

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

FEBRUARY 5, 2008

**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 - 36)

- 4. SPECIAL PRESENTATIONS - 9:30 A.M.** (Page 37)

- 5. PUBLIC HEARINGS - 9:30 A.M.** (Children's Home Society Bonds) (Page 38)

- 6. PUBLIC HEARINGS – 2:30 P.M.** (Animal Care & Control Ordinance) (Page 39)

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- 8. BOARD APPOINTMENTS** (Pages 44 - 45)

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** a six (6) month time extension of a federally funded subgrant agreement with the Florida Division of Emergency Management (DEM) to complete the design of drainage improvements as part of the Hazard Mitigation Grant Program. **SUMMARY:** FEMA has approved a Phase I grant in the amount of \$48,750 for the design of a drainage system serving the Grove Street area located along Military Trail between Southern Boulevard and Belvedere Road. The Grant requires a 25% cost share with the County, meaning the total design cost is \$65,000. Additionally, a Phase II grant for the construction of the drainage facilities has been approved contingent upon the Cost-Benefit ratio meeting FEMA's requirements after the completion of the design. The Phase II approval will be brought back to the Commission at the conclusion of the Phase I contract. Due to the long amount of time it took to receive FEMA approval for the Phase I project, a six (6) month extension to complete the project design work was requested and granted from DEM. District 6 (MJ)

2. Staff recommends motion to:

A) adopt Resolution authorizing the conveyance of a 1999 Ford E350 passenger van to the Palm Beach Recovery Coalition, Inc.;

B) approve Agreement establishing the terms of the conveyance with Palm Beach Recovery Coalition, Inc.;

C) approve a Budget Transfer of \$5,335 in the Transportation Improvement Fund from Reserve for District 6 to the Cabana Colony – Local Drainage; and

D) approve a Budget Transfer of \$5,335 in the Capital Outlay Fund from Cabana Colony – Local Drainage to Ford E350 Van / Palm Beach Recovery Coalition – District 6.

SUMMARY: These actions will result in the conveyance of a passenger van that is no longer needed by the County, to a not-for-profit organization known as the Palm Beach Recovery Coalition, Inc. for a nominal sum of one (1) dollar. The Recovery Coalition operates emergency shelter facilities and provides substance abuse treatment and support counseling for individuals suffering from homelessness and addiction-related disorders. The budget transfers increase the gas tax support and decrease the ad valorem support for the Cabana Colony Drainage Project, freeing up ad valorem funds that will be used to reimburse Fleet Management for the value of the van. Commissioner Santamaria has requested that the van be conveyed to the Recovery Coalition. District 6 (MRE)

3. Staff recommends motion to approve: a First Amendment to the Development Regions Round X Grant Agreement (R2006-1172) with the City of Riviera Beach to extend the term of the Agreement an additional six (6) calendar months. **SUMMARY:** On June 20, 2006, the Board of County Commissioners approved the Grant Agreement for the City of Riviera Beach (R2006-1172) for the business projects; Stinson Industries, Inc. d/b/a Stephen Brothers Funeral Home, Venture Marine, Inc. (completed) and Westside Barber Shop. This Amendment will allow for extension of the construction reimbursement deadline due to a delay caused by a previous illness and financial difficulties; and extension of the hiring deadline and job maintenance requirements according to the project's deadline. All projects are located in the "Acute" (35% or greater poverty) area of the Development Regions and the two (2) remaining projects are ready to be completed. District 7 (DW)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

4. **Staff recommends motion to approve:** Agreement with Belle Glade Housing Authority in an amount not-to-exceed Five Hundred Dollars (\$500) for the No Wind For Seniors Program to purchase table equipment and supplies in the Okeechobee Community Center for the 2005-2006 Resident Education to Action Program (REAP). **SUMMARY:** The Belle Glade Housing Authority completed a six (6) week REAP session. During the session, Belle Glade Housing Authority was selected by the Office of Community Revitalization to receive a grant in the amount of Five Hundred Dollars (\$500). Belle Glade Housing Authority is proposing to purchase table equipment and supplies in the Okeechobee Community Center. District 6 (AH)

5. **Staff recommends motion to approve:** Amendment No. 4 to the Contract for consulting/professional services with Langton Associates, Inc. (R2004-0180) for services related to Palm Beach County's Grant Development Program for the period of February 1, 2008, through April 30, 2008, in the amount of \$21,537.42. **SUMMARY:** On February 3, 2004, the Board approved a consulting/professional services contract with Langton Associates, Inc. for the term of February 1, 2004, through January 31, 2005 for a total contract amount of \$78,140, to provide grant program development services. Amendment No. 1 approved on February 1, 2005 extended the term an additional one (1) year period and increased the annual amount by 5%. Amendment No. 2 approved on February 7, 2006 extended the term an additional one (1) year period. Amendment No. 3 approved on February 6, 2007 extended the term an additional one (1) year period and increased the annual amount by 5%. This Amendment will extend the term of the contract an additional three (3) month period and provides for a contract amount of \$21,537.33. At this time staff is extending the contract for a three (3) month period while preparing a Request for Proposal for the next contract cycle. The purpose of the Request for Proposal is to pre-qualify three (3) grant consultants that will provide services on a task order basis to County departments. Countywide (DSW)

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>
Budget Public Hearing	September 6, 2007
Workshop	September 25, 2007
Regular	October 16, 2007
Regular	November 20, 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 November 2007. Countywide

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER (Cont'd)

5. [Staff recommends motion to receive and file:](#) annual financial reports, excess fees and unexpended budget for FY 2006-2007 for the Clerk & Comptroller, Tax Collector, and Property Appraiser. **SUMMARY:** The financial reports of these Constitutional Officers were submitted to the Office of the Clerk to the Board on or before October 31, 2007, in accordance with F.S. 218.36. The amounts shown for the Tax Collector and the Property Appraiser represent the total payment to the County. A portion of these revenues are budgeted in the Library, Fire Rescue, and various other special revenue funds.

	<u>Budget Estimate</u>	<u>Actual Excess Fees</u>	<u>Additional Excess Fees</u>
CLERK& COMPTROLLER	\$ 2,000,000.00	\$ 2,785,223.76	\$ 785,223.76
TAX COLLECTOR	\$ 34,886,971.00	\$ 39,918,578.64	\$ 5,031,607.64
PROPERTY APPR.	\$ 1,168,356.00	\$ 1,976,210.60	\$ 807,854.60
	<u>\$ 38,055,327.00</u>	<u>\$ 44,680,013.00</u>	<u>\$ 6,624,686.00</u>

The amounts shown as additional excess fees will be included in the adjustment for additional balances brought forward which will be brought to the Board of County Commissioners in March 2008. Countywide (PFK)

C. ENGINEERING & PUBLIC WORKS

1. [Staff recommends motion to approve:](#) an Amended and Restated Agreement for a Golf Cart Underpass, as well as certain other elements, within the right-of-way of Indiantown Road with Toll Jupiter Limited Partnership (Developer) and Northern Palm Beach County Improvement District (Northern). **SUMMARY:** This Amended and Restated Agreement will transfer responsibility for construction and maintenance of the Golf Cart Underpass from the Developer and Jupiter Country Club Homeowners Association, Inc. (Association), to Northern. District 1 (MRE)
2. [Staff recommends motion to approve:](#) a License Agreement with the School Board of Palm Beach County (School Board), which is required for the construction of a right turn lane on Jog Road at the Omni Middle School. **SUMMARY:** This action approves a License Agreement with the School Board that is required for the construction of a right turn lane on Jog Road at Omni Middle School. This turn lane is part of the widening and construction of improvements on Jog Road, from Yamato Road to Clint Moore Road. District 4 (PFK)
3. **DELETED**
4. **DELETED**
5. [Staff recommends motion to approve:](#) Agreements with Bridge Design Associates, Inc. (BDA) and R.J. Behar & Company, Inc. (RJB), to provide the necessary professional services for structural engineering projects on a task order basis, for Countywide projects, as required. **SUMMARY:** These Agreements will provide the necessary professional services for structural engineering projects throughout the County for all user departments. At the option of the County, these Agreements can be renewed annually for a period of one (1) year, with a maximum of two (2) renewals.

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

6. Staff recommends motion to approve: an Agreement with Corzo Castella Carballo Thompson Salman, P.A., (C3TS) to provide the necessary professional services for structural engineering projects on a task order basis, for Countywide projects, as required. **SUMMARY:** This Agreement will provide the necessary professional services for structural engineering projects throughout Palm Beach County (County) for all user departments. At the option of the County, this Agreement may be renewed annually for a period of one (1) year, with a maximum of two (2) renewals. Countywide (PFK)

7. Staff recommends motion to approve: Supplemental Agreement No. 8 to Project Agreement R2001-1894 in the amount of \$267,042.18 with Arcadis U.S., Inc. (Arcadis) for professional services. **SUMMARY:** This Supplemental Agreement will provide the services necessary for the preparation of bridge and box culvert design plans, and for the modification of alternative alignments for Seminole Pratt Whitney Road from Northlake Boulevard to Bee Line Highway (Project). Districts 1 & 6 (PFK)

8. Staff recommends motion to approve: Supplemental Agreement No. 11 to Project Agreement (R99-2103D) in the amount of \$37,273.21 with CH2M Hill, Inc., (CH2M Hill), formerly known as Gee & Jensen, E.A.P., Inc., for professional services. **SUMMARY:** This Supplemental Agreement will provide the services necessary for the preparation of separate design plans and construction bid documents for Seminole Pratt Whitney Road from south of Okeechobee Boulevard to north of Sycamore Drive (Project). District 6 (PFK)

9. Staff recommends motion to approve: an Agreement with Erdman Anthony of Florida, Inc., (EAI) to provide the necessary professional services for intersection improvement projects on a task order basis, for Countywide projects, as required. **SUMMARY:** This Agreement will provide the necessary professional services for intersection improvement projects throughout Palm Beach County (County) for all user departments. At the option of the County, this Agreement can be renewed annually for a period of one (1) year, with a maximum of two (2) renewals. Countywide (PFK)

10. Staff recommends motion to approve: a Budget Transfer of \$200,000 in the Road Impact Fee Fund – Zone 1 from Reserves to Roosevelt Avenue (Island Way) from Indiantown Road to Martin County Line. **SUMMARY:** The Board of County Commissioners (Board) previously entered into an Agreement with Schickedanz Capital Group, LLC for their design and construction of Island Way between Indiantown Road and Limestone Creek Road in Jupiter, which limited the funding (Pooled Funds) to be provided by Palm Beach County (County). Construction is now complete and additional costs which the County agreed to consider (after the Pooled Fund was established) total \$200,000. District 1 (MRE)

11. Staff recommends motion to approve: a \$14,988,000.47 Contract with Ranger Construction Industries, Inc., the lowest responsive, responsible bidder, for the construction of Hypoluxo Road from west of Lyons Road to Hagen Ranch Road (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 Industries, Inc. is 15.01%. District 3 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

12. Staff recommends motion to approve: a Budget Transfer of \$200,000 in the Transportation Improvement Fund from Reserve for District 2 to Summit at Pine Jog Elementary School Traffic Signal-District 2. **SUMMARY:** Approval of the Budget Transfer will provide partial funds to pay for a new traffic signal for the Pine Jog Elementary School. District 2 (MRE)

13. Staff recommends motion to approve:

A) a Budget Transfer of \$209,133 in the Capital Outlay Fund from Woolbright Road (SE 15th Street) Bascule Bridge to Camino Real Road (Boca Club) Bascule Bridge; and

B) Change Order No. 3 for an increase of \$209,132.08 in the contract amount and an increase of eight (8) contract days with Seacoast, Inc. for repair work to the Camino Real Road (Boca Club) Bascule Bridge.

SUMMARY: Change Order No. 3 increases the contract amount and days to accomplish the additional repair work determined to be necessary for various elements of the bridge which, through the repair process, were exposed upon further inspection by Palm Beach County. District 4 (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: the Housing Finance Authority of Palm Beach County, Florida's (the "Authority") revised Guidelines for Issuance of Multifamily Rental Housing Revenue Bonds (the "Guidelines") as required by Ordinance No. 2002-022 (the "Ordinance"). **SUMMARY:** The Authority has revised its existing Guidelines to: i) more closely track the language of applicable laws and regulations, ii) correct any formatting, style or typographic errors, and iii) delete redundant language. Pursuant to the Ordinance, "all rules or regulations to be promulgated by the Authority, including but not limited to rules setting forth standards or criteria for determining whether . . . projects are eligible projects . . . as the same are changed or amended from time to time, shall be submitted to and approved, in each instance, by the Board of County Commissioners." Countywide (PFK)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: Modification No. 003 to Contract No. 07EA-6j-10-60-01-023 (R2007-0267), with the State of Florida Department of Community Affairs for the period March 1, 2007, through March 31, 2008, in the amount of \$77,282 for the Low Income Home Energy Assistance Program (LIHEAP). **SUMMARY:** Palm Beach County received notification on October 15, 2007, that additional LIHEAP funds are available under the current contract. The Modification incorporates an additional \$76,774 in contingency funds and \$508 in leveraging funds, for a new grant total of \$1,396,866. The \$76,774 represents PBC Community Action's of share emergency funds and the leveraging funds of \$508 are allotted based on the dollars generated to provide non-federal utility bill assistance. These additional funds will enable services to be provided to an additional 151 low-income households. No County funds are required. (Community Action Program) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. **Staff recommends motion to approve:** Amendment No. 3 to the Use of Facilities Agreement with Alzheimer's Community Care, Inc. (ACC) (R99-1632D), effective January 1, 2008 with no fixed expiration date. **SUMMARY:** The ACC currently provides a congregate meal site at five (5) locations. This Amendment adds another site at 2600 Avenue H West, Riviera Beach, FL 33407. The ACC provides space, energy, and site management at no cost to the County. The Division of Senior Services (DOSS) operates the sites and provides the meals. No additional funding is required. (DOSS) Countywide except for portions of Districts 3, 4, 5 & 7 south of Hypoluxo Road (TKF)

3. **Staff recommends motion to approve:** Contract with the Area Agency on Aging Palm Beach/Treasure Coast, Inc. in the amount of \$117,000 for the period October 1, 2007, through September 30, 2008, for quality assurance services. **SUMMARY:** Contract with this non-profit agency is funded under the County-Sponsored Program area of the budget. Area Agency on Aging Palm Beach/Treasure Coast, Inc. will provides services through staff which will consist of monitoring, technical assistance and training to ensure that provider agencies provide high quality service, and comply with all contract terms, as well as applicable state and federal laws. Countywide (TKF)

4. **Staff recommends motion to approve:** Standard Agreement No. IU008-1 with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period of October 1, 2007, through September 30, 2008, for a total not-to-exceed \$273,612 for the Nutrition Services Incentive Program (NSIP). **SUMMARY:** NSIP funds are available to supplement the cost of meals in the Division of Senior Services (DOSS) Congregate and Home Meals programs. NSIP provides reimbursement for the purchase of United States produced agricultural and other food commodities for use in nutrition projects operating under the approved Older Americans Act (OAA) Title III agreement. The maximum number of meals to be reimbursed is 445,838 at the rate of \$.6137002 per meal for a total of \$273,612. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provides OAA services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5 & 7 south of Hypoluxo Road (TKF)

F. AIRPORTS

1. **Staff recommends motion to approve:**
 - A) a Contract with CTR Systems, Inc. in the amount of \$2,370,495 for the Parking Access and Revenue Control System (PARCS) Replacement Project at Palm Beach International Airport (PBIA); and
 - B) a Budget Amendment of \$400,000 in the Airports' Improvement and Development Fund recognizing Florida Department of Transportation (FDOT) grant and increasing reserves by \$400,000.

SUMMARY: This project was advertised utilizing the Request for Proposals (RFP) process. On August 21, 2007 four (4) submittals were received for the PARCS Replacement Project at PBIA. Following the County's RFP process, the Selection Committee selected CTR Systems, Inc. as the best qualified firm to perform these services in the amount of \$2,370,495. The FDOT has provided grant funding not-to-exceed \$400,000 in the implementation of SunPass. The Small Business Enterprise (SBE) goal for this project was established at 15.00%. None of the proposers provided any SBE participation in their submittals. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. Staff recommends motion to approve:

A) a Contract with Hi-Lite Markings, Inc. in the amount of \$648,618.50 for the Airfield Marking Improvements Project at Palm Beach International Airport (PBI) and North Palm Beach County General Aviation Airport (F45); and

B) a Budget Transfer of \$248,700 in the Airports' Improvement and Development Fund to provide budget for Airfield Marking Improvements, including a transfer from reserves.

SUMMARY: This project was advertised utilizing the competitive bid process. On November 15, 2007 three (3) bids were received for the Airfield Marking Improvements Project at PBI and F45. Hi-Lite Markings, Inc. has been identified as a responsible/responsive bidder in the amount of \$648,618.50, which includes the base bid and alternates 1, 2, 3 and 4. The Small Business Enterprise (SBE) goal for this project was established at 15.00%. Hi-Lite Markings, Inc.'s bid contained 12.80% SBE participation. Countywide (JCM)

3. Staff recommends motion to approve:

A) an Agreement to purchase the following property at a total cost of \$113,000. Said property is located West of Runway 9L at Palm Beach International Airport (PBIA):

Rachel Deighan, Individually and as sole heir to the Estate of Maureen Joan Deighan
 346 William Road
 West Palm Beach, FL 33415 Parcel W – 25
 Sales Price \$113,000.00
 Replacement Housing \$ N/A

B) an Agreement to purchase the following property at a total cost of \$199,000. Said property is located West of Runway 9L at PBIA:

John W. Mitchell
 478 Haverhill Road
 West Palm Beach, FL 33415 Parcel W – 67
 Sales Price \$185,000.00
 Replacement Housing \$ 14,000.00

C) a short term Residential Lease Agreement with John W. Mitchell.

SUMMARY: The above properties are being acquired in accordance with Palm Beach International Airport's approved Part 150 Noise Compatibility Study, which recommended the acquisition of property. Countywide (JMB)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. Staff recommends motion to receive and file: six (6) original Agreements for the Department of Airports:
 - A) Agreement to Terminate North County Hangar Lease Agreement with Fly, LLC, Unit 11, Building 11750, terminating R2006-0838 on December 31, 2007;
 - B) Agreement to Terminate North County Hangar Lease Agreement with Robert Morgenthaler, Unit 13, Building 11230, terminating R2004-1664 on December 31, 2007;
 - C) Agreement to Terminate North County Hangar Lease Agreement with Jerry Sutow, Unit 8, Building 11350, terminating R2004-2288 on January 31, 2008;
 - D) Agreement to Terminate North County Hangar Lease Agreement with Yachtphoto Helicopter, LLC, Unit 5, Building 11750, terminating R2006-1253 on December 31, 2007;
 - E) North County General Aviation Airport Hangar Lease Agreement with Aircraft Systems Company, Ltd., Unit 9, Building 11730, commencing on January 1, 2008; and
 - F) North County General Aviation Airport Hangar Lease Agreement with Fly LLC, Unit 13, Building 11230, commencing on January 1, 2008.

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

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: the recording of the FY 2007 retirements of tangible personal property (equipment, vehicles, publications) in the official minutes of the Board of County Commissioners' meeting as prescribed by Florida Statutes, Chapter 274. **SUMMARY:** Florida Statutes, Chapter 274 and the Palm Beach County "Surplus Property Ordinance" require the recording of the disposal (retirement) of tangible personal property from the official records of Palm Beach County at historical value. Disposal, retirement, and reconciliation adjustments total \$24,608,305.18, which includes 303 items unaccounted for but not disposed of in Fiscal Year 2007, in the amount of \$815,250.49 (depreciated valued of \$93,900.84). Approval of this agenda item allows for Palm Beach County to meet required legal obligations. Countywide (PFK)
2. Staff recommends motion to approve: a negotiated Settlement Offer in the amount of \$11,860 for the full satisfaction of a Code Enforcement Lien that was entered against Judy W. Hoffman, et al on November 3, 2004. **SUMMARY:** The Code Enforcement Special Master (CESM) entered an Order on July 7, 2004 giving Judy Hoffman, et al until August 6, 2004 to correct the lack of required parking wheel stops/curbs and spaces, to repair the potholes and cracks in the asphalt parking lot and to stripe the parking spaces of the convenience store/gasoline station. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$50 per day was imposed. The CESM then entered a claim of lien against the owners of the property on November 3, 2004. The cited code violations were fully corrected as of January 6, 2006. The total accumulated lien amount through May 17, 2007, the date settlement discussions began, totaled \$35,574.43 of which Ms. Hoffman has agreed to pay the County \$11,860 (33.3%) for full settlement of their outstanding Code Enforcement Lien. District 2 (PGE)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET (Cont'd)

3. **Staff recommends motion to adopt:** a Resolution authorizing the issuance of Public Improvement Revenue Note, Series 2008 (Environmentally Sensitive Land Acquisition Project) in the principal amount not-to-exceed \$11,710,000, to finance the cost of the acquisition of environmentally sensitive land in Palm Beach County; providing that the Note shall be a limited obligation of the issuer payable from a covenant to budget and appropriate non-ad valorem revenues; providing for the rights, securities and remedies for the owner of the Note; making certain covenants and agreements in connection therewith; providing for severability; and providing an effective date. **SUMMARY:** On January 15, 2008, the Board adopted a Resolution (R2008-0107) authorizing the negotiation of a loan in the amount not-to-exceed \$18 million from the Sunshine State Governmental Financing Commission for the Agreement for Sale and Purchase with Indiantown-Jupiter Venture, a Florida general partnership, and Walter J. Hatcher and Joyce Hatcher, and assigns for the purchase of approximately 230.54 acres of improved land. The portion of the purchase price to be funded from the Loan was approximately \$11.89 million and the loan was scheduled to close on January 23, 2008. The bank providing liquidity support for the Sunshine State variable rate loan notified the County just prior to closing that it was not able to honor its commitment. In order to meet the County's commitment to close the Hatcher purchase prior to February 10, 2008, the County sent a request for proposals to qualified lending institutions for the above Note. The County will award the sale of the Note to the low bidder today and close on the Note tomorrow. The cost of issuance will be paid from proceeds of the Note. Countywide (PFK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** JOC Work Order No. 08-038 with West Construction, Inc., (R2007-0948) in the amount of \$309,219.50 to provide build-out of approximately 1,600 sq. ft. of undeveloped shell space on the second floor of the State Attorney/Public Defender (SA/PD) Building. **SUMMARY:** The work consists of the design and installation of 1,600 sq. ft. of office space, including flooring, walls, ceiling, electrical, lighting, and A/C to meet current building code requirements. The SBE participation in this Work Order is 100%. When the participation for this Work Order is added to West's total participation-to-date, the resulting values are 100%. The SBE goals are 15%. The total construction duration is 180 days. This work will comply with all applicable local, state, and federal codes and regulations. (FD&O Admin) Countywide/District 7 (JM)
2. **Staff recommends motion to approve:** a Contract with Musco Sports Lighting LLC, in the amount of \$262,149 to furnish and install new outdoor lighting for two (2) ballfields at the Lake Lytal Park in West Palm Beach. **SUMMARY:** The work consists of furnishing and installing energy efficient replacement light fixtures on twelve (12) existing concrete poles. Includes all new electrical wiring and electrical disconnect switches. This procurement is "piggybacking" on the existing annual contract between the City of Jacksonville (SC-0511-06) and Musco Sports Lighting. The existing City of Jacksonville contract has an SBE participation encouragement requirement. There is 0.95% SBE participation in this Contract. A Performance Bond is included in the Contract and will be provided prior to work commencing. This work will comply with all applicable local, state, and federal codes and regulations. (FD&O Admin) District 2 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve: Change Order No. 5 to the Contract with Rio-Bak Corporation (R2006-2722) for a 79-day time extension for the Riverbend Park Bridge over the Loxahatchee River project. **SUMMARY:** Change Order No. 5 provides for time delays for weather (14 days) and stone fascia acquisition (65 days). The stone selection process was extended due to the logistics of mining the samples, shipping and preparing mock-ups. The process was repeated four times until a satisfactory selection was made. Change Order No. 5 must be approved by the Board as the extra days requested exceeds the cumulative limits of the Department Director and Contract Review Committee. (Capital Improvements Division) District 1 (JM)

4. Staff recommends motion to approve: Amendment No. 4 to the Annual Engineering/Professional Services Contract with LBFH, Inc. (R2003-1898) for Parks & Recreation Capital Improvement projects. **SUMMARY:** On November 18, 2003, the Board entered into a contract with LBFH, Inc., for engineering/professional services for Parks & Recreation Capital Improvement projects on a continuing services basis. LBFH, Inc. has been acquired by Boyle Engineering Corporation and Amendment No. 4 acknowledges the change in ownership. (Capital Improvements Division) Countywide (JM)

5. Staff recommends motion to approve: a First Amendment to the Agreement (R2004-0096) with the City of Riviera Beach (City) for temporary direct access to the County's 800 MHz Radio System until February 21, 2009. **SUMMARY:** The temporary access agreement provides the terms and conditions under which the City can directly access the County's 800 MHz Radio System on a temporary basis. The City is required to pay annual maintenance fees during the temporary connection period which currently extends until February 21, 2008. In order to be permanently connected to the County's system; however, the City must pay a one-time access charge of \$2,089/unit and an annual replacement and renewal charge of \$211.42/unit retroactive to 2004, both by February 21, 2008. This Amendment will extend the term of the temporary access agreement until February 21, 2009, but requiring the City to pay half of its permanent connection charges by February 21, 2008, and the balance by February 21, 2009. In the event that the City does not pay its permanent connection charges by the appropriate due dates or does not execute a permanent direct access agreement by February 21, 2009, the City will be de-activated from the County's system on the day following the City's failure to perform. The same terms were offered to every municipality accessing the County's system through a temporary direct access agreement. (FDO/ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. Staff recommends motion to approve:

A) an Interlocal Agreement with the Solid Waste Authority (SWA) of Palm Beach County; and

B) a Drainage Easement to the Solid Waste Authority (SWA) of Palm Beach County.

SUMMARY: The County is constructing the Herman W. Brice Fire Rescue Complex (Training Facilities) located on Pike Road between Southern Boulevard and Belvedere Road. The Training Facilities are being constructed on property that is partially County-owned and partially leased from the Solid Waste Authority under a long-term lease. As part of the development of the Training Facilities, the County acquired 2.66 acres of land by Quit Claim Deed, dated December 20, 2005, from the Lake Worth Drainage District (LWDD) (Agenda Item 6B-1, December 6, 2005) which will benefit both the County and SWA's use. Pursuant to this Interlocal Agreement, the SWA will reimburse the County \$1,038,826 for land acquisition and shared infrastructure costs incurred by the County, based upon SWA's proportionate use of the land and infrastructure. In exchange for the reimbursement, the County has agreed to grant SWA a drainage easement to allow access to a dry retention area to serve SWA property and positive legal outfall through the County-owned and partially leased property. (PREM) District 6 (HJF)

7. Staff recommends motion to accept: an Access Easement from Tivoli Isles of Palm Beach County Homeowners Association, Inc. **SUMMARY:** The developers of the Tivoli Isles PUD located just north of Atlantic Avenue on the east side of State Road 7, are required by County Zoning Code to provide Palm Beach County with a 1.5 acre public civic site. The civic site lies on the northwest side of the PUD adjacent to the Lake Worth Drainage District (LWDD) E-1 Canal and the entrance to the PUD. This Access Easement provides the County, its successors and assigns, a perpetual non-exclusive easement for access, ingress and egress to the Tivoli Isles public civic site. This site will be used for development of a Fire Rescue Station. (PREM) District 5 (HJF)

8. Staff recommends motion to approve: extending the existing Land Lease Agreement with the Solid Waste Authority (R97-2119D) until December 15, 2012. **SUMMARY:** The County and the Solid Waste Authority (SWA) entered into a Land Lease Agreement on December 18, 1997 (R97-2119D) for the County's operation of a fueling facility at SWA's North Transfer Station located at 14185 N. Military Trail. The initial term was for five (5) years with four (4) options to extend each for a period of five (5) years. The first option was exercised on July 23, 2002 (R2002-1173) extending the Land Lease until December 15, 2007. This exercise of the second option will extend the term from December 16, 2007, through December 15, 2012. The rent is \$10/yr. (PREM) District 1 (JMB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. Staff recommends motion to receive and file: the extension of Internal Memorandum of Understanding (R2005-2163) between Department of Airports and the Facilities Development & Operations (FDO) Department, effective October 31, 2007. **SUMMARY:** On November 1, 2005, the Board approved an Internal Memorandum of Understanding (MOU) between Airports and FDO, for FDO to lease land and buildings at 4215 Cherry Road in West Palm Beach at the former Kings Academy site. In addition to FDO utilizing a portion of this site for storage, FDO has entered into agreements for use with the Library Department, Supervisor of Elections and PBSO for their equipment storage and operational concerns. Although the MOU was scheduled to expire on December 31, 2007, Section 1.02 of the MOU permitted the term be extended by mutual consent of FDO and Airports provided the request occurred at least thirty (30) days prior to the then-expiration date. In a Memorandum dated October 26, 2007, FDO requested Airports extend the term on a month-to-month basis with fifteen (15) days cancellation notice by FDO to Airports. Airports acknowledged and agreed to this extension on October 31, 2007. As proper notice was provided for and consented to, the MOU has been extended accordingly. All other terms and conditions of the MOU will remain unchanged. (PREM) District 2 (JMB)

10. Staff recommends motion to:

A) approve a Fourth Amendment to Lease Agreement (R2007-1722) between the South Florida Water Management District (SFWMD), Palm Beach County and Roth Farms, Inc.; and

B) adopt a Resolution finding that an Amendment to the Lease Agreement between the South Florida Water Management District (SFWMD), Palm Beach County, and Roth Farms, Inc. is in the best interest of the County.

SUMMARY: On October 23, 2007, the County acquired approximately 96.18 acres of property at 20-Mile Bend from SFWMD for development of a Public Safety Training Facility, Public Shooting Park, and expansion of the Law Enforcement Training Facility. A portion of the acquired land was leased by SFWMD to Roth Farms, Inc. in a Farming Lease that was partially assigned to the County at closing. The County anticipates that construction will not commence on either the Public Shooting Park or SFWMD Field Station property for approximately two (2) years. In an effort to maintain and maximize the use of the property, both the County and SFWMD desire to extend the lease. The current term of the lease expires on February 28, 2008. This Fourth Amendment will: i) extend the term of the Lease for two (2) years with an option for an additional extension of one (1) year at the sole discretion of the County and SFWMD; ii) expand the lease area to include 39.76 acres of SFWMD owned property and 78.21 acres of County owned property for a total of 117.97 acres of which only 106.69 acres is farmable land (Farming Area); iii) increase the rental rate by 3% to \$196.69 per acre of Farming Area for a total of \$20,984.86 in 2008, with a 3% increase for each additional year; and iv) provide for Roth Farms to pay the annual rental payment to the SFWMD, and the SFWMD will be responsible for forwarding the County's pro rata share of 63.58% of the annual payment. SFWMD has determined the rent to be Fair Market Value based on their review of appraisals. A one-time credit of \$2,500 will be applied to the first year's annual payment to offset a portion of Lessee's cost for the removal of debris required to make the expanded land area usable for farming. The Resolution finds that the Fourth Amendment is in the best interest of the County. (PREM) Countywide/District 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

11. **Staff recommends motion to approve:** a Utility Easement Agreement in favor of Florida Power & Light Company (FPL) for electrical service to the County's Lake Region Water Treatment Plant (LRWTP) in Belle Glade, and to transformers at five (5) well sites that will provide water to the LRWTP. **SUMMARY:** The County is constructing the LRWTP on a 19.97 acre parcel east of State Road 715 on Hooker Highway in Belle Glade. FPL requires an easement for installation of electrical service at the LRWTP and to five (5) well sites along State Road 715 that will provide water to the Treatment Plant. The easement area for each well site is 10' x 25'. The easement area at the LRWTP is 10' wide for a length of 332.38 feet, terminating at a 20' x 20' area, for a total of approximately 3,723.75 square feet. The easement is non-exclusive and is being granted to FPL at no charge as it will provide electrical service to County facilities and is required as a condition of service. (PREM) District 6 (JMB)

12. **Staff recommends motion to approve:** a Utility Easement Agreement in favor of Florida Power & Light Company (FPL) for electrical service to the County's Herman W. Brice Fire Rescue Complex in unincorporated West Palm Beach. **SUMMARY:** The County is currently in the process of constructing the Herman W. Brice Fire Rescue Complex located on Pike Road between Southern Boulevard and Belvedere Road. FPL requires a utility easement for the installation of overhead and underground power lines and a transformer to provide primary power to the facility. The easement area is 10' x 462.41', for a total of 4,624.10 square feet (0.106 acres). The County is signing the Joinder and Consent to the Utility Easement Agreement as Lessee. This is a perpetual non-exclusive easement and is being granted to FPL at no charge, as it will provide electrical service to County facilities. (PREM) District 6 (HJF)

13. **Staff recommends motion to accept:** a Quit Claim Deed from the State of Florida, Department of Transportation (FDOT) for a 2.765 acre parcel adjacent to Water Treatment Plant No. 8 (WTP8). **SUMMARY:** The Water Utilities Department is proposing to expand WTP8, located at 1500 North Jog Road, between Belvedere Road and Florida's Turnpike, west of West Palm Beach. In order to clear title to the property, FDOT is quit-claiming any interest it may have in this 2.765 acre parcel located northeast of and adjacent to WTP8. (PREM) District 2 (HJF)

14. **Staff recommends motion to approve:** the Stratford Court II, PUD Replat for Fire Rescue Station No. 56. **SUMMARY:** On July 2, 2007, the County acquired 1.836 acres of land on S.W. 18th Street in Boca Raton from SPTMRT Properties Trust (SPTMRT), for the purpose of constructing Fire Rescue Station No. 56. The land acquired by the County was a portion of the larger Stratford Court II, PUD containing a total of 22.97 acres. The County is required to replat the entire Stratford Court II, PUD as a result of the subdivision of the property. Both the County and SPTMRT will sign the plat as property owners. (PREM) District 4 (HJF)

15. **Staff recommends motion to approve:** BMC Replat No. 1. **SUMMARY:** In 2003, the County entered into an Agreement (R2003-0313) to sell 8.5 acres of property at the northeast corner of Belvedere Road and Military Trail to Belvedere Military Corporation (BMC). This property was incorporated into the Wal-Mart commercial shopping center. The Agreement with BMC required BMC to replat the entire project, including a small portion of the project which is still owned by the County. The County is required to execute the Plat as property owner. This action will close out all obligations of BMC and the County under the Agreement. (PREM) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

16. **Staff recommends motion to approve:** a Corrective Notice of Limitation of Use for the southeasterly portion of Lake Ida Park, in Delray Beach. **SUMMARY:** Parks and Recreation obtained a \$94,344 grant from the State of Florida Department of Environmental Protection for improvements constructed at Lake Ida Park. The grant required recordation of a Notice of Limitation of Use describing the project and grant funding restrictions which was done in 2001. Unfortunately, the original Notice contained an incorrect legal description. The County is in the process of selling a portion of land encumbered by the original Notice of Limitation of Use, and this Corrective Notice will clear title to the property and encumber the correct portion of the Park. (PREM) District 7 (AH)

17. **Staff recommends motion to approve:** Contract with West Construction, Inc. for the renovations to Belle Glade Fire Station No. 73 in the amount of \$2,194,495. **SUMMARY:** This contract will provide for the renovations and new site work for the existing 9,500 sq. ft. fire station located at 525 SW 2nd Street, Belle Glade. In December 2005, the City of Belle Glade elected to come into the Palm Beach County Fire Rescue MSTU effective October 1, 2006, and the City's personnel, apparatus and existing fire station were transferred to the County. The existing Belle Glade Fire Station suffered storm damage in 2004 and 2005 and has been uninhabitable since then, and currently Fire Rescue personnel are operating from temporary modular facilities. The SBE goal for this project is 15%. West Construction, Inc.'s bid includes participation of 20%. The Contract time is 450 calendar days to substantial completion. (Capital Improvements Division) District 6 (JM)

18. **Staff recommends motion to approve:** Change Order No. 9 to the Contract with West Construction, Inc. (R2006-0558) in the amount of \$7,573.60 and 50 day time extension for the West Boynton PBSO project. **SUMMARY:** Change Order No. 9 provides for costs associated with additional work required by building inspector and additional exit lights required by code. The time delays were associated with these changes as well as delay associated with an ordering error for the water meter. All of the work was completed prior to authorization. Change Order No. 9 must be approved by the Board as the extra days requested exceeds the cumulative limits of the Department Director and Contract Review Committee. (Capital Improvements Division) District 3 (JM)

19. **Staff recommends motion to approve:** Amendment No. 2 to the Contract with Moss & Associates, LLC (R2007-0031) for construction management services for site utilities/demolition at the West County Detention Facility site for a Guarantee Maximum Price (GMP) in the amount of \$4,001,795. **SUMMARY:** Amendment No. 2 will provide for the installation of water, sanitary and storm piping, the removal of existing utilities and removal of existing curbs, sidewalks and asphalt paving as needed. This work is being released prior to completion of the building design in order to maintain the required completion date for the entire project. Demucking and earth work previously authorized is ongoing and site work including vertical construction will occur concurrently with this work via subsequent Amendments. The SBE goal for this project is 15%. Moss & Associates will be providing 15% SBE participation in this Amendment. The duration of this work is 231 days. Amendment No. 2 is within the budgeted estimate of the work and the funds for this work will come from the Bond Anticipation Notes previously authorized by the Board. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: Amendment No. 002 to an Agreement (R2006-0988) with the City of Belle Glade, to: a) reallocate funds already made available under the Agreement; b) expand the scope of the project to include improvements on SW 5th Street and an additional section of SW 10th Street in the City of Belle Glade; and c) extend the expiration date from January 31, 2008, to February 29, 2008. **SUMMARY:** The Agreement provides the City of Belle Glade \$948,900 in 2004 Disaster Recovery Initiative Program funds for drainage improvements on SW 10th and 12th Streets, and on SW Avenues I and J, in the City of Belle Glade. Of the \$948,900, \$863,900 is allocated for construction costs, and \$85,000 is allocated for engineering costs. Since bids were received below the allocated construction budget, the City desires to expand the scope of the project to make use of unencumbered funds remaining available under the Agreement. As a result of this Amendment the \$863,900 allocated for construction costs will be reduced to \$838,297, and the \$85,000 allocated for engineering costs will be increased to \$110,603. A one (1) month extension to the term of the existing Agreement is provided to enable the above. **These are Federal Community Development Block Grant funds that require no local matching funds.** District 6 (TKF)

2. Staff recommends motion to approve: an Agreement with the City of Pahokee for the construction of a passive courtyard and parking area, in the amount of \$27,817 in Community Development Block Grant (CDBG) funds for the period of February 5, 2008, through December 31, 2008. **SUMMARY:** The courtyard and parking area will be constructed on city owned property located at the corner of Adams Place and Rardin Avenue in the City of Pahokee. The construction of the passive park will help to enhance the esthetics of a local housing project. The project includes the installation of paver sidewalks, plantings, and asphalt paved parking spaces. The Agreement will also provide funding for the design of the project. **This Agreement will provide \$27,817 in Federal CDBG funds which do not require local matching funds.** District 6 (TKF)

3. Staff recommends motion to adopt: a Resolution approving the Fifth Amendment to the local Hurricane Housing Recovery Plan (HHRP) (R2005-1885) for Fiscal Years 2005-2006, 2006-2007 and 2007-2008 providing a First-Time Homebuyer Strategy for eligible applicants in Palm Beach County. **SUMMARY:** The Fifth Amendment is a continuation of prior recommendations from the Commission on Affordable Housing staff, to remove barriers impeding the efficient implementation of the HHRP. This recommendation will provide down payment, closing cost and rehabilitation assistance to eligible first-time homebuyers. The financing may be used as gap financing to buy down the purchase price on a new or existing single family home. On November 27, 2007, the Florida Housing Coalition recommended the addition of this activity to our HHRP to assist in the timely expenditure of HHRP funds. The established criteria for this activity will be consistent with the approved criteria used for the State Housing Initiative Partnership (SHIP) Program. However, the maximum funding a homebuyer can be awarded through the HHRP will be \$45,000. Eligible households may earn up to 120% of area median income. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

4. **Staff recommends motion to approve:** Amendment No. 001 to an Agreement (R2007-0296) with the City of Riviera Beach to extend the expiration date from February 28, 2008, to August 31, 2008, for the expenditure of \$238,115 in Community Development Block Grant (CDBG) funds. **SUMMARY:** The Amendment provides an extension of six (6) months to the term of the existing Agreement for the construction of street improvements on West 32nd Street in the City of Riviera Beach. The street improvements will include storm water drainage, curbs, gutters, sidewalks, paving, landscaping, relocation of water and sewer lines, adjustment of sewer laterals/water meters/valves, retaining walls, resetting of chain link fences and other incidental work associated with these improvements. The time extension is requested because of a delays in the preparation of design and contract specifications for the project by an outside firm, time needed to verify the background and qualifications of the lowest bidder, and the City's contract award process taking longer time than expected. **These are Federal funds that require no local match.** District 7 (TKF)

5. **Staff recommends motion to approve:** Amendment No. 001 to an Agreement (R2007-0777) with the Westgate/Belvedere Homes Community Redevelopment Agency to extend the expiration date from December 31, 2007, to April 30, 2008, for the expenditure of \$80,000 in Community Development Block Grant (CDBG) funds. **SUMMARY:** The Amendment provides an extension of four months to the term of the existing Agreement for the installation of street lights on Cherry Road. The work has been delayed due to a delay in the delivery of the decorative lights from the manufacturer. **These are Federal funds that require no local match.** District 2 (TKF)

J. PLANNING, ZONING & BUILDING

1. **Staff recommends motion to:**
 - A) **adopt** Resolution of the Board of County Commissioners (BCC) of Palm Beach County, Florida, granting a County tax exemption for one (1) historic property located within the City of Delray Beach; and

 - B) **approve** restrictive covenant for the historic property, requiring the qualifying improvements be maintained during the period that the tax exemption is granted.

SUMMARY: The resolution will authorize a County tax exemption for the following historic property located within the City of Delray Beach:

Address: 226 North Swinton Avenue

If granted the tax exemption shall take effect January 1, 2008, and shall remain in effect for ten (10) years, or until December 31, 2017. The exemption shall apply to 100 percent of the assessed value of all improvements to each historic property, which resulted from restoration, renovation, or rehabilitation of the property. Based on the 2008 millage rate, it is estimated that approximately \$3,716 (tax dollars) will be exempted annually. Accompanying the resolution is a restrictive covenant, which requires the qualifying improvements be maintained during the period that each tax exemption is granted. District 4 (RB)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to receive and file: one (1) Agreement for Emergency Generator Purchase, Operation and Maintenance received during the month of June 2007: Saturnia Homeowners Association. **SUMMARY:** On March 14, 2006, the Board of County Commissioners delegated the authority to execute Emergency Generator Purchase, Operation and Maintenance Agreements (Agreements) to the County Administrator or his designee. The County Administrator has delegated this approval to the Palm Beach County Water Utilities Department Director. These Agreements provide property owners with the ability to donate funds to purchase emergency generators for lift stations located within their community. The Department will assign the community its generator(s), locate the generator(s) on-site during hurricane season, and operate and maintain the generator(s) during emergencies. By executing such Agreements, the Department is able to expedite its goal of providing a higher level of emergency response service throughout its service area. Power outages that occur during hurricanes and other emergencies require the Department to operate a system of emergency generators at wastewater pump stations to prevent wastewater from backing up into streets, swales, and residents' homes. Due to the great number of lift stations and limited staffing resources, the Department is not able to place an emergency generator at every lift station. These Agreements will increase the number of generators available to the Department during emergencies. Countywide (MJ)

2. Staff recommends motion to approve: a Water Quality Monitoring Agreement (Agreement) with Cen West Communities, Inc. for an on-site water distribution system at Century Village – Boca Raton. **SUMMARY:** Cen West Communities, Inc. (Century) operates an on-site potable water distribution system at Century Village – Boca Raton, serving approximately 7,000 residential units. The Water Utilities Department provides bulk potable water to Century via two (2) - 8" meters and Century is distributing the water to its on-site residents through a privately owned water distribution system. Century Village – Boca Raton is considered a consecutive water distribution system which is required to comply with regulatory requirements of the United States Environmental Protection Agency (USEPA), the Florida Department of Environmental Protection (FDEP) and the local Health Department with authority over the distribution of potable water. In order to comply with these regulatory requirements, Century is required to monitor water quality throughout the System, including the sampling, testing, and reporting of water quality to the appropriate agencies. Century has requested that the Water Utilities Department provide monitoring and reporting services for the on-site potable water distribution system. Under this Agreement, the Department will monitor the water quality data, provide reports to the appropriate agencies, and assure full compliance with all regulatory requirements, including monthly operating reports (MORs), and USEPA's Lead and Copper and Initial Distribution System Evaluation (ISDE) programs. The term of the Agreement is for two (2) years, with the option of renewal for two (2) additional years. The cost for the first year will be at a monthly rate of \$2,954. Costs for subsequent years will be adjusted by an agreed-upon index. Capital improvements and related operation and maintenance activities of the on-site water distribution system are not included in this Agreement. District 5 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. Staff recommends motion to approve:

A) a Contract with TLC Diversified, Inc. to construct the Wastewater Lift Station Rehabilitation Project in the amount of \$2,876,900;

B) Change Order No.1 to the Contract in the deductive amount of \$518,600 deleting construction work and materials for Bid Items No. 2 (installation of new control panel, pumps and RTU at LS 243) and No. 7 (Installation of an Emergency Generator/electrical upgrades, water service relocation and fence replacement at LS 2543); and

C) a \$2,000,000 Budget Transfer in the Water Utilities Department Capital Improvement Fund.

SUMMARY: On November 7, 2007, four (4) construction bids were received for the Wastewater Lift Station Rehabilitation Project, with TLC Diversified, Inc. being the low bidder in the amount of \$2,876,900. This contract provides for the rehabilitation of seven (7) lift stations within the Department's wastewater collection system. The Department requests that the construction work and materials for Bid Items No. 2 and No. 7 be temporarily deleted from the Contract by Change Order due to budgetary constraints. Currently the Department's funding for fiscal year 2008 is limited. The Department will re-incorporate these two (2) deleted Bid Items by another Change Order during fiscal year 2009, when additional funding is available. The Contractor has agreed to hold the bid price. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. This Contract provides for 16.06% SBE participation. (WUD Project No. 06-164A) Districts 2, 3 & 5 (JM)

4. Staff recommends motion to approve: Change Order No. 2 to the Contract with the Poole and Kent Company of Florida (Poole & Kent) for the Lake Region Wellfield Improvements Project (R2006-2313) increasing the contract price by \$145,613 and providing a 90-day time extension. **SUMMARY:** On August 2, 2006, two (2) construction bids were received for the construction of the Lake Region Wellfield Improvement with Poole & Kent being the lowest responsive bidder in the amount of \$5,026,000. This project provides for installation of the wellhead pumps along with modifications to the water storage and pumping facilities for the cities of Belle Glade, Pahokee and South Bay. Total change orders to date, excluding the \$689,952.50 sales tax recovery change order and this change order equals zero. Poole & Kent has agreed to serve as the County's agent for the inspection and receipt of the equipment and materials at no additional cost. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.0% overall. The contract with the Poole & Kent provides for SBE participation of 15.63% overall. This Change Order includes zero overall SBE participation. The contractor's cumulative SBE participation, including this Change Order, is 17.53% overall. (WUD Project No. 03-169) District 6 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

5. **Staff recommends motion to approve:** an Amendment to a Standard Potable Water and Wastewater Development Agreement with The Diocese of Newton for the Melkites in the United States of America, Inc., providing for a cash reimbursement up to \$62,700 for County required off-site utility improvements associated with the Saint Nicholas Melkite Mission project. **SUMMARY:** On February 10, 2005, the Department entered into a Standard Potable Water and Wastewater Development Agreement (R2005-0625) (Agreement) with the Diocese of Newton for the Melkites in the United States of America, Inc. (Melkite Mission) for the reservation of potable water and wastewater capacities. In order to obtain service, Melkite Mission was required to design and construct certain off-site potable water and wastewater improvements. During the final design phase, County decided to upsize the potable water main in order to provide excess transmission capacity for a planned future emergency interconnect with the City of Delray Beach. Melkite Mission was very cooperative with the County in accommodating this late design change. Melkite Mission identified increased engineering fees of \$2,500 and additional construction costs related to the pipe oversizing of \$60,200. Staff has reviewed Melkite Mission's cost estimates and recommends Melkite Mission be reimbursed in cash for the design and installation of the oversized water main. Melkite Mission is releasing the County from any future claims related to the design and construction of the oversized pipeline. District 5 (MJ)

6. **Staff recommends motion to approve:** a Potable Water and Wastewater Development Agreement (Agreement) with Aspen Square, LLC. **SUMMARY:** Aspen Square, LLC (Aspen) owns property located west of Sims Road, and south of Lake Ida Road. In order to provide potable water and wastewater concurrency reservations for new developments, the Department requires property owners to enter into a formal development agreement with the Department. While the Department Director has been delegated the authority to enter into Standard Development Agreements (SDA's), Board approval is being sought in this case due to the nature of the off-site improvements associated with this Agreement. The Department has requested that Aspen extend additional wastewater force main and related appurtenances not required to serve this property to meet the Utility Master Plan routing required to ensure the long-term operability and integrity of the County utility system. The special conditions in this Agreement require Aspen to design and install approximately 2,000 feet of 6" off-site wastewater force main and related appurtenances in the Lake Ida Road right-of-way. The Department will reimburse Aspen for 50% of the related cost of off-site improvements through the use of Connection Fee credits and/or cash payments of approximately \$23,000, calculated utilizing 50% of the actual quantities of pipe installed and documented by the developer's Engineer in accordance with the standard formulas previously approved by the Board in the Department's Uniform Policies and Procedures Manual (UPAP). District 5 (MJ)

7. **Staff recommends motion to approve:** a Wastewater Development Agreement with the Town of Lake Clarke Shores. **SUMMARY:** The Town of Lake Clarke Shores (Town) is constructing a new municipal complex to replace existing facilities located on their 1701 Barbados Road property. As part of the new construction, the Town intends to abandon their existing septic tank and obtain temporary wastewater service from the Palm Beach County Water Utilities Department (Utility). The Town does not provide wastewater service to any properties within their municipal limits but is considering the future installation of a wastewater system (Wastewater System) that would serve the new municipal complex and nearby properties. The Wastewater System will be owned and maintained by the Town and, upon completion, the Town would disconnect from the Utility's system. This Agreement details the terms and conditions necessary for the Town to connect to the Utility's wastewater system and provides for the future termination of that wastewater service. District 3 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

8. **Staff recommends motion to approve:** Work Authorization No. 9 to the Water Utilities Department Continuing Construction Contract with AKA Services, Inc. (R2007-0357) for construction of the Palm Beach County/FPL West County 24-inch Potable Water Main Extension Project in the amount of \$781,181. **SUMMARY:** Florida Power & Light (FPL) desires to purchase bulk potable water for use at their West County Energy Center (WCEC) located on State Road 80 (Southern Boulevard) at 20-Mile Bend, west of Loxahatchee. On June 19, 2007, the Board approved an Agreement (R2007-1028) with FPL, where Palm Beach County Water Utilities Department will provide up to 3.2 million gallons per day (MGD) of bulk potable water through July 1, 2014. As part of this Agreement, FP&L will be required to pay the County \$298,098.32 for construction of the potable water line. 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 24" potable water main extension along State Road 80 west of the L-8 Canal. 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 15.92% overall. This authorization includes 43.00% overall participation. The cumulative SBE participation, including this authorization, is 23.37% overall. (WUD Project No. 07-147) District 6 (MJ)

9. **Staff recommends motion to approve:** First Amendment to an Interlocal Agreement (Agreement) (R90-758D) with the City of Delray Beach (City) for the addition of an emergency potable water interconnect. **SUMMARY:** In order to ensure mutual aid between adjoining utilities during emergency situations for water service, the County has encouraged the use emergency interconnects by way of cooperative agreements with other public utilities. An additional emergency interconnect, constructed in conjunction with a recent Special Assessment project located at Ferndale Drive and Military Trail, would be mutually beneficial to both parties, as potable water can be furnished to either party during emergencies, subject to the limitations and conditions stated in the Amendment. The Amendment requires that the County install the necessary potable water pipeline improvements up to and including the points of connection at its cost, which was accomplished during construction of the Special Assessment. Both parties will charge for water used during emergencies at prevailing rates. By entering into the Agreement, City residents will benefit from the additional availability of potable water during emergencies, and existing County utility customers will incur a similar benefit. District 4 (MJ)

10. **Staff recommends motion to approve:** Work Authorization No. 10 to the Water Utilities Department Continuing Construction Contract with AKA Services, Inc. (R2007-0357) for construction of the Glades Regional Hospital 12"/16" Water Main Extension Project in the amount of \$928,767. **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 the Glades Regional Hospital 12"/16" Water Main Extension Project. The water main will be installed along Hooker Highway (SR 80) from the future Lake Region Water Treatment Plant to the County jail facility. This pipeline will provide future potable water service to County facilities such as the jail and the Glades Regional Hospital and the surrounding area along with improving the hydraulics looping of the City of Belle Glade's existing potable water system. 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 15.92% overall. This Authorization includes 29.56% overall participation. The cumulative SBE participation, including this Authorization, is 21.23% overall. (WUD Project No. 07-084) District 6 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

11. Staff recommends motion to approve: 2008 sponsorship of the WestFest Land and Sea Festival in the amount of \$2,500 for the purpose of promoting water conservation and education. **SUMMARY:** The Palms West Chamber of Commerce is presenting a two (2) day family festival at Okeehetee Park on Saturday and Sunday, March 1 and 2, 2008. The event will feature companies and products that support the “green” movement and will provide festival participants with the facts they need to make small changes in their lives that will positively impact the environment. Approximately 20,000 residents and visitors are expected to attend the festival. The Water Utilities Department (Department) is requesting approval to pay for a Corporate Sponsorship in the amount of \$2,500 that will include display booth space, a sponsorship banner, a listing on the event’s website, and other benefits. The Department will utilize the event to distribute conservation literature and conservation kits. The Department’s Consumptive Use Permit requires that the Department make considerable efforts to educate the public regarding conservation of water resources, and this event will help the Department meet its permit obligations. Countywide (MJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:
- A) receive and file** Project Agreement No. PB-07-127 with Florida Inland Navigation District (FIND), reimbursing the County up to \$233,220 for the South Lake Worth Inlet (SLWI) Sand Trap and Boat Channel Dredging;
- B) approve** Contract with Southwind Construction Corp. in the amount of \$918,265 for the Maintenance Dredging in the vicinity of South Lake Worth Inlet Project No. 2008907;
- C) approve** Budget Amendment of \$674,220 in the South Lake Worth Inlet Fund to recognize revenue of \$420,000 from FIND Interlocal Agreement (R2007-2193); \$233,220 from FIND Project Agreement No. PB-07-127, \$21,000 from the City of Boynton Beach Interlocal Agreement No. R06-199 (R2007-0044); and
- D) authorize** the County Administrator or his designee to sign all future time extensions, task assignments, certifications and other forms associated with the Florida Inland Navigation District (FIND) Interlocal Agreement (R2007-2193); the City of Boynton Beach Interlocal Agreement (R2007-0044) and necessary minor amendments that do not change the scope of work or terms and conditions of the agreements.
- SUMMARY:** Two (2) bids were received for the Maintenance Dredging in the vicinity of South Lake Worth Inlet Project. Southwind Construction Corp. was the lowest responsive, responsible bidder with a bid including 5.74% Small Business Enterprise (SBE) participation, which does not meet the established 15% goal. However, the second low bid falls outside the range for the ranking of responsive bidder consideration. This Project involves dredging sand from the SLWI Interior Sand Trap, the Boynton Boat Club Channel (BBCC), and the Intracoastal Waterway (ICW) Cut P-50 and placing the sand on the beach south of the Inlet. The project is partially funded by the City of Boynton Beach and FIND. A delegation of authority for execution of the FIND Project Agreement was approved by the BCC in Board item No. 3L4 on May 1, 2007, pursuant to PPM No. CW-O-051. District 4 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to approve:

A) Contract with Ocean Gate General Contractors, Inc. in the amount of \$836,299.26 for the construction of the Limestone Creek Natural Area and Lake Okeechobee Scenic Trail (LOST) Trailhead Public Use Facilities Project No. 2008906;

B) Budget Transfer of \$590,165 in the Natural Areas Fund from Reserves to the LOST Trailhead project account (\$30,000) and to the Capital Outlay Fund (\$560,165) to fund the Limestone Creek Natural Area Project; and

C) Budget Amendment of \$560,165 in the Capital Outlay Fund to recognize the transfer from the Natural Areas Fund to the Limestone Creek Natural Area.

SUMMARY: Four (4) responsive bids were received for this natural preserve construction project in the Limestone Creek Natural Area and the Lake Okeechobee Scenic Trail Trailhead. Ocean Gate General Contractors, Inc. was the lowest responsive, responsible bidder with the 5% local preference. Its bid exceeds the established 15% Small Business Enterprise (SBE) goal with 19.46% participation. This project will provide construction of various public use facilities and the installation of two (2) weirs and an environmental oxbow within Limestone Creek Natural Area and parking access for the LOST Trailhead Project. The project is partially funded by the South Florida Water Management District (SFWMD) and the Florida Department of Environmental Protection (FDEP). The budget transactions will provide for the County's share of the construction Contract and funds for ancillary project costs not included in the Contract. Districts 1 & 6 (JM)

3. Staff recommends motion to:

A) approve a 2007 Indian River Lagoon License Plate Funding Agreement with the South Florida Water Management District (District) for the construction of an oxbow within the Limestone Creek Natural Area commencing in FY 2008 for a period of one (1) year from the last date of execution, in an amount not to exceed \$76,558;

B) approve Budget Amendment of \$76,558 in the Capital Outlay Fund to recognize the agreement revenue; and

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

SUMMARY: The District's Indian River Lagoon License Plate (IRLLP) Program has awarded a \$76,558 grant for the construction of an oxbow at the County's Limestone Creek Natural Area. The IRLLP Program supports habitat restoration and water quality improvement projects benefiting the Indian River Lagoon and Loxahatchee River using monies collected from IRLLP sales. Approval of this Funding Agreement is the first step necessary for the County to receive reimbursement funding for this project through IRLLP. The Funding Agreement requires the County to provide certain deliverables including: a copy of the construction contract along with the notice to proceed, photos documenting the various construction phases, as-built drawings, and a certification of construction completion. The IRLLP grant will help fund the oxbow construction which is estimated to cost \$359,700. The County has met the match requirement of the grant. District 1 (JMB)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

4. Staff recommends motion to:

A) approve a standard form Contract and Addendum with the Palm Beach Boat Show, Inc. for exhibit space March 28 – March 30, 2008, in Downtown West Palm Beach at no cost to the County; and

B) authorize the County Administrator or his designee to sign the current standard form Contract and Addendum, and all future standard form Contracts in the same format, for the Palm Beach Boat Show on behalf of the Department of Environmental Resources Management (ERM).

SUMMARY: The Palm Beach Boat Show, Inc. has agreed to allow ERM to participate in the 2008 Boat Show in Downtown West Palm Beach with an exhibit of Palm Beach County's Environmental Programs. There is no charge to the County. Countywide (SF)

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: a fully executed Interlocal Agreement (R2007-2031) with the School Board of Palm Beach County for the delivery of transitional life skills to students with disabilities. **SUMMARY:** On November 6, 2007, the Board approved an Interlocal Agreement (R2007-2031) which allows Palm Beach County and the School Board of Palm Beach County to utilize each other's personnel, expertise, and services for the provision of educational and transitional life skill services to students ages 18-22 with mild to moderate disabilities ("Students"). The program developed pursuant to this Interlocal Agreement will provide Students an opportunity to develop and practice transitional life skills outside the traditional school setting. Students will receive daily living and vocational education from a certified School Board teacher and leisure and recreation skill development from Palm Beach County Parks & Recreation Therapeutic Recreation staff. Countywide (AH)

2. Staff recommends motion to approve: Agreement with Toward a More Perfect Union, Inc. for the period February 5, 2008, through January 31, 2009, in an amount not-to-exceed \$45,000 for funding of Community Youth Program Youth Study Circles. **SUMMARY:** This funding is to help offset costs for Youth Study Circles offered to middle and high school age youth through Toward a More Perfect Union's Community Youth Program. The program serves approximately 100 participating students. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to November 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 2 (\$5,000) and District 4 (\$40,000) Funds. Countywide (AH)

3. Staff recommends motion to approve: Agreement with Delray Beach Downtown Marketing Cooperative for the period February 5, 2008, through July 1, 2008, in an amount not-to-exceed \$20,000 for funding of 2007 winter holiday decorations. **SUMMARY:** This funding is to help offset costs for winter holiday decorations in Old School Square in the City of Delray Beach. The decorations are viewed by approximately 500,000 people annually. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to November 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 4 (\$10,000) and District 7 (\$10,000) Funds. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

4. **Staff recommends motion to approve:** Agreement with For the Children, Inc. for the period February 5, 2008, through December 30, 2008, in an amount not-to-exceed \$3,000 for funding of 2008 events. **SUMMARY:** This funding is to help offset costs incurred by For the Children, Inc. for events to be held in 2008. The events consist of a Mothers' Day celebration, Fathers' Day celebration, and annual talent show, and are expected to serve approximately 250 children and their families per event. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

5. **Staff recommends motion to approve:** Agreement with Museum of Lifestyle and Fashion History, Inc. for the period February 5, 2008, through November 1, 2008, in an amount not-to-exceed \$5,000 for funding of narrated bus tours of historic Delray Beach. **SUMMARY:** This funding is to help offset costs for narrated bus tours, including a children's mathematics infused bus tour of historic Delray Beach for the Museum of Lifestyle and Fashion History, Inc. Approximately 500 people participate in these bus tours and children's tours/programs annually. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to October 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 4 Funds. District 4 (AH)

6. **Staff recommends motion to approve:**
 - A) Agreement with Centre for the Arts at Mizner Park, Inc. for the period February 5, 2008, through June 17, 2008, in an amount not-to-exceed \$150,000 for tent rental costs for the Festival of the Arts Boca event;
 - B) a Budget Transfer of \$150,000 in the Transportation Improvement Fund from Reserve for District 4 to the County Transportation Trust Fund;
 - C) a Budget Transfer of \$150,000 in the Transportation Trust Fund increasing the annual transfer from the Transportation Improvement Fund and decreasing the annual transfer from the General Fund;
 - D) a Budget Transfer of \$150,000 in the General Fund decreasing the annual transfer to the County Transportation Trust Fund and increasing the annual transfer to the Park Improvement Fund; and
 - E) a Budget Amendment of \$150,000 in the Park Improvement Fund increasing the annual transfer from the General Fund and increasing the appropriation to the District 4 Recreation Assistance Program (RAP).

SUMMARY: This funding is to help offset the cost of tent rental for the Festival of the Arts Boca event (the Event) to be held from February 29 through March 16, 2008. The Event allows for the reimbursement of eligible project costs incurred by the Centre for the Arts at Mizner Park, Inc. subsequent to February 26, 2008. The budget transfers and budget amendment increase the gas tax support and decrease the ad valorem support of the County Transportation Trust Fund, thereby allowing for the allocation of the available ad valorem support to the District 4 Recreation Assistance Program. At the November 21, 2006 Board meeting, the flexibility of up to \$200,000 in transfers was approved for this purpose. With the approval of this project, the remaining balance available in transfers for District 4 is \$50,000. District 4 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

7. Staff recommends motion to approve:

A) Agreement with Boca Raton Champions Golf Charities, Inc. for the period February 5, 2008, through June 1, 2008, in an amount not-to-exceed \$50,000 for the 2008 Allianz Championship;

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

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

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

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

SUMMARY: This funding is to help offset the cost of 2008 Allianz Championship golf tournament being held at The Old Course at Broken Sound from February 4 through February 10, 2008. The Agreement allows for the reimbursement of eligible project costs incurred by Boca Raton Champions Golf Charities, Inc. subsequent to January 1, 2008. The budget transfers and budget amendment increase the gas tax support and decrease the ad valorem support of the County Transportation Trust Fund, thereby allowing for the allocation of the available ad valorem support to the District 4 Recreation Assistance Program. At the November 21, 2006 Board meeting, the flexibility of up to \$200,000 in transfers was approved for this purpose. With the approval of this project, the remaining balance available in transfers for District 4 is \$0. District 4 (AH)

8. Staff recommends motion to receive and file: original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for Palmetto Elementary School in an amount not-to-exceed \$2,500 for the purchase of fitness equipment. **SUMMARY:** This fully executed Request for Funding Form is for a School Board RAP allocation made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747), as amended. Funding is from the Recreation Assistance Program (RAP) District 2 Funds. District 2 (AH)

9. Staff recommends motion to receive and file: original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for JFK Middle School in an amount not-to-exceed \$10,000 for a band trip to Tallahassee, Florida. **SUMMARY:** This fully executed Request for Funding Form is for a School Board RAP allocation made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747), as amended. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

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

A) Lauren Brown, Water Aerobics, Therapeutic Recreation Complex (BROW11205801085204C); and

B) Alexis Cardona, Martial Arts, Therapeutic Recreation Complex (CARD003601085204B).

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. District 3 (AH)

P. COOPERATIVE EXTENSION SERVICE

1. **Staff recommends motion to approve:** Grant Agreement with Community Caring Center of Boynton Beach, Inc. d/b/a Ocean Avenue GreenMarket for an amount not-to-exceed \$10,000 as start-up funding for a new seasonal farmers' market in Boynton Beach. **SUMMARY:** Ocean Avenue GreenMarket is a newly established farmers' market located in Boynton Beach. Ocean Avenue GreenMarket will operate a seasonal GreenMarket in Boynton Beach and will provide retail outlets for over 30 small growers and businesses from October to May. This Agreement will help assist Ocean Avenue GreenMarket with start-up funding to operate a GreenMarket in Boynton Beach. Countywide (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

A) **receive and file** the grant reinstatement and extension from the Florida Department of Law Enforcement (FDLE) for the FY 2007 Byrne Formula Grant Program for the period of October 1, 2007, through March 30, 2008, totaling \$70,315 in federal funds for the Community Justice Service Center (CJSC) Treatment project;

B) **approve** a Budget Amendment of \$70,315 to the General Fund; and

C) **approve** a Contract Amendment with the Professional Training Association Corporation, Inc., (PTA), a not-for-profit agency, increasing the amount by \$70,315, for a new total not-to-exceed \$95,315 to provide substance abuse treatment services.

SUMMARY: The FDLE has reinstated \$70,315 from the FY 2007 Byrne Formula Grant Program allocated for the CJSC. PTA has provided substance abuse treatment services as one of the original service providers at the CJSC as set forth most recently in their current \$25,000 contract (R2007-1842; dated October 16, 2007). They will be able to provide additional services over and above the original contract amount of \$25,000 and the contract is being amended to include the additional \$70,315. Countywide (DW)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to receive and file: four (4) original standard agreements for the Fire Rescue Department:

A) Independent Contractor Agreement for Swimming Lessons with the Jewish Community Center of the Greater Palm Beaches, Inc.;

B) Interlocal Agreement for Swimming Lessons with City of West Palm Beach;

C) Interlocal Agreement for Swimming Lessons with the City of Palm Beach Gardens; and

D) Interlocal Agreement for Swimming Lessons with the Village of Wellington.

SUMMARY: Pursuant to Countywide PPM CW-O-051, four (4) standard County Agreements that have been executed by the County Administrator, or his designee (the Fire Rescue Administrator) are being submitted as a receive and file agenda item for the Clerk's Office to note and receive. These Agreements provide swimming lessons to members of the public through the Palm Beach County Drowning Prevention Coalition's Learn to Swim program. Countywide (SB)

2. Staff recommends motion to adopt: a Resolution establishing the special assessment rate for the "Palm Beach County Municipal Service Benefit Unit for Fire Hydrant Maintenance and Rental-Boca Raton". **SUMMARY:** Pursuant to Section 197.3632, Florida Statutes, and Palm Beach County Code Sections 26-106 through 26-109, an assessment is levied against the real property parcels located within the Palm Beach County Municipal Service Benefit Unit (MSBU) for Fire Hydrant Maintenance and Rental-Boca Raton. The maintenance cost per hydrant has been less than originally projected resulting in the MSBU accumulating excess reserves. In addition, the annexation of parcels by the City of Boca Raton also resulted in a decrease in the number of hydrants to be maintained within the MSBU. This reduced the average cost of hydrant maintenance and rental to each parcel remaining in this MSBU. The current rate will be reduced from \$26 per parcel to \$23 per parcel. District 5 (SB)

3. Staff recommends motion to approve and select: Michael McCurdy for appointment by the Town of Lantana, as Trustee, on the Lantana Firefighters Pension Fund Board. The term will expire September 28, 2008. **SUMMARY:** Pursuant to the Interlocal Agreement for Fire Protection and Emergency Medical Services with the Town of Lantana (Town) (R2004-0364), the Town is requesting the County's approval of their selection to appoint Michael McCurdy, a Town resident, to the Lantana Firefighters Pension Fund Board, as Trustee. Under the Interlocal Agreement, the Town retained the power and responsibility to make appointments to the Fund's Board of Trustees for its Chapter 175 plan. Any trustee to be appointed by Lantana first must be approved by the County. The appointment is necessary to fill a vacancy left by Mr. Alan Handle, who has resigned from the Board to relocate out-of-state. Mr. McCurdy's appointment would be for the unexpired term, which will expire on September 28, 2008. District 7 (SB)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEM SERVICES

1. Staff recommends motion to receive and file: Amendment No. 3 to Microsoft Consulting Services Agreement (R2006-2756), to extend the ending date of the Agreement from December 31, 2007 to March 30, 2008 at no additional cost to the County. **SUMMARY:** Amendment No. 3 will allow additional time for completion of consulting services to assist the County with the migration to Microsoft Active Directory as the single enterprise directory service and Microsoft Exchange as the single enterprise e-mail environment. Microsoft Consulting Services Agreement (R2006-2756) approved by the BCC on December 19, 2006, authorized the County Administrator to execute Amendments up to \$25,000 per occurrence up to a maximum of \$50,000 in total project costs. Countywide (PFK)

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: the executed grant Contract with the State of Florida, Department of Community Affairs to receive emergency management grant funds in the amount of \$102,959 from October 1, 2007, through September 30, 2008. **SUMMARY:** This is an annual grant that the Division of Emergency Management receives to enhance emergency management plans and programs of the County consistent with the State Comprehensive Emergency Management Plan and Programs. No County match is required. Countywide (DW)

AA. PALM TRAN

1. Staff recommends motion to adopt: a Resolution approving a grant application with the Florida Department of Transportation (FDOT) to provide operating funding for mass transit in the amount of \$250,000 of Federal funds passed through the State for the Lakes Region of Palm Beach County for FY 2009. **SUMMARY:** FDOT has notified us that the tentative allocation of Section 5311 funds for Palm Beach County is \$250,000 for non-urbanized areas for mass transit operating assistance. This is used to partially offset the operating costs of mass transit in the Lakes Region of Palm Beach County. The operating costs of mass transit to the Lakes Region include operating, maintenance, and administrative costs. This is the maximum amount of FDOT Section 5311 funds available to Palm Beach County for FY 2009 for mass transit services. The grant application for \$500,000 requires 50% local match: \$250,000 State; \$250,000 Local funds; and execution of Section USC § 5333(b) assurance. Palm Beach County provides the local funding from the local option gas tax. Grant and match to be included in the FY 2009 budget. District 6 (DR)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN (Cont'd)

2. Staff recommends motion to approve:

A) Labor-Management Agreement between Palm Tran, Inc. and the Palm Beach County Board of County Commissioners, as joint employer, and the SEIU, Florida Public Services Union, CtW, CLC (The Union), covering full-time, non-professional, supervisory employees at Palm Tran; and

B) Memorandum of Understanding between Palm Tran, Inc., and The Union which outlines the agreed changes and an implementation schedule for the changes to the Labor Management Agreement.

SUMMARY: Pursuant to collective bargaining negotiations, the negotiating committees for Palm Tran and the SEIU, Florida Public Services Union, CtW, CLC have reached a tentative agreement on all negotiated issues. The bargaining unit covers certain specified job categories of full-time, non-professional, supervisory employees at Palm Tran. This is the third contract for the bargaining unit certified by the Public Employees Relations Commission under certification No. 1373. The proposed contract incorporating all agreed-upon terms was ratified by SEIU on January 23, 2008, and is presented for the Boards' consideration and ratification. The previous contract expired on September 30, 2007, and negotiations for a new contract had not been completed, therefore the bargaining unit could not receive the pay raise on October 1, 2007. This contract will become effective retroactively to October 1, 2007, through September 30, 2010. The Memorandum of Understanding outlines various changes to the existing Labor Management Agreement and also provides timelines for implementation for the changes. Countywide (DR)

BB. SHERIFF

1. Staff recommends motion to:

A) **accept** a State grant funded Agreement with the Circuit 15 Department of Children and Families Substance Abuse and Mental Health Program Office for contractual services for a Case Manager for the DCF Re-Entry Case Manager Program for the period of October 1, 2007, to September 30, 2008; and

B) **approve** a Budget Amendment of \$47,000 to the Sheriff's Grants Fund.

SUMMARY: The Circuit 15 Department of Children and Families Substance Abuse and Mental Health Program Office is providing funding to the Palm Beach County Sheriff's Office in the amount of \$47,000 to support the hire of a full-time Re-Entry Case Manager. This Re-Entry Case Manager will be tasked with assisting inmates of the Palm Beach County Jail who are near discharge and who have mental illness and/or substance abuse disorders to "re-enter" the community. One (1) PBSO allocation is created with this action. The Circuit 15 Department of Children and Families Substance Abuse and Mental Health Program Office will provide funding annually for this allocation contingent on funds availability. There is no match requirement associated with this award and no additional County funds are required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF (Cont'd)

2. Staff recommends motion to:

A) accept a Florida Department of Transportation Bicycle Safety Education Program Grant for the Bicycle Safety Initiative, in the amount of \$88,750, for the period of November 8, 2007, through September 30, 2008 for the purchase of bicycles and bicycle safety helmets; and

B) approve a Budget Amendment of \$88,750 in the Sheriff's Grants Fund.

SUMMARY: The Florida Department of Transportation has awarded the Palm Beach County Sheriff's Office (PBSO) the Bicycle Safety Education Program Grant. The funds from this grant will be used for the purchase of bicycles and bicycle safety helmets. The PBSO has several certified bicycle safety technicians who currently provide bicycle safety training in many of the elementary schools and through several community safety events. The distribution of these bicycles and bicycle safety helmets will be done through several of these community safety events. There is no additional allocation needed, no matching funds required, and no additional County funds are required. Countywide (DW)

3. Staff recommends motion to:

A) accept a Florida Department of Transportation Highway Safety Grant for I-95 Corridor Enforcement, for the I-95 Task Force Project, in the amount of \$35,894, for the period of December 6, 2007, through September 30, 2008; and

B) approve a Budget Amendment of \$35,894 increasing the Sheriff's Grant fund.

SUMMARY: The Florida Department of Transportation (DOT) has awarded a Highway Safety grant to the Palm Beach County Sheriff's Office (PBSO) in the amount of \$35,894. These funds will be used to pay the partial salary and benefits of one (1) full-time law enforcement officer assigned to enforce traffic laws on the I-95 Corridor. This enforcement will be a combined agency effort, whereby other local agencies including the Boca Raton Police Department, Boynton Beach Police Department, and the Florida Highway Patrol, will be participating in this effort. Aggressive driving habits are widely understood to be a key variable in many traffic crashes. The required match in the amount of \$35,894 is being provided by the Palm Beach County Sheriff's Office and is included in the Sheriff's approved FY 2008 Budget. No additional positions are needed and no additional County funds are required. Countywide (DW)

CC. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to approve:

A) First Amendment to the Agreement (R2007-1624) with the Palm Beach County Film and Television Commission, Inc. (the "PBCFTC") for the provision of services under the County's Tourist Development Plan; and

B) a Budget Transfer of \$30,000 in the operating budget from operating reserves for the Palm Beach County Film and Television Commission.

SUMMARY: The PBCFTC contract for FY '08 was approved by the BCC on September 25, 2007 (R2007-1624). The PBCFTC is amending the Agreement (\$20,000) to fund a full-time position for six (6) months of the year which was previously frozen and (\$10,000) increase the advertising line to enhance the website and implement a data content management system. The Amendment increases the contract from \$604,000 to \$634,000. This increase has been reviewed and approved by the Tourist Development Council. Countywide (MC)

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4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A.** Proclamation acknowledging the long life and distinguished career of Owen H. Gassaway, Jr. (Sponsored by Commissioner Kanjian)

- B.** Proclamation honoring the 50th Anniversary of the Arc of Palm Beach County. (Sponsored by Commissioner Greene)

- C.** Proclamation declaring the week of February 24 – March 2, 2008 as “America Saves” in Palm Beach County. (Sponsored by Commissioner Kanjian)

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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 Children’s Home Society of Florida for the issuance of not-to-exceed \$17,500,000 Variable Rate Demand Revenue Bonds (Children’s Home Society of Florida Project), Series 2008 (the “Bonds”); and

B) conduct a TEFRA public hearing regarding the Bonds.

SUMMARY: Children’s Home Society of Florida (“CHS”) has applied for the issuance of the Bonds by the County in an amount not-to-exceed \$17,500,000. Proceeds of the Bonds will be used to finance, refinance, construct and improve several Children’s Home Society facilities in several Florida counties including Palm Beach County. Prior to the issuance of the Bonds the Internal Revenue Code requires that the County conduct a public hearing. The Bonds will be payable solely from the 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 3 (PFK)

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6. PUBLIC HEARINGS - 2:30 P.M. (Motion to receive and file: Proof of publication)

- A. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 4 of the Palm Beach County Code (Ordinance 98-22, as amended by Ordinance 2003-27 and Ordinance 2005-44) pertaining to animal care and control; amending Section 4-2 of the Palm Beach County Code (definitions); amending Section 4-10 of the Palm Beach County Code (rabies vaccinations); amending Section 4-11 of the Palm Beach County Code (dog and cat rabies/license tags); amending Section 4-12 of the Palm Beach County Code (redemption and adoption); amending Section 4-26 of the Palm Beach County Code (animal agencies); creating a new Section 4-28 providing for a sterilization program for dogs and cats; creating a new Section 4-29 providing for hobby breeder permits; providing for repeal of laws in conflict; providing for savings clause; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for enforcement; providing for penalty; providing for captions; and providing for an effective date. **SUMMARY:** On January 15, 2008, the Board of County Commissioners voted 6 – 1 to approve a proposed ordinance to implement a sterilization program for dogs and cats with reasonable exclusions and to establish a licensing program for hobby breeders. The proposed implementation date of the ordinance will be April 1, 2008. Countywide (SF)

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7. REGULAR AGENDA

A. ADMINISTRATION

1. Staff requests Board direction: on draft FY '09 Federal Legislative Program. **SUMMARY:** Staff requests the Board's review of the draft FY '09 Federal Legislative Program, which includes priority appropriations and Legislative issues, general appropriation and general issues to monitor. The Federal Program outlines the issues that the County's Legislative Affairs Department in conjunction with the County's federal lobbyist will be working on for the Board in the upcoming Legislative Session. Countywide (DSW)

2. Staff recommends motion to:

A) adopt a Resolution to support Claudia Anderson d/b/a Audio Enhancement for Florida's Qualified Target Industry Tax Refund Program;

B) approve the Job Growth Incentive Grant Agreement with Claudia Anderson d/b/a Audio Enhancement in the amount of \$40,000 for the creation of 50 jobs in Palm Beach County at an average annual salary of \$65,000, excluding benefits;

C) approve a Budget Transfer of \$40,000 from the General Fund Contingency Reserve to the Economic Development Job Growth Incentive Fund (JGI); and

D) approve a Budget Amendment of \$40,000 in the Economic Development Fund to recognize and appropriate the transfer from the General Fund Contingency Reserve.

SUMMARY: Claudia Anderson d/b/a Audio Enhancement's relocation project involves establishing a new regional headquarters in Palm Beach County which will provide communication/information and science technology products and services. The company designs, markets and repairs infrared wireless microphones, projectors, computers and internet educational programs. Audio Enhancement's products and services integrate classrooms with technology to actively engage students, resulting in a more effective educational process. The company intends to locate in West Palm Beach. They are currently located in Utah.

Audio Enhancement has filed a Qualified Target Industry (QTI) Tax Refund program application with Enterprise Florida. It is anticipated that the State will award up to \$200,000. The QTI requires a 20% local match. Staff recommends that this company be approved as a QTI Business, and that the Board provide the necessary 20% local match of \$40,000 to be provided as a JGI Grant Agreement. The JGI Agreement requires that the company create 50 full-time jobs by December 31, 2009 at an average salary of \$65,000, excluding benefits, and maintained for twenty four (24) months.

The Business Development Board RIMS model estimates an economic return on investment of \$45 million in total annual economic activity annually by Audio Enhancement directly and ancillary industries indirectly. District 2 (DW)

7. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

3. **Staff requests Board direction:** regarding the United Way of Palm Beach County request for additional funding in the amount of \$105,000 to support the Prosperity Campaign Volunteer Income Tax Assistance (VITA) program for the 2008 income tax filing season. Currently, \$105,000 has been budgeted in FY 2008 to support this program. **SUMMARY:** The Prosperity Campaign VITA program was initiated in 2003 and was initially funded by the Quantum Foundation and Knight Foundation. These grants have ended and the United Way of Palm Beach County is requesting additional funding to assist in the continuation of this program. Without this additional support, the VITA Program would have to reduce the number of VITA service sites and significantly reduce the other services provided at these locations. Since 2003, Palm Beach County has financially supported this program and has allocated \$105,000 for the past three (3) years. In addition to this financial support, the United Way has partnered with the Department of Internal Revenue Service and other community service agencies. The total annual budget this fiscal year for the Prosperity Campaign Program is \$1.2 million, a majority of which is funded by the United Way. Since 2005, 28,000 tax returns have been processed free of charge and \$48 million dollars in tax refunds have been returned to Palm Beach County residents. Based on data from the Center for Urban and Economic Development, University of Illinois, this program has resulted in a \$70 million dollar economic impact on our community since 2005. Countywide (DN)

B. COUNTY ATTORNEY

1. **Staff recommends motion to adopt:** a Resolution approving the sale of not-to-exceed \$12,000,000 Housing Finance Authority of Palm Beach County, Florida, Homeowner Revenue Bonds, Series 2008 (the "2008 Bonds") within the meaning of Ordinance No. 2002-022 (the "Ordinance"), and providing an effective date. **SUMMARY:** The 2008 Bonds are being issued by the Authority to implement its Single Family Homeowner Revenue Bond Program (the "Program"), which program is for the purpose of providing to qualified mortgagors affordable mortgage financing for owner-occupied, single family residential housing facilities within Palm Beach County, Florida. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the 2008 Bonds.** Countywide (PFK)
2. **Staff recommends motion to approve:** an Agreement with the law firm of Barry S. Balmuth, P.A., for Legal Services, pursuant to which Barry S. Balmuth, Esq. will represent County employee Fire Rescue District Chief Ken Fisher, who has been named as a Defendant in his personal capacity in the case styled Randolph Starling v. Board of County Commissioners, Palm Beach County and Ken Fischer [sic], Florida 15th Judicial Circuit Case No. 50 2007 CA 021475XXXMB AFJ, in an amount not-to-exceed \$125,000, and costs not-to-exceed \$15,000. **SUMMARY:** Randolph Starling (Starling) has sued the County and County employee Fire Rescue District Chief Ken Fisher (Fisher) in both his official and personal capacity. Starling claims that the County and Fisher retaliated against him, resulting in Starling being demoted. Fisher denies all the allegations. Countywide (AJM)

7. REGULAR AGENDA

B. COUNTY ATTORNEY (Cont'd)

3. Staff recommends motion to approve: an Agreement with the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.A., for legal services, pursuant to which David M. DeMaio, Esq. will represent Commissioner Mary McCarty, who has been named as a Defendant in her personal capacity in the case styled Compson Development Corporation v. Mary McCarty, Florida 15th Judicial Circuit Case No. 50 2007 CA 021899XXXMB AJ, in an amount not-to-exceed \$180,000, and costs not-to-exceed \$25,000. **SUMMARY:** Compson Development Corporation (Compson) has sued Commissioner Mary McCarty for allegedly injuring its reputation by statements she made to the press about Compson's offer to pay local schools sums tied to the number of units the Board of County Commissioners would allow Compson to develop on five (5) holes of the Mizner Trail Golf & Country Club. Countywide (AJM)

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on March 11, 2008 at 9:30 a.m.: an Ordinance amending Chapter 23, Article 3 known as the Right-of-Way Construction Permitting Ordinance (Ordinance 2001-063); amending Section 23-38, providing an exception to permit requirement; amending Section 23-39, concerning permit application format requirements; amending Section 23-41, concerning Palm Beach County (County) rights-of-way; providing for severability; providing for repeal of ordinances in conflict; providing for inclusion in the Code of Laws and Ordinances; providing for a savings clause; and providing for an effective date. **SUMMARY:** The proposed Ordinance will amend Chapter 23, Article 3 known as the Right-of-Way Construction Permitting Ordinance (Ordinance 2001-063), and provide an exception to permit requirements, amend permit application format requirements and amend requirements for road maintenance. Countywide (MRE)

D. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: a Waiver to the maximum funding amount for the State Housing Initiative Program (SHIP) in the amount of \$8,900 to Dean and Mary Allen for emergency repairs under the Emergency Rehabilitation Program. **SUMMARY:** Emergency Rehabilitation Program policies in effect at the time of initial funding approval for these applicants allowed for grants of up to \$8,000. On November 6, 2007, the Palm Beach County Board of County Commissioners approved revisions to the Emergency Rehabilitation Program policies increasing the funding limit to \$15,000. The total cost of work to be performed at Dean and Mary Allen's home at 138 Ethelyn Drive in unincorporated West Palm Beach is \$16,050. The original scope of work includes the replacement of the front door and three (3) windows, and miscellaneous fire and electrical system upgrades. While the windows were being replaced substantial termite damage to structural framing was discovered. In addition, work in progress revealed that the electrical wiring was substandard. The additional funding will allow the completion of the original scope of work plus rewiring the entire house to current codes, installing a new electrical service and panel, arc fault protection, framing repairs, and patching and painting walls and ceilings in affected areas for a cost of \$7,150. This would avert the danger of an electrical fire. Approval of this request will enable HCD to address these hazardous conditions, without which these lower income homeowners will continue to reside in conditions that do not meet applicable codes. **The requested funds are SHIP funds that require no local match.** District 6 (TKF)

7. REGULAR AGENDA

D. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

- 2. **Staff recommends motion to adopt:** the State Housing Initiatives Partnership (SHIP) Purchase Assistance Program criteria. **SUMMARY:** The Purchase Assistance Program provides first-time homebuyer funding under Palm Beach County's local SHIP program. These state funds are allocated to Palm Beach County to facilitate in the development and preservation of affordable housing opportunities. This program provides assistance to households classified as very-low income; low income; and moderate income. The maximum allowable household incomes (for four (4) person households) are \$32,200 for very-low income; \$51,500 for low income; and \$77,280 for moderate income. The Commission on Affordable Housing recommended approval of these criteria on November 15, 2007. Countywide (TKF)

E. HUMAN RESOURCES

- 1. **Staff recommends motion to deny:** a request by the Palm Beach County Human Rights Council to create a domestic partnership leave program affording leave benefits and job protection to registered domestic partners and their children in addition to federally mandated leave protection as provided under the Family and Medical Leave Act (FMLA). **SUMMARY:** As a covered public agency, the County is required by the FMLA to grant twelve work weeks of leave to eligible employees for the birth of a child, the employee's own serious health condition or the serious health condition of a parent, child or spouse. The FMLA defines spouse as "a husband or wife as defined or recognized under State law" (29 CFR 825.113). Staff found that while the County cannot legally extend the definition of spouse under the FMLA, similar leave benefits and protections for domestic partners can be made available. However, it is inadvisable to create a leave program affording the same protections and benefits provided by the FMLA to domestic partners and their children. Employees involved in domestic partnerships are not excluded from leave protection provided by the FMLA. Those employees remain eligible for FMLA leave for their own serious health condition and that of their parents and children. Under the FMLA, a child is defined as the biological, adopted, or foster child, stepchild, legal ward, or the child for whom the employee stand in the place of a biological parent. Provided the employee involved in a domestic partnership has sole or shared parental responsibility for the child, that child is an eligible family member and the employee may take FMLA leave to care for the child's serious health condition. In this instance family care leave to care for the children of domestic partners duplicates leave benefits already available under both the FMLA and the County's leave policy. Countywide (EC)

F. AIRPORTS

- 1. **Staff recommends motion to approve:** a request by the Aviation and Airports Advisory Board (AAAB) to dedicate the Palm Beach County Park Airport's airfield as "Owen H. Gassaway, Jr. Airfield." **SUMMARY:** At their January 16, 2008 meeting, the AAAB made the above request in honor of Mr. Gassaway's contribution to aviation in Palm Beach County. He helped establish Palm Beach County Park Airport as a crucial part of aviation history in South Florida. Commissioner Kanjian agrees to sponsor this request. Countywide (AH)

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8. BOARD APPOINTMENTS

A. **AIRPORTS**
(Aviation & Airports Advisory Board)

1. **Staff recommends motion to approve:** reappointment of the following two (2) nominees to fill at-large seats on the Aviation & Airports Advisory Board, for a term of three (3) years, from January 12, 2008, through January 11, 2011:

<u>Name</u>	<u>Seat</u>	<u>Nominated By:</u>
Ron Ash	No. 8	Com. Addie L. Greene Com. Karen Marcus

<u>Name</u>	<u>Seat</u>	<u>Nominated By:</u>
E. Llwyd Ecclestone	No. 9	Com. Addie L. Greene Com. John F. Koons Com. Karen Marcus Com. Mary McCarty Com. Aaronson

SUMMARY: Per Resolution No. R96-205, the Aviation & Airports Advisory Board consists of nine (9) members. Seven (7) members are District appointments (Seats 1 through 7) and two (2) members are At-Large appointments (Seats 8 & 9). In January 2008, Seats No. 8 & No. 9 terms expire and are open for appointment for three (3) year terms as stipulated in the Resolution. Memos dated December 6, 2007 were forwarded to the Board of County Commissioners (BCC) notifying the BCC of the expirations. The current incumbents, Mr. Ash and Mr. Ecclestone meet the membership requirements and are willing to serve another term. Countywide (AH)

B. **PARKS AND RECREATION**
(Boynton Beach Municipal Golf Course Advisory Committee)

1. **Staff recommends motion to reappoint:** one (1) regular at-large County member to the Boynton Beach Municipal Golf Course Advisory Committee for a term of five (5) years, February 5, 2008, to February 4, 2013:

<u>Nominee</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Nominated By:</u>
James Smith	2	Citizen at Large	Commissioner Koons

SUMMARY: The Board of County Commissioners, according to the Agreement with the City of Boynton Beach, appoints two (2) regular members and one (1) alternate member to the Boynton Beach Municipal Golf Course Advisory Committee. Mr. Smith has filled Seat No. 2 since June of 2002, and desires to be reappointed. Notice was sent to the Commissioners on November 29, 2007, asking for nominations to fill this vacancy. Countywide (AH)

8. BOARD APPOINTMENTS

C. **PUBLIC SAFETY**
(Consumer Affairs Hearing Board)

1. **Staff recommends motion to approve:** appointment of one (1) new member and reappointment of three (3) members to the Consumer Affairs Hearing Board for a term expiring December 31, 2009 as follows:

<u>Appointment:</u>	<u>Seat No:</u>	<u>Requirement:</u>	<u>Recommended By:</u>
Joseph Abruzzo	4	Citizen/Resident	Com. Burt Aaronson
<u>Reappointment:</u>	<u>Seat No.</u>	<u>Requirement:</u>	<u>Recommended By:</u>
Ted Cott	6	Citizen/Resident	Com. Jeff Koons Com. Aaronson
Philip Shapkin	7	Citizen/Resident	Com. Jeff Koons
Arthur Newberry	8	Special Technical	Com. Jeff Koons

SUMMARY: The Palm Beach County Consumer Affairs Ordinance established a Hearing Board. The nine (9) members are selected for countywide representation and serve two (2) year terms for a maximum of six (6) years. The Board serves in both an advisory capacity to the County Commissioners and as an Appeals Board to hear and act on consumer concerns about unfair/deceptive business practices and appeals relating to the towing, vehicle for hire, moving and price gouging ordinances. The Hearing Board represents various trades, organizations and the general public. After these four (4) appointments, the Hearing Board still needs one (1) nominee to fill the position of certified contractor. Countywide (DW)

D. **HOUSING & COMMUNITY DEVELOPMENT**
(Emergency Shelter Grants Program Advisory Board)

1. **Staff recommends motion to approve:** appointment of the following two (2) nominees to the Emergency Shelter Grants Program (ESGP) Advisory Board to fill two (2) unexpired two (2) year terms (Seat 1 and Seat 9), beginning February 5, 2008, and ending September 30, 2009:

<u>Nominees for Appointment</u>	<u>Nominated By</u>	<u>Seat No.</u>
Dr. D.M. Walker (Alternate)	The Homeless Coalition of Palm Beach County, Inc.	1
Robert Anis	The Homeless Coalition of Palm Beach County, Inc.	9

SUMMARY: Resolution R970-1154, adopted by the BCC on September 2, 1997, reestablished the ESGP Advisory Board. The ESGP Advisory Board consists of nine (9) regular and two (2) alternate members nominated by The Homeless Coalition of Palm Beach County, Inc. ESGP Advisory Board members serve at-large for two (2) year terms. The Advisory Board must be comprised of Palm Beach County residents who are non-conflict, meaning that the agencies they are employed by, or are board members of, will not be applying for ESGP funds during their term in office. Board member Teresa Merwin resigned from the ESGP Advisory Board in preparation for her approaching out of state relocation. A request was sent to the Homeless Coalition on October 4, 2007 requesting nominations. Correspondence was received from the Homeless Coalition on January 2, 2008 nominating one (1) of the current Board alternates, Robert Anis, to fill Ms. Merwin's seat and Dr. D.M. Walker to fill Mr. Anis's vacated alternate seat. Countywide (TKF)

E. **COMMISSION DISTRICT APPOINTMENTS**

FEBRUARY 5, 2008

9. MATTERS BY THE PUBLIC – 2:00 P.M.

FEBRUARY 5, 2008

10. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

FEBRUARY 5, 2008

11. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS

B. District 2 - COMMISSIONER JEFF KOONS, VICE CHAIR

C. District 3 - COMMISSIONER ROBERT J. KANJIAN

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

12. ADJOURNMENT

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

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

FEBRUARY 5, 2008

<u>PAGE</u>	<u>ITEM</u>	
7	3A-1	<u>DELETED:</u> Staff recommends motion to approve: a six (6) month time extension of a federally funded subgrant agreement with the Florida Division of Emergency Management (DEM) to complete the design of drainage improvements as part of the Hazard Mitigation Grant Program. (Admin./Water Resources) (Postponed to March 11, 2008)
21	3I-3	<u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to adopt: a Resolution approving the Fifth Amendment to the local Hurricane Housing Recovery Plan (HHRP) (R2005-1885) for Fiscal Years 2005-2006, 2006-2007 and 2007-2008 providing a First-Time Homebuyer Strategy for eligible applicants in Palm Beach County <u>and amending the Owner-Occupied Housing Rehabilitation Strategy.</u> <u>SUMMARY:</u> The Fifth Amendment is a continuation of prior recommendations from the Commission on Affordable Housing staff, to remove barriers impeding the efficient implementation of the HHRP. This recommendation will provide down payment, closing cost and rehabilitation assistance to eligible first-time homebuyers. The financing may be used as gap financing to buy down the purchase price on a new or existing single family home. On November 27, 2007, the Florida Housing Coalition recommended <u>these amendments</u> the addition of this activity to our HHRP to assist in the timely expenditure of HHRP funds. The established criteria for this activity will be consistent with the approved criteria used for the State Housing Initiative Partnership (SHIP) Program. However, the maximum funding a homebuyer can be awarded through the HHRP will be \$45,000. Eligible households may earn up to 120% of area median income. (HCD)
22	3J-1	<u>REVISED SUMMARY:</u> The resolution will authorize a County tax exemption for the following historic property located within the City of Delray Beach: Address: 226 North Swinton Avenue If granted the tax exemption shall take effect January 1, 2008, and shall remain in effect for ten (10) years, or until December 31, 2017. The exemption shall apply to 100 percent of the assessed value of all improvements to each historic property, which resulted from restoration, renovation, or rehabilitation of the property. Based on the 2008 millage rate, it is estimated that approximately <u>\$1,811.90</u> \$3,746 (tax dollars) will be exempted annually. Accompanying the resolution is a restrictive covenant, which requires the qualifying improvements be maintained during the period that each tax exemption is granted. (PZ&B)
25	3K-6	<u>DELETED:</u> Staff recommends motion to approve: a Potable Water and Wastewater Development Agreement (Agreement) with Aspen Square, LLC. (WUD) (Postponed to March 11, 2008)
32	3P-1	<u>DELETED:</u> Staff recommends motion to approve: Grant Agreement with Community Caring Center of Boynton Beach, Inc. d/b/a Ocean Avenue GreenMarket for an amount not-to-exceed \$10,000 as start-up funding for a new seasonal farmers' market in Boynton Beach. (Cooperative Extension) (Further staff review)
37	4D	<u>ADD-ON:</u> Proclamation declaring February 11-17, 2008 as "2-1-1 Awareness Week" in Palm Beach County. (Sponsored by Commissioner Santamaria)

- 41 7A-3 **DELETED: Staff requests Board direction:** regarding the United Way of Palm Beach County request for additional funding in the amount of \$105,000 to support the Prosperity Campaign Volunteer Income Tax Assistance (VITA) program for the 2008 income tax filing season. Currently, \$105,000 has been budgeted in FY 2008 to support this program. (Admin.) (Postponed to March 11, 2008 per Commissioner Koons' request)
- 41 7A-4 **ADD-ON: Staff recommends motion to ratify:** the Board's December 11, 2007, decision to resolve an impasse between the County and the Communication Workers of America, Local 3181, as set forth in the Memorandum Stating Palm Beach County Board of County Commissioners' December 11, 2007, Decision To Resolve Impasse. **SUMMARY:** County management and the Communication Workers of America, Local 3181 (the "Union"), were unable to negotiate an agreed increase to bargaining unit employee premium contribution levels for group health insurance coverage for the 2008 benefit year. On December 11, 2007, the Board conducted an impasse resolution meeting and decided to resolve the impasse by setting the employee premium contribution levels for the County's bargaining unit employees to the same levels as those set for non-bargaining unit employees. Florida Statute §447.403 requires that before the Board's decision can be implemented, it must be reduced to writing, signed by both the County Administrator and the Union's bargaining agent, and submitted to both the Union and the Board for ratification. On January 30, 2008, the Union voted to not ratify the Board's decision. However, the Board's decision can still be implemented effective December 11, 2007, for the 2008 benefit year if the Board ratifies its decision. Countywide (EC) (Admin.)
- 43 7E-1 **DELETED: Staff recommends motion to deny:** a request by the Palm Beach County Human Rights Council to create a domestic partnership leave program affording leave benefits and job protection to registered domestic partners and their children in addition to federally mandated leave protection as provided under the Family and Medical Leave Act (FMLA). (Human Resources) (Postponed to March 11, 2008 per Commissioner Marcus' request)
- 43 7F-1 **TO BE HEARD IMMEDIATELY FOLLOWING 4A (Special Presentations):** **Staff recommends motion to approve:** a request by the Aviation and Airports Advisory Board (AAAB) to dedicate the Palm Beach County Park Airport's airfield as "Owen H. Gassaway, Jr. Airfield." (Airports)
- 48 11G **ADD-ON:** Certificate of Appreciation to Christians Reaching Out to Society, Inc. with gratitude for 30 years of serving the people of Palm Beach County and creating a better life for all. (Sponsored by Commissioner Greene)

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 (*).