contract-South (bond-waiver) with a maximum value of \$1,500,000. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity, fixed unit price contract that has a minimum value of \$35,000 and a maximum value of \$1,500,000. The contract will terminate when a total of \$1,500,000 in work orders is issued or when the one (1) year time period has expired, whichever comes first. The Contract provides for two (2) - one (1) year renewals at the sole option of the County. Robling Architecture Construction, Inc. will perform work identified by the County on a work order basis, in accordance with the cost factor adjustments to the Unit Price Books. SBE goals established for this Contract are 15%. (FDO Admin) Countywide (JM)

9. Staff recommends motion to approve: a Contract with Metals Treatment Technologies, Inc., in the amount of \$249,980 to provide site clean-up at the Sansbury's Way Shooting Range in West Palm Beach. **SUMMARY:** The work consists of site clearing, excavation and stockpiling of lead, and lead contaminated soil, soil treatment and disposal to a landfill of two (2) former pistol ranges and one (1) former rifle range. There is 7.2% SBE participation in this Contract. This work will comply with all applicable local, state, and federal codes and regulations. The schedule is 120 days. (FD&O Admin) District 6 (JM)

10. Staff recommends motion to approve: an annual Contract with Certified Roofing Specialists, Inc. in an amount not-to-exceed \$1,500,000. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity contract with a maximum value of \$1,500,000. The Contract will terminate when a total of \$1,500,000 in work orders is issued among the pool of seven (7) approved roofing contractors or when the one (1) year time period has expired, whichever occurs first. The Contract provides for up to four (4) - one (1) year renewals, each for a not-to-exceed amount of \$1,500,000. Staff will review the status of the contractor's certifications annually, prior to renewal, to ensure the firm remains qualified under the original pre-qualification criteria. The work is to be awarded as work orders on a lump-sum, competitively quoted basis to perform remedial roofing repairs, roof maintenance and roof replacements on an "as needed" basis for projects typically under \$100,000 each. Any work performed will be in accordance with the Contract. The specific magnitude of the work shall be determined by individual work orders issued by Palm Beach County. The goal for SBE participation is 15%, and will be tracked cumulatively for each work order issued. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

11. **Staff recommends motion to approve:** an annual Contract with Advanced Roofing, Inc. in an amount not-to exceed \$1,500,000. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity contract with a maximum value of \$1,500,000. The Contract will terminate when a total of \$1,500,000 in work orders is issued among the pool of seven (7) approved roofing contractors or when the one (1) year time period has expired, whichever occurs first. The Contract provides for up to four (4) - one (1) year renewals, each for a not-to-exceed amount of \$1,500,000. Staff will review the status of the contractor's certifications annually, prior to renewal, to ensure the firm remains qualified under the original pre-qualification criteria. The work is to be awarded as work orders on a lump-sum, competitively quoted basis to perform remedial roofing repairs, roof maintenance and roof replacements on an "as-needed" basis for projects typically under \$100,000 each. Any work performed will be in accordance with the Contract. The specific magnitude of the work shall be determined by individual work orders issued by Palm Beach County. The goal for SBE participation is 15%, and will be tracked cumulatively for each work order issued. (FD&O Admin) Countywide (JM)

12. **Staff recommends motion to approve:** a License Agreement with The Palm Beach County Genealogical Society, Inc., a not-for-profit 501(c)(3) education organization, for the use of space within the Main Library. **SUMMARY:** The Genealogical Society shall use and occupy approximately 1,600 square feet of space within the Main Library for storage and display for research materials as well as free instruction in genealogical research to the public. The License Agreement is for two (2) years with options to renew at the County's sole discretion of three (3) - one (1) year terms. The Genealogical Society shall pay a monthly service fee of \$150 for utilities and custodial costs. (FDO Admin) District 2 (JM)

13. **Staff recommends motion to approve:** Use Agreement with the Supervisor of Elections (Supervisor) that provides for the Supervisor to use and occupy 23,570 square feet of 3200 Belvedere Road, Building 1169 for a Voter Equipment Center. **SUMMARY:** The Supervisor will be using a portion of Building 1169 at Palm Beach International Airport for a voter equipment center (this is the portion of the building previously occupied by Facilities Development & Operations). No improvements are required to render the premises safe for the use prior to occupancy by the Supervisor. The Supervisor shall pay rent in the amount of \$172,420 annually and shall be responsible for all costs associated with the move, communications infrastructure and equipment required for occupancy. The term of the Agreement is fifteen (15) months. (FDO Admin) District 3 (JB)

14. **Staff recommends motion to approve:** Contract with Gentile, Holloway, O'Mahoney & Associates, Inc., to provide property development evaluation services on a continuing contract basis. **SUMMARY:** This Contract is to have a consultant pre-selected to provide planning, engineering, and related consulting services to evaluate the developability of existing County-owned property and potential land acquisition parcels. Consultant fees will be negotiated on an individual basis for the identified project. This Contract is for one (1) year with two (2) – one (1) year extension options. The SBE goal for this Contract is 15% and Gentile, Holloway, O'Mahoney & Associates, Inc. has committed to participation of 95%. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

15. Staff recommends motion to approve: a continuing services Contract with The Weitz Company for Construction Management Services for various capital projects. **SUMMARY:** This Contract provides for Construction Management Services associated with the design and construction of various capital projects, to be determined later, which may include new construction, additions or renovations from \$400,000 to \$25,000,000. Once a project is assigned to Weitz, a task authorization for preconstruction services will be authorized and Weitz will prepare a Guaranteed Maximum Price (GMP) for the construction phase. The GMP will include the cost of work required by the construction documents and the construction manager's fee associated with project construction. Individual GMP's will be implemented as work orders to this annual Contract and will be presented to the appropriate approval authority. The Contract is for a period of two (2) years with three (3) - one (1) year renewal options. SBE goals for the projects will be 15%. (Capital Improvements Division) Countywide (JM)
16. Staff recommends motion to approve: a continuing services Contract with Catalfumo Construction, Ltd. for Construction Management Services for various capital projects. **SUMMARY:** This Contract provides for Construction Management Services associated with the design and construction of various capital projects, to be determined later, which may include new construction, additions, or renovations from \$400,000 to \$25,000,000. Once a project is assigned to Catalfumo, a task authorization for preconstruction services will be authorized and Catalfumo will prepare a Guaranteed Maximum Price (GMP) for the construction phase. The GMP will include the cost of work required by the construction documents and the construction manager's fee associated with project construction. Individual GMP's will be implemented as work orders to this annual Contract and will be presented to the appropriate approval authority. The Contract is for a period of two (2) years with three (3) - one (1) year renewal options. SBE goals for the projects will be 15%. (Capital Improvements Division) Countywide (JM)
17. Staff recommends motion to approve:
- A)** Contract with West Construction, Inc. in the amount of \$918,000 for the fit-up of the PBSO West County Jail, Pod A; and
- B)** Budget Transfer of \$571,000 from reserves in the Public Building Improvement Fund to increase the project budget.
- SUMMARY:** This Contract will provide for the completion of the West County Jail Pod A. Work includes the completion of rough plumbing and the installation of plumbing and electrical fixtures as well as refinishing the floor. The SBE goal for this project is 15%. West Construction Inc.'s bid includes participation at 32.6%. The contract time is 90 days to substantial completion. (Capital Improvements Division) District 6 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

18. Staff recommends motion to approve:

A) Budget Transfer of \$11,371,533 from reserves in the Library Expansion Program Fund to West Boca Branch Library project to fund construction costs; and

B) Amendment No. 10 to the contract with The Weitz Company (R2003-1542) in the amount of \$11,044,533 for construction management services for the West Boca Branch Library establishing a Guaranteed Maximum Price (GMP) for construction of a new 20,000 sq. ft. library.

SUMMARY: Amendment No. 10 is for the West Boca Branch Library and establishes a GMP of \$11,044,533 and 422 calendar days to complete the building construction and site work. The GMP includes the cost of work and the construction manager's fee associated with the work and a contingency. This Contract utilizes the Sales Tax Exemption Program. The SBE goal for this Contract is 15% and this project participation is 19.9%. (Capital Improvements Division) District 5 (JM)

19. Staff recommends motion to approve: an Agreement with the Florida Division of Forestry, Field Unit Area 18, Everglades District (District) allowing for interoperable communications through the countywide common groups of the County's 800 MHz Radio System. **SUMMARY:** This Agreement provides the conditions under which the District can program into its radios and utilize the countywide talk groups for certain types of inter-agency communications. The County's system will not be utilized for routine operational communications by the District. The terms of the Agreement are standard and have been offered to all municipalities and local branches of state and federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The District is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The term of the Agreement is for five (5) years with three (3) – five (5) year renewals. The Agreement may be terminated by either party, with or without cause. (FDO/ESS) Countywide (JM)

20. Staff recommends motion to approve: a Concessionaire Service Agreement with Brian E. Wilson and Jennifer G. Wilson d/b/a Lazy Loggerhead Café, for operation of the food concession located in Carlin Park at 601 South SR A1A in Jupiter. **SUMMARY:** The Parks and Recreation Department desires to continue to provide food, beverage and sundry items at Carlin Park through a concession operation. The current vendor, Lazy Loggerhead Café, operates under a Contract for Concessionaire Services issued through the County's Purchasing Department which expires August 31, 2007. In May 2007, PREM advertised a Request for Proposals for the operation of the Carlin Park food concession. Only Lazy Loggerhead Café submitted a proposal. The guaranteed annual rent under this Concessionaire Service Agreement is \$60,000 to be paid in equal monthly installments of \$5,000, with annual four percent (4%) increases. Lazy Loggerhead Café shall also pay the County 8.5% of the certified annual gross revenues derived from the operation of the concession less the guaranteed annual rent. The initial term of this Concessionaire Service Agreement is for three (3) years, ending August 31, 2010, with three (3) options to renew each for one (1) year. Lazy Loggerhead Café has submitted the required \$1,000 security deposit. Both Brian Wilson and his wife, Jennifer Wilson, have executed personal guarantees of the Concessionaire Service Agreement. (PREM) District 1 (JMB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

21. Staff recommends motion to:

A) accept a Utility License from W. P. R. F., Inc., a Delaware corporation (WPRF), for a groundwater monitoring well for the County's Central Region Reclaimed Water Facility in unincorporated West Palm Beach; and

B) approve a Memorandum of Utility License.

SUMMARY: The Central Region Reclaimed Water Facility is located at 2969 Northampton Street in the Century Village development west of West Palm Beach. As a condition of its permit, the Florida Department of Environmental Protection (FDEP) required the installation of a monitoring well to provide water level and quality data beginning 6-months prior to startup of the Central Region Reclaimed Water Facility. The well installation was completed February 6, 2007 and is currently in operation. The well is located in a 5 foot by 5 foot parcel (25 square feet) adjacent to the east shore of Lake Century at the Century Village Recreation Center at 100 Century Boulevard. This Recreation Center is managed by and under the leasehold control of WPRF. This Utility License is being provided at no charge. The Utility License will remain in effect until the well and its equipment are removed, or June 30, 2021, whichever is sooner. A Memorandum of Utility License will be recorded to provide public notice of the Utility License. (PREM) District 2 (HJF)

22. Staff recommends motion to approve: Amendment No. 1 to Lease Agreement (R2002-1349) with the School Board of Palm Beach County Florida for the County's continued use of approximately 300 square feet of office space within the Delray Full Service Center, at an annual rate of \$1. **SUMMARY:** The County's Head Start and Children Services Division currently leases approximately 300 square feet of office space at the Palm Beach County School District's Delray Full Service Center, located at 301 SW 14th Avenue, Delray Beach, for the operation of a Community Outreach Program. On August 20, 2002, the Board approved the initial Lease Agreement with the School Board for a term of two (2) years, with three (3) options to extend. The County has exercised all of its options to extend the term of the Lease Agreement, which expires on August 19, 2007. This Amendment No. 1 extends the term of the Lease Agreement for one (1) year, from August 20, 2007 through August 19, 2008, and provides for two (2) additional one (1) year renewal options. The School Board provides all electricity, trash removal, utility service, and general maintenance to the leased facility. The annual rent for this period is \$1. All other terms of the Lease Agreement remain unchanged. (PREM) District 7 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

23. Staff recommends motion to approve:

A) a Deed of Conservation Easement in favor of the South Florida Water Management District (SFWMD) on approximately .38 acres for the West Boca Library; and

B) a Restrictive Covenant providing for a littoral planting area covering approximately .42 acres for the West Boca Library.

SUMMARY: The County is ready to commence construction of the West Boca Library on a parcel of County-owned land located west of State Road 7 between Yamato Road and Clint Moore Road. A condition of the SFWMD permit requires a conservation easement on .38 acres to maintain the area in its natural state. The Easement area is located at the southwest corner of the property. The Restrictive Covenant is a requirement of the County's Environmental Resources Management Department for the excavation of the compensating storage lake. The Restrictive Covenant identifies a .42 acre littoral planting area lying south and east of the Conservation Easement area and provides for maintenance thereof. Both the Conservation Easement and Restrictive Covenant are being granted without charge as they are conditions of permit/development approvals. (PREM) District 5 (HJF)

24. Staff recommends motion to approve: a Drainage Easement with Villages of Windsor by Anasca Homes, LLC. **SUMMARY:** The County owns a 33.63 acre civic site located just east of Lyons Road on the south side of Hypoluxo Road. The County is currently constructing Fire Station No. 48 on this property and has future plans to develop a County park on the balance of the property. The conditions of approval of the Villages of Windsor PUD require the developer to accept legal positive storm water outfall from the County's civic site. This Drainage Easement is being granted to the County at no charge as it is a condition of PUD approval. The Easement area is 20' x 30' (600 square feet). The Drainage Easement is non-exclusive. (PREM) District 3 (HJF)

25. Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of the County's interest in a 142 square foot parcel of vacant land to Anthony M. Vega for \$1,000 without reservation of mineral and petroleum rights; and

B) approve a County Deed in favor of Anthony M. Vega.

SUMMARY: In 1966, the County acquired this 142 square foot parcel for a corner clip at the southwest corner of Pennsylvania Avenue and Summit Boulevard. In 1985 (R85-1532), the platted right-of-way of Pennsylvania Avenue, south of Summit Boulevard was abandoned, but this property was not included, apparently by oversight. The property is no longer needed for right-of-way and is of insufficient size and shape to be developed as a stand alone parcel. As such, Florida Statutes Section 125.35(2) provides for conveyance of the property to an adjacent property owner. Anthony M. Vega is the sole adjacent property owner and has offered \$1,000, which is based on the \$7.33 per square foot assessed value of the original parent tract, now owned by Mr. Vega. Pursuant to Florida Statutes Section 270.11(1), staff recommends the Board convey the property without reservation of mineral rights due to its small size and low likelihood of the existence of minerals. The sale of this property will lessen the County's potential liability and maintenance responsibilities and return the parcel to the tax rolls. (PREM) District 3 (JMB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

26. Staff recommends motion to approve: a Partial Assignment and Assumption of Lease from the South Florida Water Management District (SFWMD). **SUMMARY:** On April 10, 2007, the Board approved an Agreement for Exchange with the SFWMD (R2007-0514) (Exchange Agreement). Pursuant to the Exchange Agreement, SFWMD is conveying 96.18 acres of land to the County. SFWMD currently leases a portion of the 96.18 acres to Roth Farms, Inc. A condition of the Exchange Agreement is that SFWMD assign its interest in the Lease with Roth Farms, Inc. to the County. The Lease expires February 25, 2008, and can be terminated upon 180 days prior written notice or harvest of the then current crop. Because SFWMD is only charging the County for 11.57 of the 96.18 acres, the County is not requiring SFWMD to refund a pro-rata share of the \$9,548 advanced rental payment previously collected by SFWMD. Staff intends to close the Exchange within 15 days of Board approval. (PREM) Countywide/District 6 (HJF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to receive and file:

A) an Agreement with the City of Delray Beach to provide \$900,000 under the 2005 Disaster Recovery Initiative Program for the demolition of Carver Estates in the City of Delray Beach for the period of April 15, 2007 through and including December 31, 2007; and

B) an Agreement with the City of Greenacres to provide \$150,000 under the 2005 Disaster Recovery Initiative Program for culvert replacement and road restoration of Swain Boulevard, Martin Avenue, and Fleming Avenue in the City of Greenacres for the period of May 1, 2007 through and including April 30, 2008.

SUMMARY: On February 16, 2007, Palm Beach County entered into an Agreement with Florida Department of Community Affairs (DCA) to receive up to \$19,035,920, for various projects to be funded under the 2005 DRI Program. The two (2) Agreements provided herein are funded under this Agreement with DCA. Under the authority provided to the County Administrator by the Palm Beach County Board of County Commissioners on July 18, 2006, via Resolution No. R2006-1351, the County Administrator executed an Agreement with City of Delray Beach on April 26, 2007, and an Agreement with the City of Greenacres on April 26, 2007. Districts 2 & 7 (TKF)

2. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2006-0667) with Oakwood Center of the Palm Beaches, Inc., to extend the expiration date from April 30, 2007, to December 31, 2007, for the expenditure of \$273,448 in Community Development Block Grant (CDBG) funds in connection with the 2004 Disaster Recovery Initiative Program as funded by the State of Florida, Department of Community Affairs. **SUMMARY:** The Amendment provides an extension of eight (8) months to the term of the existing Agreement for structural mitigation and window and door protection at the Phoenix II facility owned by the Oakwood Center of the Palm Beaches, Inc., and located on Metcalf Court in the City of West Palm Beach. This funding is made available under the 2004 Disaster Recovery Initiative Program which uses Federal Community Development Block Grant (CDBG) funds provided by the United States Department of Housing and Urban Development. The time extension is requested in order to allow the completion of the engineering design, completion of the bidding process, lead based paint remediation work and completion of the construction work. **These are Federal CDBG funds that require no local matching funds.** District 7 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

3. **Staff recommends motion to approve:** an Agreement with Northwest Riviera Beach Community Redevelopment Corp., Inc. (NWRBCRC) to provide \$420,000 in Federal HOME funds for the development of affordable housing and operating expenses for the period of August 1, 2007 to August 31, 2008. **SUMMARY:** Approval of this item will reserve funding for NWRBCRC, a Community Housing Development Organization (CHDO), located at 2001 Broadway, Suite 501, Riviera Beach, Florida 33404. Funding in the amount of \$350,000 will be used towards the construction of at least nine (9) affordable housing units to be purchased by eligible first-time homebuyers, participating in Palm Beach County's First-time Homebuyer Program; and \$70,000 for NWRBCRC operating expenses. **This Agreement provides Federal HOME funds for which there is not a requirement for local matching funds.** District 7 (TKF)

4. **Staff recommends motion to approve:** an Agreement with Lake Worth Community Development Corporation, Inc. (LWCDC) to provide \$425,000 in Federal HOME funds for the development of affordable housing and operating expenses for the period of August 1, 2007 to August 31, 2008. **SUMMARY:** Approval of this item will reserve funding for LWCDC, a Community Housing Development Organization (CHDO), located at 1701 Wingfield Street, Lake Worth, Florida 33460. Funding in the amount of \$350,000 will be used towards the construction of at least nine (9) affordable housing units to be purchased by eligible first-time homebuyers, participating in Palm Beach County's First-Time Homebuyer Program; and \$75,000 for LWCDC operating expenses. **This Agreement provides Federal HOME funds for which there is not a requirement for local matching funds.** District 7 (TKF)

5. **Staff recommends motion to approve:** Amendment No. 001 to an Agreement (R2006-0988) with the City of Belle Glade to: **a)** extend the expiration date from June 30, 2007 to January 31, 2008; and **b)** increase the funding amount from \$652,552 to \$948,900, in Community Development Block Grant (CDBG) funds. **SUMMARY:** The Amendment provides an extension of seven (7) months to the term of the existing Agreement for drainage improvements to SW 10th and 12th Streets, and to SW Avenues I and J in the City of Belle Glade. The work includes reconstruction of catch basins and sidewalks, and provision of storm drainage pipes. The additional \$296,348 is being provided based on the increased construction cost estimated by the engineering consultant after completion of the design. This funding is being made available under the 2004 Disaster Recovery Initiative Program which uses Federal Community Development Block Grant (CDBG) funds provided by the United States Department of Housing and Urban Development. The time extension is requested in order to allow the completion of the bidding process and completion of the construction work. **These are Federal CDBG funds that require no local matching funds.** District 6 (TKF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** Change Order No. 6 to the Contract with Widell, Inc. (R2005-1893) for the Northern Region Utility Site increasing the contract price by \$13,516.81 and providing a 118-day time extension. **SUMMARY:** On September 27, 2005, the Board approved a contract with Widell, Inc. in the amount of \$8,895,000 for construction of the Northern Region Utility Site (R2005-1893). Change Order No. 6 authorizes the Contractor to perform various structural, civil and mechanical improvements for this project and resolve conflicts with the site drainage. The enhancements include modifications to the security system, redundant instrumentation, and minor electrical and roofing improvements. Included in this Change Order are credits in the amount of \$91,839.87 for deletion of landscaping, irrigation, and perimeter security components. These deleted items will be constructed by the Department in the future after regional drainage issues have been fully resolved. The Contractor has requested a 118-day time extension to complete these improvements and for delays associated site drainage issues. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.00% overall. This Change Order includes zero SBE participation. The contract with Widell, Inc. provides for SBE participation of 15.9% overall. (WUD Project No. 05-018) District 6 (JM)

2. **Staff recommends motion to approve:** Work Authorization No. 8 to the Water Utilities Department Continuing Construction Contract with AKA Services, Inc. (R2007-0357) for construction of the Cypress Lakes Reclaimed Water Main Extension in the amount of \$537,837. **SUMMARY:** On March 13, 2007, the Board approved the Water Utilities Department Continuing Construction Contract with AKA Services, Inc. (R2007-0357). This Work Authorization is necessary to expand the County's reclaimed water piping network. Approximately 6,500 feet of 10-inch diameter reclaimed water main will be constructed from the Century Village North Reclaimed Water Production Facility to Cypress Lakes. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. The contract with AKA Services, Inc. provides for SBE participation of 15.00% overall. This Authorization includes 18.60% overall participation. The cumulative SBE participation, including this Work Authorization, is 24.08% overall. (WUD Project No. 06-173) District 2 (JM)

3. **Staff recommends motion to adopt:** a Resolution amending Resolution No. R2006-2304 for the Whippoorwill Lakes Water Main Extension Improvement Project, deleting three (3) parcels from the final assessment roll. **SUMMARY:** On October 17, 2006, the Board adopted Resolution R2006-2304 confirming the Whippoorwill Lakes Water Main Special Assessment. Pursuant to Section 14 of Ordinance No. 2001-0010, the number of assessable units may be corrected. This amending Resolution deletes three (3) parcels (PCN 00-42-43-27-05-010-052.1; PCN 00-42-43-27-05-010-052.2; and PCN 00-42-43-27-05-010-052.4) from the final assessment roll. The property owners of the three (3) parcels currently have access to a water main that was previously under construction, therefore negating the need for service from the new potable water main. (WUD Project No. 04-207) District 6 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. **Staff recommends motion to approve:** Work Authorization No. 2 to the Water Utilities Department Disaster Recovery Design/Build Services with CH2M Hill, Inc. (R2006-1934) for construction of the Southern Region Water Reclamation Facility Hurricane Hardening Project in the amount of \$1,437,422.77. **SUMMARY:** On September 12, 2006, the Board approved the Water Utilities Department Disaster Recovery Design/Build Services with CH2M Hill, Inc. (R2006-1934). This Work Authorization is for hurricane hardening mitigation at the Southern Region Water Reclamation Facility. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. The contract with CH2M Hill, Inc. provides for SBE participation of 15.00% overall. This Authorization includes 40.76% overall participation. The cumulative SBE participation, including this Work Authorization, is 40.22% overall. (WUD Project No. 07-151) District 5 (JM)

5. **Staff recommends motion to approve:** Work Authorization No. 3 to the Water Utilities Department Continuing Construction Contract with Foster Marine Contractors, Inc. (R2006-2732) for construction of the Water Treatment Plant No. 8 Raw Water Pipeline Project in the amount of \$553,150.11. **SUMMARY:** On December 19, 2006, the Board approved the Water Utilities Department Continuing Construction Contract with Foster Marine Contractors, Inc. (R2006-2732). This Work Authorization is for construction of a raw water main to connect four (4) new wells to Water Treatment Plant No. 8. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. The contract with Foster Marine Contractors, Inc. provides for SBE participation of 14.98% overall. This Authorization includes 15.32% overall participation. The cumulative SBE participation, including this Work Authorization, is 15.07% overall. (WUD Project No. 05-146) District 2 (JM)

6. **Staff recommends motion to approve:** an Interlocal Agreement with Seminole Improvement District (District) for the operation and maintenance of water, wastewater, and reclaimed water treatment facilities. **SUMMARY:** Seminole Improvement District currently owns water, wastewater, and reclaimed water treatment facilities. The Palm Beach County Water Utilities Department has been providing contract operations and maintenance services for these facilities since 1996 (R96-1224 and R2002-965). The current operations and maintenance agreement expired on June 11, 2007. The District has requested that the Department continue to provide operation and maintenance services. Under this Agreement, the Department will operate and maintain these facilities for five (5) years. The District will continue to pay the Department an annual fee for its services. Costs for the first year are projected to be \$52,200.64. Charges for subsequent years will be adjusted by the U.S. Department of Labor's Consumer Price Index for "All Urban Consumers, Water and Sewerage Maintenance". Capital improvements required at the facilities are not included in this Agreement. Either party may cancel the Agreement with a 120-day written notice. District 6 (MJ)

7. **Staff recommends motion to approve:** the appointment of Brian Shields, Director of Engineering, to replace Leisha L. Pica as the Palm Beach County representative on the East Central Regional Wastewater Treatment Facilities Operations Board (Operations Board) effective July 11, 2007. **SUMMARY:** The Operations Board was established in 1992 through an Interlocal Agreement (R92-1228D) between Palm Beach County, the City of West Palm Beach, the City of Lake Worth, the City of Riviera Beach, and the Town of Palm Beach. The Operations Board is responsible for facility budget approval, establishment of rates and fees, engineering and legal consultant selection, the approval of capital projects, etc. Mr. Shields has served as the County's non-voting alternate member in the past, and he is well qualified to handle these responsibilities. Countywide (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

8. **Staff recommends motion to approve:** a First Amendment to the Interlocal Agreement with the Seacoast Utility Authority for the purchase and sale of bulk potable water and wastewater service. **SUMMARY:** On April 18, 2007, the Board approved an Interlocal Agreement (R2006-0687) with the Seacoast Utility Authority (Authority) for the County to provide up to five (5) million gallons per day (MGD) of bulk potable water and wastewater service. During the initial five (5) year term, the Authority is required to pay an annual fee of \$0.11 per gallon in 100,000 gallon increments to lease potable water capacity and \$0.09 per gallon to lease wastewater capacity. The Authority also must pay \$1.45 and \$1.22 per 1,000 gallons respectively for potable water and wastewater service. The Authority has the option of extending the Agreement for a period of 25 years and may permanently reserve potable water capacity for \$2.84 per gallon and wastewater for \$2.33 per gallon. The Authority has requested that the Agreement be modified to automatically renew for successive periods of 25 years, unless otherwise terminated pursuant to other provisions of the Agreement. The Authority has also requested the ability to purchase capacity in 10,000 gallon increments and to pay connection charges on an incremental basis during the initial term of five (5) years with four (4) years remaining of the Agreement as services are connected in the Park of Commerce. District 1 (MJ)

9. **Staff recommends motion to approve:** Work Authorization No. 5 to the Water Utilities Department Continuing Construction Contract with AKA Services, Inc. (R2007-0357) for construction of the Ferndale Drive Water Main Extension Project in the amount of \$386,531. **SUMMARY:** On March 13, 2007, the Board approved the Water Utilities Department Continuing Construction Contract with AKA Services, Inc. (R2007-0357). This Work Authorization provides for construction of a water main extension along Ferndale. This new line will also serve as an emergency interconnect with the City of Delray Beach. The new water main will connect to an existing line along Ferndale approximately 140 feet west of the Military Trail right-of-way crossing east to connect to City of Delray Beach's water main. Vaults with meters will also be constructed as part of this project to meter water flow from or to the City. Once completed, this interconnect will provide added flexibility to the County's and the City's water distribution system in the event of an emergency. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. The contract with AKA Services, Inc. provides for SBE participation of 15.21% overall. This authorization includes 16.03% overall participation. The cumulative SBE participation, including this authorization, is 23.95% overall. (WUD Project No. 06-036A) Districts 4 & 5 (MJ)

10. **DELETED**

11. **Staff recommends motion to approve:** Change Order No. 4 to the Contract with R.J. Sullivan, Corp. (R2006-0780) for the Water Treatment Plant No. 8 Expansion Project increasing the contract price by \$265,146 and providing a 30-day time extension for Substantial Completion and a 60-day time extension for Final Completion. **SUMMARY:** Change Order No. 4 authorizes the Contractor to provide hurricane hardening for five existing buildings; an architectural enhancement to the filter building required by the building permit; and increases the contract time (30 days for Substantial Completion and 60 days for Final Completion) to accomplish the additional work. Total change orders to date, excluding the \$1,712,386.46 sales tax recovery program change order, equal \$564,716.36 (3.23% increase). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.00% overall. This Change Order includes zero overall SBE participation. The contractor's cumulative SBE participation, including this Change Order, is 26.89% overall. (WUD Project No. 05-146) District 2 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

12. **Staff recommends motion to approve:** a Utility Work by Highway Contractor Agreement with Florida’s Department of Transportation (FDOT) in the amount of \$2,000. **SUMMARY:** Florida’s Department of Transportation (FDOT) is proposing improvements to State Road 806 (West Atlantic Avenue) from Via Flora to east of Congress Avenue. These improvements will necessitate the adjustment of seven (7) Palm Beach County Water Utilities Department (WUD) water/wastewater valve boxes that need to be protected and adjusted to the new grade. In order to include the adjustment of the valve boxes within the road improvement project, FDOT requires WUD to enter into a “Utility Work by Highway Contractor” agreement with FDOT in the amount of \$2,000 (lump sum). (WUD Project No. 05-190) Districts 4, 5 & 7 (MJ)

13. DELETED

14. **Staff recommends motion to receive and file:** five (5) Standard Development Agreements complete with executed documents received during the month of May 2007:

Standard Development Agreements

A) Jorge L. Sarria and Ana Sarria	01-01192-000
B) Grace Farms, LLC	01-01193-000
C) Cypress Lakes Master Homeowners Association, Inc.	01-90001-000
D) Hypoluxo/Jog, LLC	05-01085-000
E) Aberdeen Property Owners Association, Inc.	05-90017-000

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

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to receive and file:** a Notice for Engineering Consultant Services for various projects on an annual basis. **SUMMARY:** Filing of this Notice will allow for advertisement for professional coastal and marine engineering services on a task order basis for various projects within the Department of Environmental Resources Management and other departments. Countywide (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to approve: First Amendment to the Interlocal Agreement (R2002-2091) with the Town of Palm Beach for the restoration and environmental enhancement of three (3) Town-owned emergent and submerged lands in the Lake Worth Lagoon. **SUMMARY:** On April 9, 2007, the Town of Palm Beach approved this First Amendment to the Interlocal Agreement. This Amendment strengthens the formal partnership with the Town by adding three (3) additional Town-owned emergent and submerged lands: west of Phipps Ocean Park, north of Southern Boulevard, and west of Bradley Park in the Lake Worth Lagoon for the purpose of environmental restoration and enhancement by the County. These three (3) additional project areas on Town property are identified in the County's Lake Worth Lagoon Management Plan as sites for preservation and habitat restoration to include: mangrove wetlands, coastal hammock, and seagrasses and oyster habitats. The County will continue to provide long-term, twenty-five (25) year management of the four (4) Town-owned spoil islands under the original Interlocal Agreement (R2002-2091) with the addition of three (3) new sites through the First Amendment. Districts 1 & 7 (SF)

3. **DELETED**

4. Staff recommends motion to approve:

A) a Contract with American Earth Movers, Inc. in the amount of \$2,051,292 for the construction of the Chain of Lakes Restoration Project No. 2007907; and

B) Amendment No. 1 adding Grant-required language to the Contract.

SUMMARY: Five (5) bids were received for this environmental restoration project in the Square Lake/East Slough area at John Prince Park. American Earth Movers, Inc. was the lowest responsive, responsible bidder with a bid that exceeds the established 15% Small Business Enterprise (SBE) goal with 16.8% participation. This project will provide a combined restoration and enhancement of approximately 51 acres of freshwater wetlands to improve fisheries habitat and public access with the installation of two (2) fishing piers. The project is funded by the Parks & Recreation Department and two (2) state grants, one (1) of which requires Amendment Number 1. This no-cost Amendment No. 1 allows the County to terminate American Earth Movers, Inc.'s contract if the contractor knowingly hires unauthorized aliens. District 3 (JM)

5. Staff recommends motion to:

A) approve Contract No. 06186 with the Florida Fish and Wildlife Conservation Commission (FWC) for reimbursement of a portion of the construction cost of Square Lake/East Slough Wetland Restoration Project;

B) approve Budget Amendment of \$400,000 in the Capital Outlay Fund; and

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

SUMMARY: This Contract will provide funding for aquatic habitat enhancement that includes the following activities at this Chain-of-Lakes project: dewatering, shoreline excavation, dredging, creation and planting of littoral shelves and wetlands of Square Lake. The Commission shall pay the County on a cost reimbursement basis not exceeding the amount of \$400,000. A County match is not required. The Contract shall remain in effect until June 30, 2008. District 3 (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to:

A) ratify the Chairperson's signature on a Florida Department of State, Division of Historical Resources Special Category Historic Preservation Grant Application requesting \$300,000 for renovation of the DuBois Pioneer Home in DuBois Park Phase I;

B) authorize the County Administrator or his designee to execute the funding agreement, as well as task assignments, certifications, standard forms, or amendments to the agreement that do not change the scope of work or terms and conditions of the agreement, if the grant is approved; and

C) authorize the Director of the Parks and Recreation Department to serve as Liaison Agent with the Florida Department of State for this project

SUMMARY: Restoration of the DuBois Pioneer Home will be completed in two (2) phases. This Grant Application requests \$300,000 in grant funds and confirms the local ad-valorem match of \$500,000, which has already been approved. Phase I is now expected to cost \$800,000, and concentrates on restoring the house's exterior and structural integrity. Proposed improvements include repair or replacement of the roof, wood shake siding, windows, and stabilization of the Indian midden, as well as the installation of ADA walkways and landscaping and sod. Phase II, subject to future availability of funding, will include restoring the interior, upgrading electrical, plumbing, and mechanical systems, and the addition of ADA accessible ramps to provide access to the site for educational and/or historic touring purposes. The time frame for this application did not allow for prior Board of County Commissioners approval, therefore, the Chairperson signed the application on behalf of the County as authorized by PPM CW-F-003 (Policy B.3). District1 (AH)

2. Staff recommends motion to receive and file: executed Independent Contractor Agreements received during the month of May.

A) Glass Productions, Summer Camp Staff Training, Therapeutic Recreation Center (GLAS00170607524398A);

B) Nicole Rosen, Zumba Fitness Instructor, Coconut Cove Recreation Center (ROSE1111780607525400A);

C) ACCELLEARN L.L.C., Children's Technology Workshop, Westgate Park & Recreation Center (ACCE1021170607523200A); and

D) James Grice, Basketball Official, Westgate Park & Recreation Center (GRI163020607523200A).

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

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. Staff recommends motion to approve: Agreement with Humane Society of Greater Jupiter-Tequesta, Inc., d/b/a Safe Harbor Animal Sanctuary and Hospital, for the period July 10, 2007, through August 21, 2007, in an amount not-to-exceed \$5,000 for funding of the 21st Annual Celebrity Dog Wash Festival. **SUMMARY:** This funding is to help offset costs incurred by the Safe Harbor Animal Sanctuary and Hospital for the 21st Annual Celebrity Dog Wash Festival held on March 3, 2007 at Carlin Park. The purpose of the Event was to raise funds for its no-kill facility and neutering of animals. The Event attracted approximately 6,000 participants. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to January 30, 2007. Funding is from the Recreation Assistance Program (RAP) District 1 Funds. District 1 (AH)

4. Staff recommends motion to receive and file: original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for Boca Raton Community High School, in an amount not-to-exceed \$2,500 for Project Graduation 2007. **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. Funding is from the Recreation Assistance Program (RAP) District 4 Funds. District 4 (AH)

5. Staff recommends motion to receive and file: original executed Request for Funding Form for a School Board Recreation Assistance Program (RAP) project for Pahokee Middle/Senior High School, in an amount not-to-exceed \$1,000 for participation in the Sugar Bowl Music Festival. **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. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)

6. Staff recommends motion to approve:
 - A) Agreement with Boynton Woman's Club, Inc. for the period July 10, 2007, through July 9, 2009, in an amount not-to-exceed \$75,000 for funding of the roof replacement for the Boynton Woman's Club building; and
 - B) Budget Transfer of \$75,000 within the \$25M GO Parks and Cultural Improvements Bond Fund - 2003 to Boynton Woman's Club roofing project.

SUMMARY: This Agreement provides funding for roof tear down and replacement, work permits, and materials for the Boynton Woman's Club roofing project. The Boynton Woman's Club building was constructed in 1926 and has been open to the public continually since then. The Agreement allows for the reimbursement of pre-agreement expenses incurred subsequent to May 1, 2007. Funding is from the 2002 \$50 Million Recreation and Cultural Facilities Bond referendum – District 4. District 4 (PK)

7. Staff recommends motion to approve: First Amendment to Agreement (R2004-1761) with the City of Boynton Beach for funding of the Recreation Center at Wilson Park. **SUMMARY:** This First Amendment to Agreement extends the completion date from 36 months August 16, 2007 to December 31, 2007, in order to ensure the project will be complete and documents submitted before the project completion date. Funding is from the \$50 Million Recreation and Cultural Facilities Bond referendum. District 7 (PK)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

8. Staff recommends motion to approve:

A) Agreement with the City of Belle Glade for the period July 10, 2007, through December 30, 2008, in an amount not-to-exceed \$57,015 for Airport Park lighting improvements; and

B) Budget Transfer of \$17,015 within the Capital Outlay Fund from the CCRT Recouped Funding reserves to the City of Belle Glade Lighting Improvement Project.

SUMMARY: This funding is to help offset the cost of lighting improvements to Belle Glade's Airport Park which are necessary in order to provide improved lighting for the City's Youth League Program. The Youth League Program at Airport Park serves approximately 300 children and youth annually. In addition to \$40,000 from the Recreation Assistance Program (RAP) - District 6, The Office of Community Revitalization (OCR) is requesting a budget transfer of \$17,015 from the Capital Outlay Fund, for a total project allocation of \$57,015. This Agreement allows for the reimbursement of eligible project costs incurred by Belle Glade subsequent to January 8, 2007. District 6 (AH)

9. **Staff recommends motion to approve:** Budget Transfer of \$94,865 in Park Impact Fees Zone 2 from Lantana Road District Park I to Park Ridge Golf Course.

SUMMARY: This budget transfer will fund immediate needs at Park Ridge Golf Course caused by recent weather events and user services. Items to be funded include sod, landscaping, cart path, signage, security upgrades, equipment, and a starter booth. District 6 (AH)

10. **Staff recommends motion to:**

A) approve a Concessionaire Service Agreement with Vending Americas, Inc., formerly known as DiLoreto & Sons, Inc., to provide vending machine services at Palm Beach County Parks and Recreation facilities located in the North and West Regions;

B) approve a Concessionaire Service Agreement with Sunshine Beverage and Snack, LLC to provide vending machine services at Palm Beach County Parks and Recreation facilities located in the South Region; and

C) authorize the County Administrator or his designee to sign amendments to the Concessionaire Service Agreements which may add, subtract or change the number or location of vending machines within a particular region, but will not change the terms or conditions of the Concessionaire Service Agreements.

SUMMARY: The Parks and Recreation Department has identified approximately thirty-four (34) locations at Parks and Recreation Department facilities within three separate Palm Beach County geographic regions, which would benefit by having vending machine services available. A Selection Committee, made up of three (3) employees from the Parks and Recreation Department, recommended Vending Americas, Inc. (DiLoreto) for the North and West Regions, and Sunshine Beverage & Snack, LLC (Sunshine) for the South Region. Both proposals demonstrated relevant local experience and provided for a variety of beverage and snack items at competitive prices. Sunshine received additional ranking for Small Business Enterprise/Local Business preference, as Sunshine is a certified SBE. Countywide (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

11. Staff recommends motion to approve:

A) Budget Transfer of \$210,007 in Park Impact Fees Zone 1 from Dubois Park Riverwalk Improvements to Jupiter Beach Park Seawall; and

B) Budget Transfer of \$15,000 in the Park Improvement Fund from Reserves-New Projects to Jupiter Beach Park Seawall.

SUMMARY: These budget transfers totaling \$225,007 to the Jupiter Beach Park Seawall project are necessary to provide funding to construct a new seawall along the Atlantic Ocean coastline. This seawall is to protect a restroom building and other related infrastructure. District 1 (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to receive and file: the following fully executed grant agreements from the Florida Department of Law Enforcement (FDLE) for the FY 2007 Byrne Formula Grant Program for the period of October 1, 2006, through September 30, 2007 as follows:

A) Palm Beach County Criminal Justice Commission (CJC) for the Community Justice Service Center (CJSC) Treatment project in the amount of \$109,709 (R2006-1146);

B) Palm Beach County Public Safety for Drug Court treatment services in the amount of \$103,811 (R2006-1148);

C) State Attorney's Office, 15th Judicial Circuit for a Forensic Accountant position in the amount of \$45,000 (R2006-1149);

D) Palm Beach County Sheriff's Office Violence Against Women Program in the amount of \$60,000 (R2006-1150); and

E) Palm Beach County Sheriff's Office for the Community Justice Service Center (Westgate) Treatment project in the amount of \$14,730 (R2006-1151).

SUMMARY: These fully executed grant agreements are in accordance with Board of County Commissioner's approval on June 20, 2006 (resolutions listed above) to submit the applications to the FDLE and the delegated authority to the CJC Executive Director to execute all necessary documents as required by the FDLE. Countywide (DW)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to approve: the write-off of uncollectible Advance Life Support (ALS) transport accounts to remove these amounts from the County's financial books for the following period:

October 1, 2002 through September 30, 2003 (FY03)	\$2,480,697.54
October 1, 2003 through September 30, 2004 (FY04)	<u>\$2,937,075.73</u>
	\$5,417,773.27

SUMMARY: In December 1994, the Board authorized Fire Rescue to transport critically ill/injured patients and bill for those services. The County contracts with a private company for these billings and collections services. The County receives payment from a number of sources, including commercial insurance, Medicare, Medicaid and private individuals. During the period October 1, 2002 to September 30, 2004, Fire Rescue generated \$20,288,270.40 in gross transport billings and collected (to-date) \$13,291,675.25 or 65.5%. After adjustments, the balance of \$5,417,773.27 is currently deemed to be uncollectible and staff recommends that this amount be written-off the County's financial books. The write-off of these accounts does not eliminate the County's authority to continue to pursue collection of these accounts. Countywide (SB)

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4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A.** Proclamation declaring September 22, 2007 as “American Business Women’s Day” in Palm Beach County. (Sponsored by Commissioner Greene)

- B.** Certificate of Appreciation to Sandsifters in recognition of dedicated and ongoing commitment in keeping the beaches of Palm Beach County clean and energizing more than 600 volunteers from various communities to help with this worthy cause. (Sponsored by Commissioner McCarty)

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

A. Staff recommends motion to:

A) approve the Application of Galaxy Aviation of Palm Beach, Inc., for the issuance of not-to-exceed \$9,000,000 of Variable Rate Demand Airport Revenue Bonds (Galaxy Aviation Project - Series 2007) (the "Bonds");

B) conduct a TEFRA public hearing concerning the issuance of the Bonds; and

C) adopt a Bond Resolution which approves, among other things, the form of certain documents relating to the issuance of the Bonds.

SUMMARY: Galaxy Aviation of Palm Beach, Inc. (the "Company") has applied for the issuance of the Bonds by the County in an amount not-to-exceed \$9,000,000. The Bonds proceeds will be used to pay costs of constructing approximately 58,000 square feet of general aviation storage hangars and related office space on the western leasehold of the Company. The County leases certain properties to the Company at the Palm Beach International Airport (the "Airport") for its fixed base operations. The current lease will be amended to reflect the issuance of the Bonds. The Project will be located at 3800 Southern Boulevard in West Palm Beach, Florida, at the Airport. The Project will be owned by the County and leased to the Company. Under the Internal Revenue Code, prior to the issuance of the Bonds, the County is required to conduct a TEFRA public hearing. The Bonds will be issued pursuant to the terms and provisions of a Trust and Agency Agreement. The Bonds will be payable solely from revenues derived from the Company. **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 2 (PFK)

B. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the Palm Beach County Action Plan (AP) for FY 2007-2008; and authorizing the Chair of the Board or other Commission members to endorse Standard Forms 424 and Certifications for submission to the U.S. Department of Housing and Urban Development to receive FY 2007-2008 formula grant funding through the Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), and HOME Investment Partnerships (HOME) Programs. **SUMMARY:** Federal Regulations at 24 CFR Part 91 requires Palm Beach County to submit an Action Plan to HUD no later than August 15, 2007 in order to receive CDBG, ESG, and HOME annual entitlement grant allocations. Failure to meet the above deadline will automatically result in the loss of CDBG funds for the upcoming fiscal year. The Palm Beach County Action Plan outlines the recommended expenditures of FY 2007-2008 entitlement grants as follows: CDBG - \$7,068,569; ESG - \$306,234; and HOME - \$2,642,247, including American Dream Downpayment Initiative (ADDI) funds of \$53,383. The draft FY 2007-2008 Action Plan was approved by the BCC on June 19, 2007. A summary of the draft Plan and a Notice of Public Hearing was published on May 13, 2007 to receive public input, to provide public notice of meetings, and to provide a thirty (30) day public comment period. Public comments received as a result of the advertisement and meetings will be summarized and added to the plans, as required by HUD regulations. Countywide (TKF)

5. PUBLIC HEARINGS - 9:30 A.M. CONTINUED

C. Staff recommends motion to:

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

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

SUMMARY: On December 16, 1997, the Board approved Resolution 97-2152, expressing the intent of Palm Beach County to use the Uniform Method of collecting non-ad valorem special assessments. The Uniform Method provides for inclusion of water and street improvement project special assessments on the tax bill. This method has been utilized successfully since 1998. A Public Hearing is required to implement this collection method for new special assessment projects to be included on the 2007 tax bill. Countywide (PFK)

D. Staff recommends motion to:

A) **approve** the proposed fare increase for Palm Tran fixed route and Connection services; and

B) **approve** changes to the ADA Complementary Paratransit Service parameters.

SUMMARY: On May 22, 2007, the Board reviewed Palm Tran's proposal to adjust fares and programs. Based on the Board's discussion from this workshop, staff has prepared a proposal which contains the proposed changes to Palm Tran's Fixed Route & Connection fares; and ADA Complementary Paratransit Service adjustments. Countywide (DR)

E. Staff recommends motion to adopt: an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five-Year Road Program; providing for title; purpose; adoption of revised Five-Year Road Plan and revised list of projects contained in Exhibit "A"; implementation of the Plan; modification of Plan; funding of other roadway improvements; interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date. **SUMMARY:** Since the development and adoption of the County's Five-Year Road Program on November 13, 2006, the progress and evolution of current and near-term projects has continued to be monitored. Costs and revenues have been updated and in some cases, additional needs have been identified. Revisions are being proposed to modify the Road Program to reflect this updated information. A Mid-Year Ordinance Amendment with a preliminary reading and a Public Hearing is required in order to accomplish this. On June 19, 2007, the Board approved this Amendment on preliminary reading and authorized advertisement for today's Public Hearing for final adoption. Countywide (MRE)

5. PUBLIC HEARINGS CONTINUED

- F. **TIME CERTAIN 10:00A.M: CONTINUED FROM JUNE 28, 2007 ZONING MEETING**
Z/CA2007-200 Title: Resolution approving an Official Zoning Map Amendment application of 6620 Lakeside Road, LLC, by Perry & Taylor PA, Agent. Request: Rezoning from the Single-family Residential (RS) Zoning District to the General Commercial (CG) Zoning District. Title: Resolution approving a Class A Conditional Use application of 6620 Lakeside Road, LLC, by Perry & Taylor, PA, Agent. Request: To allow a dispatching office and a general repair and maintenance facility. General Location: Approximately 451 feet south of Jog Road on the west side of Florida's Turnpike. **(PALM BEACH TRANSPORTATION COMMUNICATION CENTER)** (Control 1996-042) District 2

Size: 3.14 acres ±

DISCLOSURE

Staff Recommendation: Approval, subject to conditions

Zoning Commission Recommendation: Approved as amended, 7-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Single-Family Residential Zoning District to the General Commercial Zoning District.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a dispatching office and a general repair and maintenance facility.

* * * * *

6. REGULAR AGENDA

A. ADMINISTRATION

1. **Staff recommends motion to approve:** an Interlocal Agreement creating the Palm Beach Workforce Development Consortium, authorizing the execution of such other documents as may be necessary to complete the transactions contemplated hereby; and providing an effective date. **SUMMARY:** Workforce Alliance, Inc. (Alliance) currently operates as the County's administrative entity pursuant to PBC LEO Agreement (R2004-0838) dated April 13, 2004 through June 30, 2008 to provide policy guidance for implementing and exercising oversight with respect to job training activities under the Workforce Innovation Act of 2000 (Florida Statutes, Section 455) and the Workforce Investment Act of 1998 (P.L. 105-220). The PBC LEO Agreement (R2004-0838) designates Alliance as the fiscal agent, grant recipient and administrative entity to administer WIA, PRWOR, Wagner-Peyser Act and such other funding sources as may be available to support workforce development activities for Region 21, Palm Beach County, Florida. Under the new Interlocal Agreement creating the Palm Beach Workforce Development Consortium, Alliance will continue to act as the fiscal agent, grant recipient and administrative entity for those funding sources and workforce development activities. Execution of the Interlocal Agreement will supersede the PBC LEO Agreement (R2004-0838).

The Interlocal Agreement empowers the Palm Beach County Board of County Commissioners to appoint 17 (85%) of their respective number of private sector members to the Alliance Board of Directors. Additionally, the Interlocal Agreement empowers the Palm Beach County Board of County Commissioners to terminate their participation in the Interlocal Agreement by sending a 60-day written notice. Countywide (TKF)

6. REGULAR AGENDA

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) approve a Restoration Cost-Share Project Agreement (Agreement) with the United States of America Natural Resources Conservation Service (NRCS) for the Loxahatchee Slough Natural Area – Sandhill Crane East Restoration (SCER) Project, commencing upon execution in FY 2007 for a period of three (3) years in an amount not-to-exceed \$1,541,844;

B) approve a second Agreement with the United States of America Natural Resources Conservation Service (NRCS) for the Winding Waters Natural Area Restoration (WWNAR) Project, commencing upon execution in FY 2007 for a period of three (3) years in an amount not-to-exceed \$1,050,000;

C) approve Budget Amendment of \$1,541,844 in the Capital Outlay Fund to recognize the Agreement revenue for the SCER Project;

D) approve Budget Amendment of \$1,050,000 in the Capital Outlay Fund to recognize the Agreement revenue for the WWNAR Project; and

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

SUMMARY: The NRCS Agreements will provide \$1,541,844 in funding for the SCER Project, and \$1,050,000 in funding for the WWNAR Project, on a quarterly reimbursement basis expiring September 30, 2010. Palm Beach County's share of the \$2,055,792 SCER Project total cost is \$513,948, while its share of the WWNAR Project total cost of \$1,400,000 is \$350,000. Both project matches are currently provided in the budget as cash and in-kind services. The Agreements require the County to maintain all restoration improvements for ten (10) years after the projects are completed. NRCS has informed staff that they must commit the funds to selected projects by August 1, 2007 or the funds will be lost for this funding cycle. The proposed restoration activities for the SCER Project include: 1) mechanical removal of exotic vegetation, primarily Australian pine, from the spoil piles that were excavated along two parallel ditches (2.7 miles in length) and along perimeter ditches (8.5 miles), 2) removal of spoil piles (berms) to fill major ditches (2.7 miles), perimeter ditches (8.5 miles), and internal ditches (5.5 miles), and ground control treatment of exotic vegetation (primarily Brazilian pepper, climbing fern, and Australian pine) for the entire project area (1699 acres). For the WWNAR Project, the hydrological restoration includes enhancing hydrology on site by constructing a water control structure along the east side of the property that will raise the water control elevation from 9 feet to 13 feet NGVD. A hydrological barrier will be installed along the southern boundary of the property to minimize seepage loss to the Northern Palm Beach County Improvement District EPB-10 canal and City of Riviera Beach wellfield. Additionally, two (2) acres of existing ditches will be enhanced by backfilling with appropriate material to a natural wetland grade and exotic vegetation removal will be conducted. Districts 1 & 2 (SF)

6. REGULAR AGENDA

B. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to approve: 2007 Public Lands Grant Program application rankings as recommended by the County's Natural Areas Management Advisory Committee (NAMAC). **SUMMARY:** On February 25, 2003, the Board of County Commissioners (BCC) approved Countywide Prohibited Invasive Non-native Vegetation Ordinance (R2003-011), along with five (5) incentive/financial assistance programs and associated funding, for the removal of the nine (9) prohibited non-native invasive plant species from privately and publicly-owned property. One (1) incentive program, the Public Lands Grant Program, provides monies to municipalities and other public agencies for the removal of invasive non-native vegetation from publicly-owned lands. NAMAC has reviewed and ranked this year's Grant applications. The Department of Environmental Resources Management (ERM) recommends the funding of fifteen (15) ranked projects for a total of \$434,000. On February 25, 2003, the BCC authorized the County Administrator or his designee to execute Interlocal Agreements for this program. Districts 1, 2, 3, 4, 6 & 7 (SF)

C. FIRE RESCUE

1. Staff recommends motion to approve on preliminary reading and advertise for public hearing on August 21, 2007, at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Section 26-51, Paragraph (b), of Chapter 26, Article II, Division 3, Palm Beach County Code (Codifying Ordinance No. 2005-064); recognizing the inclusion of the Town of Loxahatchee Groves within the boundaries of the Fire Rescue MSTU (Municipal Service Taxing Unit); providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; providing for effectiveness. **SUMMARY:** Chapter 2006-328, Laws of Florida, created the Town of Loxahatchee Groves and established its Charter. Properties located within the newly created municipal boundaries were previously included in the Fire Rescue MSTU as unincorporated Palm Beach County. Chapter 2006-328, Laws of Florida, authorized the continuation of the Fire Rescue MSTU within the newly formed Town until the Town adopts an Ordinance to the contrary. The proposed Ordinance formally recognizes the inclusion of the Town within the boundaries of the Fire Rescue MSTU. Countywide (SB)

6. REGULAR AGENDA

D. PLANNING, ZONING & BUILDING

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, adopting a responding resolution, authorizing Palm Beach County, Florida to commence the negotiation process for an interlocal service boundary agreement between Palm Beach County and the Village of Palm Springs, pursuant to Chapter 171, Part II, Florida Statutes; and providing an effective date. **SUMMARY:** On September 27, 2005, the Board of County Commissioners accepted the Village of Palm Springs Annexation Study and directed staff to implement the Study by developing a Joint Planning Agreement with the Village. As such, on May 10, 2007, the Village of Palm Springs adopted an Initiating Resolution pursuant to Chapter 171, Part II, F.S., as a first step in the process of completing an Interlocal Service Boundary Agreement for a small portion of the original Annexation Study Area. The area subject to the proposed agreement is located on the north and south sides of Forest Hill Boulevard, between Kirk Road and Military Trail, as further depicted in Exhibit A of the Resolution. The portion of the subject area north of Forest Hill Boulevard is identified as a Countywide Community Revitalization Team (CCRT) Area. This Resolution also identifies issues which may be negotiated during the agreement process, including identifying service providers and possible planned improvements. By adopting this Resolution, the negotiation process can begin; however, the County is not obligated to enter into the Interlocal Agreement. The Resolution does not annex any property at this time. Planning staff will work closely with key County agencies and Village staff within the six (6) months of the Resolution adoption to develop an Interlocal Agreement which will be subsequently presented to the Board at a later date. District 2 (RB)

2. **Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on August 21, 2007 at 9:30a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County Florida repealing Ordinance 2005-006 in its entirety and replacing it with the following: revised annexation charter amendment implementation ordinance; providing for purpose; providing for authority; providing for territory embraced; providing for notice to county; providing for procedure in charter regarding voluntary annexation by municipalities; providing for designation of unincorporated rural neighborhoods; providing for applicability of state law; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for enforcement; providing for captions; and providing an effective date. **SUMMARY:** The voters of Palm Beach County approved the Annexation Charter Amendment in November 2004. On April 19, 2005, the Board of County Commissioners adopted Ordinance 2005-2006 to implement the charter amendment. Subsequently, several municipalities challenged the legality of the charter amendment and implementing ordinance. Several provisions in the implementing ordinance were stricken by the circuit court in an order dated June 6, 2005 that was upheld by the Fourth District Court of Appeal in November 2006. The Florida Supreme Court denied review of the case in March 2007. This ordinance repeals Ordinance 2005-2006 in its entirety and replaces it with a new ordinance establishing notice for procedures for all voluntary annexations and designating an Unincorporated Protection Area and Unincorporated Rural Neighborhoods. County staff presented the proposed ordinance to the League of Cities on January 10, 2007. Countywide (RB)

6. REGULAR AGENDA

D. PLANNING, ZONING & BUILDING (Cont'd)

3. Staff recommends motion to:

A) approve an Interlocal Agreement with the Town of Loxahatchee Groves providing Zoning review for applications within the municipal limits of the Town of Loxahatchee Groves, Florida, by Palm Beach County Planning, Zoning and Building Department (PZ&B); and

B) adopt a Resolution revising PZ&B Fee Schedule with a "Surcharge" to be charged to Loxahatchee Groves' applicants.

SUMMARY: The Town of Loxahatchee Groves has requested that Palm Beach County Planning, Zoning and Building Department provide zoning review of applications through an Interlocal Agreement. There will be no cost to the County, and no additional staff is needed. Application fees will pay for the full cost of services. The Interlocal Agreement shall be in effect from July 10, 2007 to September 30, 2007 and shall be automatically renewed thereafter from fiscal year (October 1 to September 30), unless either party shall notify the other in writing of the party's desire to terminate all or part of this Agreement. District 6 (RB)

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7. BOARD APPOINTMENTS

A. **ADMINISTRATION**
(South Florida Regional Transportation Authority)

1. **Staff recommends motion to approve:** reappointment of one (1) individual to the South Florida Regional Transportation Authority (SFRTA) for a four (4) year term, effective June 23, 2007 through June 22, 2011:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Marie Horenburger	4	PBC Rep/Business or Civic Interest	Comm. Marcus Comm. Koons Comm. Newell Comm. McCarty Comm. Aaronson Comm. Greene

SUMMARY: The Authority is composed of nine (9) voting members: one (1) County Commissioner each from Broward, Miami-Dade and Palm Beach counties; one (1) resident from each county (selected by each county commission and having a business/civic interest); one (1) representative from FDOT; and two (2) residents of any of the three (3) counties selected by the Governor. Ms. Horenburger has served on the SFRTA since 2003 and wishes to be reappointed for another four (4) year term. A memo dated June 12, 2007, was circulated to the BCC notifying them of the expiration. Countywide (DR)

(Overall Economic Development Program Committee)

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

A) the appointment of seven (7) at-large members to the Overall Economic Development Program (OEDP) Committee:

<u>Nominee</u>	<u>Seat Requirement/Nominated by:</u>	<u>Seat No.</u>	<u>Term Starts</u>	<u>Term Expires</u>
Raoul Pierre-Louis	The Business Loan Fund of the Palm Beaches, Inc.	3	7/16/07	7/15/11
Nancy L. Hogan	The League of Cities	10	7/16/07	7/15/11
Kenneth Lutz	The Glades Communities	21	7/16/07	7/13/08
David Roach	The Florida Inland Navigation District	25	7/16/07	7/15/11
Al Zucaro	The World Trade Center Association Palm Beach, Inc.	26	7/16/07	7/15/11
Troy McLellan	A North County Business Representative	27	7/16/07	7/15/11
Casey Steinbacher	A South County Business Representative	28	7/16/07	7/15/11

B) the reappointment of eight (8) at-large members to the Overall Economic Development Program (OEDP) Committee:

<u>Nominee</u>	<u>Seat Requirement/Nominated by:</u>	<u>Seat No.</u>	<u>Term Starts</u>	<u>Term Expires</u>
Kelly Smallridge	The Business Development Board of Palm Beach County, Inc	1	7/16/07	7/15/11
Seabron A. Smith	The Business Incubators	2	7/16/07	7/15/11
Paul M. Twitty	The Economic Council of Palm Beach County, Inc.	5	7/16/07	7/15/11
Victor T. Connor	The Equine Industry	6	7/16/07	7/15/11
Dean Turney	The Equine Industry Business Development	7	7/16/07	7/15/11
W. Richard Staudinger	The Florida Engineering Society	8	7/16/07	7/15/11
Richard D. Slaymaker	A (local) Labor union	9	7/16/07	7/15/11
David A. Luhrsen	A Local college or university	11	7/16/07	7/15/11

SUMMARY: The OEDP Committee consists of thirty-one (31) members. The OEDP Committee reviews and makes recommendations to the Board of County Commissioners on important economic development programs, projects and issues. The new appointment, Kenneth E. Lutz, will replace former member, Dr. Esther E. Berry. Dr. Berry's obligations do not allow her sufficient time to serve on the OEDP Committee. Countywide (DW)

7. BOARD APPOINTMENTS

A. **ADMINISTRATION (Cont'd)**
(Workforce Alliance, Inc.)

3. **Staff recommends motion to approve:** appointment of Charleen Szabo to complete a term of four (4) years beginning on July 10, 2007 to January 31, 2010 to Workforce Alliance, Inc.

<u>Nominee</u>	<u>Seat No.</u>	<u>Position/Employer</u>	<u>Nominated By</u>
Charleen Szabo	28	Director WPB VA Medical Center	Network Director of the Department of Veterans Affairs

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. The Alliance Board of Directors respectfully requests approval of one (1) new appointment – Charleen Szabo for July 10, 2007 to January 31, 2010 to replace Edward Seiler who exited office on April 3, 2006 due to relocation out of state. Countywide (TKF)

(Small Business Assistance Advisory Committee)

4. **Staff recommends motion to appoint:** a representative for Seat Number 3 to complete the remaining term of approximately one (1) year, seven (7) months which expires on February 24, 2009:

<u>Appoint</u>	<u>Seat No.</u>	<u>Seat Designation</u>	<u>Nominated By:</u>
Lou Ella Jordan	3	Certified Woman Business Owner	Comm. Greene

SUMMARY: The Small Business Assistance Advisory Committee was established by Palm Beach County Code 2-80.32. The Committee consists of thirteen (13) members and the terms of the seats are for three (3) years. On May 15, 2007 a memorandum was sent to the Board of County Commissioners which advised that the term of Seat Number 3 was available because the incumbent was unable to attend three (3) consecutive meetings. Countywide (TKF)

7. BOARD APPOINTMENTS

B. **ENVIRONMENTAL RESOURCES MANAGEMENT
(Groundwater and Natural Resources Protection Board)**

1. **Staff recommends motion to approve:** the reappointment of one (1) at-large member to the Groundwater and Natural Resources Protection Board (GNRPB) for a term of three (3) years beginning July 31, 2007, through July 30, 2010.

<u>Nominee</u>	<u>Representing</u>	<u>Seat No.</u>	<u>Nominated By</u>
Cynthia Barlow	Chemist/Biologist	4	Comm. John F. Koons Comm. Warren H. Newell Comm. Addie L. Greene Comm. Burt Aaronson

SUMMARY: Ordinance 92-20 and Article 17.C.7., of the Unified Land Development Code (ULDC) provides for a seven (7) member GNRPB. The membership consists of one (1) professional engineer, one (1) attorney, one (1) hydrologist, one (1) business person, one (1) biologist or chemist, one (1) citizen of PBC and one (1) member of an environmental organization. A memorandum was sent to the Board of County Commissioners on May 11, 2007 advising that the term of Seat No. 4 would expire on July 31, 2007. Ordinance 92-20 and Article 17.C.7., of the ULDC require Seat No. 4 to be filled by Chemist/Biologist. No other nominations were received. Countywide (SF)

(Natural Areas Management Advisory Committee)

2. **Staff recommends motion to approve:** the appointment of one (1) of the two (2) nominees for Seat 1, Manager of Natural Areas, to the Natural Areas Management Advisory Committee (NAMAC), beginning on July 10, 2007 and extending through October 31, 2008.

<u>Nominee</u>	<u>Representing</u>	<u>Seat</u>	<u>Nominated by</u>
Dr. Ann Cox	Manager of Natural Areas	1	Comm. Addie L. Greene Comm. John F. Koons
or			
William M. Helfferich	Manager of Natural Areas	1	Comm. Warren H. Newell

SUMMARY: On August 16, 1994, the Board of County Commissioners adopted Resolution No. 94-1051, which established a Natural Areas Management Advisory Committee (NAMAC) with seven (7) at-large members. The composition of the Committee shall be as follows: one (1) member with experience in the management of natural areas, one (1) biological scientist, one (1) professional educator with knowledge of South Florida ecosystems, one (1) representative of a local municipal government public recreation program, one (1) member of the Palm Beach County Parks and recreation Department staff, one (1) citizen having an interest in natural areas, and one (1) member of the County's Environmentally Sensitive Lands Acquisition Selection Committee (ESLASC), for as long as this Committee is in existence. Upon sunset of ESLASC, this position shall be filled thereafter by a citizen with an interest in natural areas. A memorandum from Environmental Resources Management (ERM) was sent to the Board of County Commissioners on May 9, 2007 advising that Seat No.1 on NAMAC was vacant due to the resignation of Fred Davis on April 30, 2007. Two (2) individuals expressed their willingness to assume the duties of Seat 1 and to serve the remainder of the term. No other nominations for Seat 1 were received. Both of these nominees meet the necessary requirements. Countywide (HF)

7. BOARD APPOINTMENTS

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

1. Staff recommends motion to approve: the appointment of Nancy Hogan to the Impact Fee Review Committee, Seat 2 - Municipal, to complete the term of David Farber, which expires September 30, 2007. **SUMMARY:** The Impact Fee Review Committee is composed of seven (7) members and three (3) alternate members appointed by the BCC. The membership of the committee includes three (3) representatives from municipalities, three (3) representatives from the business community, and one (1) member selected at large. The alternate members include one (1) representative from each of the categories above. An alternate member shall be authorized to vote in place of an absent voting member appointed from the same category and shall count toward a quorum. This agenda item provides for the appointment of Nancy Hogan to complete the unexpired term of David Farber. Countywide (LB)

D. COMMISSION DISTRICT APPOINTMENTS

JULY 10, 2007

8. MATTERS BY THE PUBLIC – 2:00 P.M.

JULY 10, 2007

9. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

JULY 10, 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

Proclamation declaring July 14, 2007 as "Bahamian Cultural Festival Day" in Palm Beach County.

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

JULY 10, 2007

<u>PAGE</u>	<u>ITEM</u>	
16	3F-1	<u>REVISED TITLE:</u> Staff recommends motion to approve: A) the Construction Manager (CM) at Risk Contract with J.F. Houston Construction, Inc. for a term of two (2) years with three (3), one (1) year renewable options. <u>Task No. 1</u> in the amount of \$622,158 is for Phase I for miscellaneous repair, replacement and improvement projects at Palm Beach County Glades Airport (Pahokee); and ... (Airports)
23	3H-13	<u>DELETED:</u> Staff recommends motion to approve: Use Agreement with the Supervisor of Elections (Supervisor) that provides for the Supervisor to use and occupy 23,570 square feet of 3200 Belvedere Road, Building 1169 for a Voter Equipment Center. (Further staff review) (FD&O)
29	3I-3	<u>DELETED:</u> Staff recommends motion to approve: an Agreement with Northwest Riviera Beach Community Redevelopment Corp., Inc. (NWRBCRC) to provide \$420,000 in Federal HOME funds for the development of affordable housing and operating expenses for the period of August 1, 2007 to August <u>July</u> 31, 2008.
29	3I-4	<u>REVISED TITLE:</u> Staff recommends motion to approve: an Agreement with Lake Worth Community Development Corporation (LWCDC), Inc., to provide \$425,000 in Federal HOME funds for the development of affordable housing and operating expenses for the period of August 1, 2007 to August <u>July</u> 31, 2008. (HCD)
38	3M-11	<u>REVISED TITLE:</u> Staff recommends motion to approve: A) Budget Transfer of \$210,007 <u>in the General Fund from Contingency Reserves to the Transfer to Park Improvement Fund line</u> Park Impact Fees Zone 1 from Dubois Park Riverwalk Improvements to Jupiter Beach Park Seawall; and B) <u>Budget Amendment of \$210,007 for the Park Improvement Fund to receive funds from the General Fund and to establish budget for the Jupiter Beach Seawall project;</u> and B) <u>C)</u> Budget Transfer of \$15,000 in the Park Improvement Fund from Reserves-New Projects to Jupiter Beach Park Seawall. (Parks & Recreation)

REVISED TITLE & SUMMARY: [Staff recommends motion to:](#)

A)...

B) approve a second Agreement with the United States of America Natural Resources Conservation Service (NRCS) for the Winding Waters Natural Area Restoration (WWNAR) Project, commencing upon execution in FY 2007 for a period of three (3) years in an amount not-to-exceed ~~\$1,050,000~~ \$1,500,000;

C)

D) approve Budget Amendment of ~~\$1,050,000~~ \$1,500,000 in the Capital Outlay Fund to recognize the Agreement revenue for the WWNAR Project; and

E) ...

SUMMARY: The NRCS Agreements will provide \$1,541,844 in funding for the SCER Project, and ~~\$1,050,000~~ \$1,500,000 in funding for the WWNAR Project, on a quarterly reimbursement basis expiring September 30, 2010. Palm Beach County's share of the \$2,055,792 SCER Project total cost is \$513,948, while its share of the WWNAR Project total cost of ~~\$1,400,000~~ \$2,141,340 is ~~\$350,000~~ \$641,340. Both project matches are currently provided in the budget as cash and in-kind services....(ERM)

DELETED: **Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on August 21, 2007 at 9:30a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County Florida repealing Ordinance 2005-006 in its entirety and replacing it with the following: revised annexation charter amendment implementation ordinance; providing for purpose; providing for authority; providing for territory embraced; providing for notice to county; providing for procedure in charter regarding voluntary annexation by municipalities; providing for designation of unincorporated rural neighborhoods; providing for applicability of state law; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for enforcement; providing for captions; and providing an effective date. (Further staff review) (PZ&B)

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 (*).