

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

MARCH 11, 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 10 - 59)**
- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 60)**
- 5. PUBLIC HEARINGS - 9:30 A.M. (Pages 61-64)**
- 6. REGULAR AGENDA (Pages 65 - 72)**
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve:

A) expenditure in the amount of \$36,000 in the Capital Outlay Fund Neighborhood Street Lighting Program to assist in the installation and 20 years maintenance of six (6) "cobra head" streetlights within the Lake Worth West Countywide Community Revitalization Team (CCRT) area (District 3);

B) expenditure in the amount of \$80,000 in the Capital Outlay Fund Neighborhood Street Lighting Program to assist in the installation and 10 years maintenance of twenty (20) "cobra head" streetlights within the Homes at Lawrence CCRT area (District 3);

C) expenditure in the amount of \$120,000 in the Capital Outlay Fund Neighborhood Street Lighting Program to assist in the installation and 20 years maintenance of twenty (20) "cobra head" streetlights within the Parkway Village/Evergreene Acres CCRT area (District 1);

D) Budget Transfer from the Capital Outlay Fund for implementation to the Lake Worth West Street Lighting Project in the amount of \$12,000 to the Homes at Lawrence Street Lighting Project in the amount of \$40,000, and to the Parkway Village/ Evergreene Street Lighting Project in the amount of \$40,000 (District 1);

E) Budget Transfer from the Capital Outlay Fund to the CCRT Street Lighting Maintenance Fund for the Lake Worth West Street Lighting Project in the amount of \$24,000, for the Homes at Lawrence Street Lighting Project in the amount of \$40,000, and for the Parkway Village/Evergreene Acres Street Lighting Project in the amount of \$80,000 (District 3); and

F) Budget Amendments totaling \$144,000 in the CCRT Street Lighting Maintenance Fund to recognize and appropriate the transfers from the Capital Outlay Fund of \$24,000 for the Lake Worth West Street Lighting Project, \$40,000 for the Homes at Lawrence Lighting Project, and \$80,000 for the Parkway Village/Evergreene Acres Street Lighting Project (District 1).

SUMMARY: The street lighting projects being submitted for approval were initiated by members of the Lake Worth West Resident Planning Group, Inc., the Homes at Lawrence HOA, and the Parkway Village Evergreene Acres resident group, respectively. Based on the Office of Community Revitalization ("OCR") staff review, it was determined that the installation of these streetlights would help reduce area crime as well as enhance pedestrian safety and facilitate safer vehicular movement. The total amount of funding provided for these projects is \$236,000. Districts 1 & 3 (AH)

2. Staff recommends motion to approve: an Interlocal Agreement with the Village of Palm Springs (Village) for the County to reimburse the Village an amount not-to-exceed \$912,488, which is one half of the engineering and construction costs of providing vacuum sewers within the Lakewood Gardens Subdivision. **SUMMARY:** This Interlocal Agreement provides the mechanism for the County to reimburse the Village an amount not-to-exceed \$912,488, which is one half of the engineering and construction costs for the sewer improvements completed by the Village in 2005 in the Lakewood Gardens Subdivision. District 3 (AH)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

3. Staff recommends motion to approve:

A) Contract with L&M J Consulting, Inc. (Michael Jackson) to provide consulting services for general administration in the Glades area in an amount not-to-exceed \$57,000;

B) Budget Transfer of \$57,000 from District 6 personal services accounts to Economic Development Office to provide funding for the contract;

C) Budget Amendment of \$57,000 in the Economic Development Office budget to establish budget for the contract; and

D) waiving the purchasing requirements for the competitive selection as professional and consulting services.

SUMMARY: The Contract will provide for coordination of work effort between County/municipals governments and community organizations within the Glades area. The scope of work includes, but is not limited to, job training, redevelopment/revitalization projects, housing and economic development initiatives. If the BCC approves the Contract, a total of \$57,000 will be transferred from District 6 personal services accounts to the Economic Development Office budget. Funds are available in District 6 personal services accounts due to a vacancy. The Contract amount of \$57,000 is the amount that would be budgeted for a permanent, full-time employee. Purchasing Ordinance No. 05-062, gives the BCC authority to waive the requirements for competitive selection and approve professional or consulting services upon recommendation of the County Administrator. District 6 (DW)

4. **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)

5. **DELETED**

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

6. Staff recommends motion to adopt: a Resolution by the Board of County Commissioners of Palm Beach County, Florida, amending Resolution No. R2007-1048, to allow membership organizations to appoint their representatives to the Overall Economic Development Program (OEDP) Committee; to change the term of the Community Redevelopment Agency Representatives from a four (4) year term to one (1) year terms on a rotating basis; and providing for an effective date. **SUMMARY:** This Resolution will amend: Section 7, Membership; Section 8, Board Appointments; Section 11, Term of Members; Section 12, Qualifications as a Candidate; and Section 14 Organization and Meeting to allow the membership organizations: Business Development Board of PBC, Inc., Business Loan Fund of the Palm Beaches, Inc., Community Redevelopment Agencies in PBC, Economic Council of PBC, Inc., Equine Industry Business Development Board, Florida Engineering Society, League of Cities, Marine Industries Association of PBC, Inc., PBC Agricultural Enhancement Council, PBC Film and Television Commission, PBC Health Department (Environmental Division), PBC Resource Center, Inc., PBC Sports Commission, Inc., PBC Urban League, Port of Palm Beach, School District of PBC, Workforce Alliance of PBC, Inc., PBC Cultural Council, Inc., PBC Department of Airports, Florida Inland Navigation District, and the World Trade Center Association of Palm Beach, Inc. to appoint designees to the OEDP Committee; and for the Community Redevelopment Agency representatives to serve a term of one (1) year on a rotating basis to best serve the various community redevelopment agencies. This action will assist staff in administering the appointments of the thirty-one (31) member OEDP Committee made up of two (2) Board members and twenty-nine (29) organizations/agencies. Countywide (DW)

7. Staff recommends motion to approve: a \$149,400 Film & TV Tech Prep Grant Agreement with The Palm Beach County Film & Television Commission (FTC) commencing March 11, 2008 and ending March 10, 2009. **SUMMARY:** The objectives of the PBC Film & TV Tech Prep Program are to prepare high school students for career pathway and create a future workforce in the film & television industry; and to provide educational, financial and logistic resources for high school and college students, and teachers through the Palm Beach County Film & Television Commission. This \$149,400 Agreement with FTC will provide funding for operational, education and equipment expenses for conducting the Film & TV Tech Prep Program, which is entering its 12th year of operation with the purpose of continuing to develop the Film & TV Industry in Palm Beach County through an enhanced strategic plan drafted by educators and industry professionals. FTC provides \$100,000 in-kind match through staff and service support, oversight services, and office space and computers. This Grant Agreement has been approved for the current budget year and represents a 10% funding reduction from the previous year. Countywide (DW)

3. CONSENT AGENDA APPROVAL

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> |
|---------------------|---------------------|
| Zoning | September 24, 2007 |
| Workshop | September 25, 2007 |
| Workshop | October 23, 2007 |
| Zoning | October 25, 2007 |
| Regular | November 6, 2007 |
| Regular | November 20, 2007 |
| Regular | December 18, 2007 |
| Zoning | January 3, 2008 |

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 December 2007. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to adopt:** four (4) Resolutions declaring the acquisition of property known as Parcels 818 and 819 as Exclusive Perpetual Easements, and Parcels 903 and 904 as Temporary Construction Easements for the construction of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road and Lyons Road from West Atlantic Avenue north 400 feet. **SUMMARY:** This action will adopt four (4) Resolutions to authorize the filing of eminent domain proceedings against four (4) parcels whose total estimated appraised value is \$205,300. District 5 (PM)
2. **Staff recommends motion to approve:** establishing an impact fee credit, estimated to be \$300,000, for the installation of a traffic signal at the intersection of Congress Avenue and Water Tower Road for the Kohl's Department Store development (Kohl's). **SUMMARY:** Traffic studies at the intersection of Congress Avenue and Water Tower Road have shown that a traffic signal is warranted. Kohl's has verbally agreed to construct this traffic signal during its site development and is requesting impact fee credit for the traffic signal. The traffic signal is not required to meet Traffic Performance Standards (TPS). Impact fee credits for roadway improvements that are not required by TPS require the Board of County Commissioners' approval. District 1 (LB)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to approve:

A) a Budget Transfer of \$1,429,738 in the Municipal Services Taxing Unit (MSTU) District D Fund from Reserves to Woolbright Road (SE 15th Avenue) Bascule Bridge;

B) a Budget Transfer of \$1,429,738 in the Capital Outlay Fund from SE 15th Avenue Bascule Bridge to Transfers, and transfer to MSTU District F Fund;

C) a Budget Amendment of \$1,429,738 in the MSTU District F Fund to recognize the transfer from Capital Outlay and appropriate it to Reserves; and

D) a Contract with Worth Contracting, Inc. (Contractor), the lowest responsive, responsible bidder, in the amount of \$1,474,163.11 for the SE 15th Avenue Bascule Bridge Maintenance and Repair project (Project).

SUMMARY: The Project consists of the bridge deck replacement, repairs to the steel superstructure, replacement of the metal sidewalk and painting. The Notice to Proceed will be issued in May 2008. Consequently, the bridge will be closed for this maintenance and repair during the summer when traffic volumes are lower. The Small Business Assistance goal for the Project is 15%. The Small Business Enterprise (SBE) participation committed for the Project by Worth Contracting, Inc. is 10.74% overall. The second low bidder, Seacoast, Inc., had no SBE participation. Although the Contractor has not met the SBE requirement for this Project, they exceed the 7% provision for ranking of responsive bidders. District 4 (MRE)

4. Staff recommends motion to approve: a Contract with Lanzo Lining Services, Inc. (Contractor), the lowest responsive, responsible bidder, in the amount of \$189,780, for the Lakes of Lantana and Cabana Colony culvert improvements (Project). **SUMMARY:** The Project consists of all work necessary to line existing culverts under Aquarius Boulevard and Blue Cypress Drive, in Lakes of Lantana, and under Florida Boulevard in Cabana Colony. The Small Business Assistance goal for the Project is 15%. The Small Business Enterprise (SBE) participation committed for the Project by the Contractor is 15.8% overall. Districts 1 & 2 (MRE)

5. Staff recommends motion to approve: Amendment No. 1 to the Public Facilities Agreement (R2007-1262) with Toll Brothers, Inc./Palm Beach Limited Partnership (Toll) regarding the funding and construction of Lyons Road from Linton Boulevard to West Atlantic Avenue (Project). **SUMMARY:** Toll is the developer of a project known as Mizner Country Club located on the east side of Lyons Road, south of Linton Boulevard. Toll is required by Development Order to construct the Project. Palm Beach County has the obligation to remediate environmental issues and concerns related to the old "Bushel Stop" site. The remediation is projected to cost \$48,714.50. District 5 (MRE)

6. Staff recommends motion to approve: acceptance of Frontier Avenue, the future extension of Lyons Road, from El Paso Drive to Arrowhead Drive, in Sections 19 and 20, Township 44 South, Range 42 East, for interim courtesy maintenance. **SUMMARY:** This item will add Frontier Avenue to the Palm Beach County Maintenance Inventory. The interim courtesy maintenance cost is estimated to be \$3,500 for the first year, and increasing 6% per year thereafter. District 6 (PFK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

7. Staff recommends motion to approve: a Public Facilities Agreement (Agreement) with Toll FL VIII Limited Partnership (Developer) regarding drainage issues for Hypoluxo Road from Jog Road to Military Trail (Project). **SUMMARY:** The Developer owns a parcel of land located on the south side of Hypoluxo Road just west of Haverhill Road. The planned single family development is known as Vista Lago. The Developer is required to accept a portion of roadway drainage from the Project to Vista Lago's on-site drainage system as per the Development Order conditions. The Developer is also required to construct an outfall pipe from Hypoluxo Road, under the Lake Worth Drainage District's L-18 Canal (Siphon System), to Vista Lago's drainage system. Through this Agreement, the Developer would pay Palm Beach County (County) a lump sum of \$50,000 in exchange for the County taking over the maintenance of the Siphon System. If the Developer delays development, the Agreement also includes provisions for the County to construct the Siphon System (costs to be reimbursed by Developer) and a temporary drainage system within Vista Lago. District 3 (MRE)

8. Staff recommends motion to approve: nine (9) Amendment and Renewal of appraiser agreements (Agreements) with the following appraisal firms: Ames Appraisal Services; Anderson & Carr, Inc.; Appraisal & Acquisition Consultants, Inc.; Callaway & Price, Inc.; M.R. Ford & Associates, Inc.; S. F. Holden, Inc.; Jenkins Appraisal Services, Inc.; RE Analysts, Inc.; and The Spivey Group, Inc. **SUMMARY:** This action approves Agreements with nine (9) firms to provide appraisal services to Palm Beach County for right-of-way acquisition purposes. Countywide (PFK)

9. Staff recommends motion to:
 - A) approve** Amendment Number 2 to the Joint Participation Agreement (JPA) (R2005-0862) with the State of Florida Department of Transportation (FDOT), for the amount of \$50,000 for SR-704/Okeechobee Boulevard from Clear Lake Bridge to East of Australian Avenue overpass (Project);

 - B) adopt** a Resolution concerning this Agreement; and

 - C) approve** a Budget Amendment of \$50,000 in the Road Impact Fee Fund – Zone 2 to recognize additional funding from FDOT for this JPA and appropriate it to Okeechobee Boulevard from west of Clear Lake Bridge to east of Australian Avenue overpass.

SUMMARY: Through this Amendment to the Agreement, Palm Beach County (County) will receive an additional grant of \$50,000 from FDOT for the Project. The County will be responsible for all costs above this grant amount. District 7 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

10. Staff recommends motion to:

A) approve Amendment Number 4 to the County Incentive Grant Program (CIGP) Agreement with the State of Florida Department of Transportation (FDOT), approved on December 18, 2001 (R2001-2157), to modify the limits of the Okeechobee Boulevard widening project covered by the CIGP Agreement and to extend the expiration date until June 30, 2010; and

B) adopt a Resolution concerning this Agreement.

SUMMARY: This action approves an Amendment to the CIGP Agreement with FDOT for the widening and resurfacing of SR-704/Okeechobee Boulevard from SR-7 to Florida's Turnpike (Project). This Amendment modifies the limits of the Project covered by the CIGP Agreement and extends the expiration date until June 30, 2010. Districts 2 & 6 (PFK)

11. **DELETED**

12. Staff recommends motion to approve: a Third Amendment to the Financial Assistance Agreement (R2005-0033) with Northtree Community Association (Association) for an extension of the completion date for improvements in and along Palm Beach County's (County) Hagen Ranch Road. **SUMMARY:** The original Agreement provides for a reimbursement, in an amount not-to-exceed a maximum of \$25,000, to the Association for the planned improvements in the County's Hagen Ranch Road from the L-20 Canal to the Association's north property line. This Third Amendment with the Association will extend the completion date from December 31, 2007 to December 31, 2008, and also establishes that the irrigation pump station may be located outside of the Hagen Ranch Road right-of-way (within 25 feet and visible from the right-of-way) on the Association property. The completion of the improvements has been delayed due to permit compliance issues. District 3 (MRE)

13. **DELETED**

14. Staff recommends motion to receive and file: a Report of plat recordations from October 1, through December 31, 2007. **SUMMARY:** This is a quarterly summary of subdivision plats recorded during the past fiscal quarter as required by Department of Engineering and Public Works Policies and Procedures Manual Item No. ED-O-11, governing administrative approval of plats by the County Engineer. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

15. Staff recommends motion to approve:

A) a Budget Transfer of \$940,000 in the Transportation Improvement Fund from Reserves-Road Program Sweeps to the County Transportation Trust Fund; and

B) a Budget Amendment of \$940,000 in the County Transportation Trust Fund to recognize the transfer from the Transportation Improvement Fund and appropriate it to Signal Loop Maintenance.

SUMMARY: This Budget Transfer and Budget Amendment will provide funding to continue the loop maintenance being performed by the Signal Section of the Traffic Division. Loop maintenance is necessary to ensure the efficient and effective operation of the Traffic Signal System. The \$940,000 from Road Program Sweeps will be replaced at the next Road Program update by reducing the Hypoluxo/West of Lyons Road to West of Hagen Ranch Road Impact Fee Construction budget and increasing Gas Tax Reserves. The Hypoluxo construction contract came in under budget and therefore some of these remaining funds can be utilized elsewhere. Countywide (MRE)

16. Staff recommends motion to approve: an Agreement with Arcadis U.S., Inc., (Arcadis) 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)

17. Staff recommends motion to approve: the renewal of the civil engineering annual agreements with the following firms: Corzo, Castella, Carballo, Thompson, Salman, P.A., the original agreement was dated February 27, 2007 (R2007-0248); Keshavarz & Associates, Inc., the original agreement was dated April 10, 2007 (R2007-0460); and Last Devenport, Inc., the original was agreement dated April 10, 2007 (R2007-0461). **SUMMARY:** These Agreements are being considered for a one (1) year renewal for required professional services, on a task order basis. Countywide (PFK)

18. Staff recommends motion to approve:

A) a Budget Transfer of \$1,256,118 in the Transportation Improvement Fund from Reserve for District 2 to Westgate/Belvedere Homes Community Redevelopment Agency (CRA) infrastructure improvements (consisting of five separate projects) – District 2. The improvements shall be completed by September 1, 2010; and

B) an Interlocal Agreement of \$1,256,118 with the Westgate/Belvedere Homes CRA t will reimburse the CRA for certain infrastructure improvements to Westgate Avenue, Suwanee Avenue, Wabasso Avenue, Fern House/Church Street drainage, Cherry Road median irrigation, and dry storage acquisition within the boundaries of the CRA area.

SUMMARY: The Budget Transfer and Interlocal Agreement will reimburse the CRA up to \$1,256,118 for the infrastructure improvements within the boundaries of the CRA area. District 2 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

19. Staff recommends motion to approve: the renewal of the Municipal Service Taxing Unit (MSTU) Districts "A" through "E" Services Agreement with the following firm: Civil Design, Inc. The original agreement was dated April 10, 2007 (R2007-0462). **SUMMARY:** This Agreement is being considered for a one (1) year renewal for required professional services, on a task order basis. Countywide (PFK)
20. Staff recommends motion to approve: a Third Amendment to the Financial Assistance Agreement (R2004-0303) with the Village of North Palm Beach (Village) for an extension of the completion date for improvements on Palm Beach County's (County) Prosperity Farms Road. **SUMMARY:** The original Agreement and Amendments 1 and 2 provide for a reimbursement, in an amount not-to-exceed a maximum of \$1,305,000, to the Village for the planned improvements on the County's Prosperity Farms Road from Northlake Boulevard to Burns Road. This Third Amendment with the Village will extend the completion date from December 31, 2007 to December 31, 2008. The completion of the improvements has been delayed due to contractor performance. District 1 (MRE)
21. **DELETED**
22. Staff recommends motion to approve: a 2nd Amendment to the Easement Agreement (R97-724D) with Temple Shaarei Shalom, Inc., (Temple) for the Hagen Ranch Road Drainage south of the Lake Worth Drainage District L-22 Canal. **SUMMARY:** This 2nd Amendment will allow the Temple to assume the responsibilities of the Easement Agreement. District 3 (MRE)
23. Staff recommends motion to approve:
- A)** a Budget Transfer of \$35,664 in the Municipal Service Taxing Unit (MSTU) District "A" Fund from Reserves to Cinquez Park East Area Improvements (Project); and
- B)** Supplement No. 2 in the amount of \$38,221 to the Task under the Annual MSTU Districts "A" through "E" Agreement (Annual) with Keshavarz & Associates, Inc. (KAI) for additional services to revise existing plans in connection with the drainage and water main portion of the Project.
- SUMMARY:** This Budget Transfer will provide funds for the additional engineering services required for revisions to existing plans in connection with the drainage and water main portion of the Project. Supplement No. 2 will provide the necessary engineering, surveying, permit documentation, and construction administration services. District 1 (MSTU "A") (MRE)
24. Staff recommends motion to approve: the renewal of the street lighting annual agreements with the following firms: ADA Engineering, Inc., the original agreement was dated May 1, 2007 (R2007-0610) and Erdman Anthony of Florida, Inc., the original agreement was dated May 1, 2007 (R2007-0611). **SUMMARY:** These Agreements are being considered for a one (1) year renewal for required professional services, on a task order basis. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

25. Staff recommends motion to adopt: a Resolution approving Amendment 1 of the Joint Participation Agreement (JPA) (R2007-620D) with the Florida Department of Transportation (FDOT) for the design and construction of small traffic related projects. **SUMMARY:** The original Agreement provided \$500,000 annual funding for small projects from FY 2007/2008 through FY 2011/2012 for a total of \$2,500,000. The Amendment will reduce the funding to \$365,000 for FY 2008/2009 through FY 2011/2012 for a total of \$1,960,000. This JPA allows Palm Beach County to accomplish small traffic related projects for the FDOT, when requested, and to be reimbursed for the work. Funds will be established through the annual budget process. District 7 (MRE)
26. **DELETED**
27. Staff recommends motion to approve: an Agreement with Brown & Phillips, Inc. (BPI) to provide the necessary professional services for surveying and mapping projects on a task order basis, for countywide projects, as required. **SUMMARY:** This Agreement will provide the necessary professional services for surveying and mapping 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)
28. Staff recommends motion to approve:
- A)** a Joint Project Participation/Funding Agreement for the total estimated cost of \$79,065 with the Village of Palm Springs (Village) for the utility construction to be incorporated into Palm Beach County's (County) construction of Clinton Boulevard and Cambridge Street roadway improvements (Project); and
- B)** a Budget Amendment of \$29,725 in the Municipal Service Taxing Unit (MSTU) District "C" Fund to recognize an additional contribution from the Village and appropriate it to the Project.
- SUMMARY:** As part of the Project, the County and the Village desire to jointly participate in the utility adjustments to the water distribution, and other improvements along the right-of-way. This Budget Amendment is necessary to reflect the funding by the Village for the utility improvements to be incorporated into the County's construction of the Project. District 3 (MRE)
29. **Staff recommends motion to approve:** an Agreement in the amount of \$312,725.31 with R. J. Behar & Company, Inc. (RJB) for professional services. **SUMMARY:** This Agreement will provide the professional services necessary for the preparation of design plans and construction bid documents for Forest Hill Boulevard and Congress Avenue intersection improvements. Districts 2 & 3 (PFK)
30. **Staff recommends motion to approve:** Supplemental Agreement No. 3 to Project No. 20041202, under contract R2004-2466, in the amount of \$145,724.41 with Arcadis U.S., Inc. (Arcadis) for professional services. **SUMMARY:** This Supplemental Agreement will provide the services necessary for the preparation of a State Environmental Impact Report (SEIR) and an Advance Notification package for Forest Hill Boulevard and Congress Avenue intersection improvements. Districts 2 & 3 (PFK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

31. Staff recommends motion to adopt: a Resolution vacating a portion of a 12 foot wide utility easement lying in Tract B1, Fountains South - Replat of Tracts A1 and B1, as recorded in Plat Book 49, Pages 98-100, Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located west of Jog Road and north of Lantana Road within the development called Fountains South Planned Unit Development. The petitioner is requesting the vacation of a portion of a utility easement in order to allow the redevelopment of the recreation facility that was destroyed by the numerous hurricanes that hit South Florida in 2005. District 2 (PFK)

32. Staff recommends motion to approve:

A) a blanket approval for appraisal and acquisition of the lands, rights-of-way, and easements on all Fiscal Year 2008 projects as identified in the Five-Year Road Program Annual Update, as adopted on November 20, 2007; and

B) the employment of all experts, including but not limited to real estate appraisers, engineers, certified public accountants, business damage experts, and other experts deemed necessary to appraise and acquire the before mentioned lands, rights-of-way and easements.

SUMMARY: On November 20, 2007, the Board of County Commissioners adopted the Annual Update of the Five-Year Road Program for Fiscal Year 2007 through Fiscal Year 2012. Approval of this item will provide for the acquisition necessary to accomplish the road goals set therein. Countywide (PFK)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve:

A) Amendment No. 11 to the Contract (R96-0714D) with Denise M. Nieman, County Attorney; and

B) a salary increase at the same level provided to other County employees effective March 26, 2008.

SUMMARY: In accordance with the terms and conditions of the original contract, this Amendment provides for the County Attorney's services through March 25, 2013. The current contract expires March 25, 2012. This is a one (1) year extension. This year marks the completion of 21 years as a County Employee, and 12 years as County Attorney. Based on the Board's evaluation of performance and comparison with similar positions, it is requested that the Board consider a salary increase at the same level as that provided to other County employees. Current salary is \$194,646.40. Countywide (DN)

2. Staff recommends motion to receive and file: a Mortgage Subordination Agreement with Federal Home Loan Mortgage Corporation and Azalea Place Apartments, Limited, dated January 1, 2008, for the Azalea Place Apartments, Limited. **SUMMARY:** The Board of County Commissioners authorized the Chairperson to execute this Subordination Agreement pursuant to the Loan Agreement approved on May 15, 2001 (R2001-0801). District 7 (TKF)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

3. **Staff recommends motion to receive and file:** the official transcript for the closing of the \$20,043,500 Palm Beach County, Florida Public Improvement Revenue Bond Anticipation Note, Series 2007, for financing the costs of acquisition, renovation, construction and equipping of additional criminal justice and public improvement facilities, as authorized by Resolution R2007-1502 adopted on September 11, 2007. The closing occurred on September 20, 2007. **SUMMARY:** On September 11, 2007, the Board adopted Resolution No. R2007-1502, authorizing the issuance of the Bond Anticipation Note. The closing occurred on September 20, 2007. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

4. **Staff recommends motion to receive and file:** the official transcript for the closing of the \$14,685,000 Palm Beach County, Florida Public Improvement Revenue Bonds, Series 2006, (the "Bonds") for financing the costs of expansion and upgrading of the Judicial Center Parking Garage, as authorized by Resolution R2006-2325 adopted on October 24, 2006. The closing occurred on December 6, 2006. **SUMMARY:** On October 24, 2006, the Board adopted Resolution No. R2006-2325, authorizing the issuance of the Bonds. The closing occurred on December 6, 2006. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

5. **Staff recommends motion to receive and file:** the official transcript for the closing of the \$9,000,000 Palm Beach County, Florida Variable Rate Airport Revenue Bonds (Galaxy Aviation Project), Series 2007, (the "Bonds") for financing the costs of constructing approximately 58,000 square feet of additional general aviation storage hangars and related office space, as authorized by Resolution R2007-1218 adopted on July 10, 2007. The closing occurred on September 6, 2007. **SUMMARY:** On July 10, 2007, the Board adopted Resolution No. R2007-1218, authorizing the issuance of the Bonds. The closing occurred on September 6, 2007. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

6. **Staff recommends motion to receive and file:** the official transcript for the closing of the \$11,697,676 Palm Beach County, Florida Public Improvement Revenue Note, Series 2008 (Environmentally Sensitive Land Acquisition Project) (the "Bonds") for financing the costs of the acquisition of environmentally sensitive land in Palm Beach County, as authorized by Resolution R2008-0132 adopted on February 5, 2008. The closing occurred on February 6, 2008. **SUMMARY:** On February 5, 2008, the Board adopted Resolution No. R2008-0132, authorizing the issuance of the Bonds. The closing occurred on February 6, 2008. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

7. **Staff recommends motion to receive and file:** the official transcript for the closing of the \$98,080,000 Palm Beach County, Florida Public Improvement Revenue Bonds, Series 2007C (Biomedical Research Park Project) (the "Bonds") for the purpose of redeeming the County's Public Improvement Revenue Anticipation Notes, Series 2006(Biomedical Research Park Project) and financing the costs of the acquiring, constructing, improving and equipping permanent facilities to be development by Scripps for the Biomedical Research Park Project, as authorized by Resolution R2004-0147 adopted on January 27, 2004, as supplemented by Resolution R2007-1091 adopted on July 10, 2007. The closing occurred on December 19, 2007. **SUMMARY:** On July 10, 2007, the Board adopted Resolution No. R2007-1091, authorizing the issuance of the Bonds. The closing occurred on December 19, 2007. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

8. **Staff recommends motion to approve:** an Amendment to the one (1) year Agreement, Resolution No. R2005-2397, dated December 20, 2005 with Broad and Cassel for Airport-Related Bankruptcy Legal Services. **SUMMARY:** This Amendment exercises the County's sole discretion to renew the agreement for three (3) successive one (1) year option periods, or until December 20, 2009, as authorized in paragraph four of the original agreement. The Amendment also clarifies that outside counsel may use sub-contractors in situations where it is economically feasible to do so with the prior approval of the County Attorney's office. Finally, the Amendment adds an additional \$50,000 combined attorney's fees and costs to the existing not-to-exceed cap set out in the original agreement. Countywide (PM)

E. COMMUNITY SERVICES

1. **Staff recommends motion to:**
 - A) approve** Amendment No. 1 increasing the Farmworker's Coordinating Council of Palm Beach County (R2007-1940) contract in an amount of \$70,797 for the period October 1, 2007, through September 30, 2008; and
 - B) terminate** the Healthy Mothers/Healthy Babies (R2007-1946) contract as of January 1, 2008.

SUMMARY: Department of Community Services, through the Financially Assisted Agencies program has been working with Children's Services Council (CSC) program staff to review programs that align within the focus and scope of work that fits most appropriately with each entity. It has been determined that the Palm Beach County FAA contract with Healthy Mothers/Healthy Babies (HM/HB) for \$86,767 will be transferred to CSC's Healthy Beginnings. The CSC-funded Farmworker's Council, family support program, for \$70,797 best aligns with the overall direction and mission of the FAA program. CSC staff and Palm Beach County staff have worked diligently and collaboratively in reviewing these programs/contracts. Both have been working with HM/HB and Farmworker's Council to ensure a smooth transition, which was effective January 1, 2008. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. **Staff recommends motion to approve:** Non-financial Collaborative Agreement with Easter Seals Florida (Palm Beach County Early Steps Program), for the period of November 1, 2007, through September 30, 2008, at no cost to the County, to provide developmental evaluations services for eligible Early Head Start infants and toddlers who are suspected of having disabilities. **SUMMARY:** This Agreement will be used to provide medical, physical, psychological, social and educational evaluations to Early Head Start infants and toddlers. In addition, Easter Seals Florida (Palm Beach County Early Steps Program), will assist in making recommendations for placement in early intervention programs based on the evaluation outcomes. There is no cost to the County. (Head Start) Countywide (TKF)

3. **Staff recommends motion to approve:** Travel reimbursement for Palm Beach County Community Action Board member Tequisha Myles, in an amount of \$110.96, to attend the Florida Association for Community Action (FACA) Public Board Training in Fort Lauderdale, Florida, on January 17, 2008. **SUMMARY:** The Department of Community Affairs requested that PBC Community Action identify a board member to attend Community Action Agency (CAA) Board Training to understand the roles, responsibilities and challenges of a public CAA. Sufficient notice was not provided to obtain approval from the BCC prior to the scheduled training. The cost of \$110.96 provides for registration of \$100 and mileage of \$10.96. Funding consists of \$92.40 (80%) in Federal funds and \$18.56 (20%) in County funds. (Community Action Program) Countywide (TKF)

4. **Staff recommends motion to approve:** Amendment No. 1 to the Contract with Coalition for Independent Living Options (R2007-1931) for the period October 1, 2007, through September 30, 2008, to change the unit cost rate and number of service units. **SUMMARY:** Adjustments to the unit cost rate and units delivered are necessary to better serve clients and more appropriately reflect the cost of the services provided. The current rate of pay for the Accessible Lifesaving Education for At-Risk Teens Utilizing Seniors (ALERT) program is \$2.61 per unit of service for 24,360 units to be delivered. A unit of service is defined as one hour of client services. The amendment will change the cost per unit to \$4.68 for a total of 13,593 units to be delivered. There is no change to the contract amount and no additional funding is being requested. Countywide (TKF)

5. **Staff recommends motion to approve:** Contract with Executive Service Corps of Southeast Florida, Inc., for the period October 1, 2007, through September 30, 2008, in an amount of \$100,000, for training, education and technical assistance. **SUMMARY:** The Center for Nonprofit Excellence, a program of the Executive Service Corps of Southeast Florida, Inc., developed and produced the 2007 Certification Assessment Tool, a Self-Assessment Manual, and will offer an array of training, education and technical assistance resources and programming to Financially Assisted Agencies grantees. This funding allocation is included in the FY 2008 budget for County-Sponsored agencies. Countywide (TKF)

6. **Staff recommends motion to approve:** Amendment No. 001 to Standard Agreement No. IC007-9500 (R2007-1691) for the Community Care for the Elderly (CCE) Program with the Area Agency on Aging (AAA) of Palm Beach/Treasure Coast, Inc. for the period July 1, 2007, through June 30, 2008, increasing the agreement amount by \$33,533 for a new total not to exceed the amount of \$1,103,185. **SUMMARY:** This Amendment will increase Adult Protective Services (APS) and In-Home Services by \$33,533. In the area south of Hypoluxo Road, Ruth Rales Jewish Family Service currently provides CCE services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5 & 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

7. **Staff recommends motion to approve:** Amendment No. 002 to Standard Agreement No. IU007-9500 (R2007-0129) for the Nutrition Services Incentive Program (NSIP), with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. for the period October 1, 2006, through September 30, 2007, increasing the maximum reimbursement by \$36,556, for a new total not-to-exceed the amount of \$361,091, for various supportive services to seniors. **SUMMARY:** Additional funding has been granted under the NSIP grant. This Amendment will increase the maximum reimbursement from \$324,535 to \$361,091 for services performed in FY 2007. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provides Older Americans Act services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

8. **Staff recommends motion to approve:** Amendment No. 001 to the Delegate Agency Agreement with The School Board of Palm Beach County (Delray Full Service Center) (R2007-1677), for the period of October 1, 2007, through September 30, 2008, revising County requirements, and implementing new reimbursement procedures. **SUMMARY:** The School Board of Palm Beach County (Delray Full Service Center) was contracted to provide comprehensive Head Start services. This Amendment clarifies revised County requirements, and implements how monthly reimbursements will be distributed. There is no additional cost to the County. (Head Start) Countywide (TKF)

9. **Staff recommends motion to approve:** Amendment No. 002 to Standard Agreement No. IP007-9500 (R2007-1689) for the Emergency Home Energy Assistance Program (EHEAP) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. for the period June 1, 2007, through March 31, 2008, increasing the agreement amount by \$4,689 for a new total not-to-exceed the amount of \$61,221. **SUMMARY:** This Amendment will increase Outreach by \$410 and Crisis Benefits by \$4,279. In the area south of Hypoluxo Road, Ruth Rales Jewish Family Service currently provides EHEAP services under a similar agreement from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5 & 7 south of Hypoluxo Road (TKF)

10. **Staff recommends motion to approve:** Standard Contract No. IA008-1 for the Older Americans Act (OAA) program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period January 1, 2008, through December 31, 2008, in the amount of \$1,924,614 for various services to the elderly. **SUMMARY:** The Contract will allow the Division of Senior Services (DOSS), as lead agency, to provide Adult Day Care, Interpreter/Translating, Screening/Assessment and Outreach. DOSS also contracts with vendors to provide Adult Day Care, Escort, In-Home Services (Homemaker, Personal Care, Respite, Companionship and Chore), Congregate Meals, Home Delivered Meals, Nutrition Education, Nutrition Counseling, and Specialized Medical Equipment, Services & Supplies, which are funded with \$1,924,614 in Federal funds, \$213,846 in County required funds, \$2,292,624 in additional County funds, \$223,970 in Nutrition Services Incentive Program Meal funds and \$92,271 in Program Income funds (Donations). The Contract spans two (2) County fiscal years. Sufficient funding is available in the FY 2008 budget to meet County obligations. County match and additional funding required to meet FY 2009 obligations will be requested in the FY 2009 budget process. OAA funds administered and managed by the AAA will allow DOSS to provide assistance to the elderly population and caregivers and is the only federal supportive services program directed solely toward improving the lives of the elderly population and caregivers. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provides OAA services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5 & 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

11. **Staff recommends motion to approve:** Amendment No. 1 to the Agreement with The Center for Family Services of Palm Beach County, Inc. (R2007 1466; dated September 11, 2007) for the period of October 1, 2007, through September 30, 2008 to increase the contract by \$50,000 for a total of \$97,514 for emergency shelter services. **SUMMARY:** On September 11, 2007, the Board of County Commissioners approved a contract with The Center for Family Services of Palm Beach County, Inc. for after hours emergency shelter placement, food, transportation and ongoing case management to homeless persons until alternate placement can be arranged. Since November 2007, The Center for Family Services has experienced an increased demand for emergency shelter services which has necessitated increasing the contract funds. (Human Services) Countywide (TKF)

12. **Staff recommends motion to approve:** Amendment No. 5 to Contract (R2007-0741) with Comprehensive AIDS Program, Inc. to correct total contract amount for the period March 1, 2007, through February 29, 2008. **SUMMARY:** As a result of an error made on the total contract amount reflected on Amendment No. 4 (\$1,424,829), an Amendment is necessary to reflect the correct contract total of \$1,509,829. No County funds are required. (Ryan White) Countywide (TKF)

13. **Staff recommends motion to approve:** the Minority AIDS Initiative (MAI) continuation grant application with the Department of Health and Human Services Health Resources and Services Administration (HRSA), for the period August 1, 2008, through July 31, 2009, in the amount of \$565,076. **SUMMARY:** The 2008 MAI contract will provide enhanced and increased core medical and other support services to AIDS infected/affected individuals and families in targeted areas throughout Palm Beach County. No County funds are required. (Ryan White) Countywide (TKF)

F. AIRPORTS

1. **Staff recommends motion to receive and file:** a replacement page to the Florida Department of Transportation Joint Participation Agreement (JPA) for Palm Beach International Airport (PBI) Sunpass Transponders E-Toll Collection, replacing page 12 of 14. **SUMMARY:** On September 25, 2007 (R2007-1631), the BCC approved a JPA in the amount of \$400,000 to implement the use of the Sunpass parking collection system at PBI. Section 18 of the JPA incorrectly allowed the County to extend the agreement. The revised page correctly assigns the right of extension to the Florida Department of Transportation. The JPA term expires December 31, 2008. The revised language is consistent with other JPA documents approved by the Board of County Commissioners. This revision does not alter the agreement in any other way. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. Staff recommends motion to approve:

A) the sale of all common stock shares held by the County arising from bankruptcy distributions of Delta Air Lines, Inc. (Delta); and

B) the designation of the County Administrator, or his designee, as the Primary Authorized Person to act on behalf of the County to handle the sales transaction with Fidelity Brokerage Services, LLC.

SUMMARY: Delta filed for bankruptcy protection on September 14, 2005 with outstanding payments to the County's Department of Airports in the amount of \$695,829. Under Chapter 11 of the United States Bankruptcy Code, debtors are granted relief from paying outstanding debts at the time of bankruptcy filing. Pursuant to the Plan of Reorganization from Delta and as approved by the US Bankruptcy Court, pro rata shares of common stock were issued to general unsecured creditors. The County's estimated stock value for Delta is \$253,000, before transaction fees. Additional distributions are not expected. All Airport fees subsequent to the filing date have been paid on a timely basis. Under the terms and conditions of the County's Airline-Airport Use and Lease Agreement, unpaid debt is charged to all airline companies operating at Palm Beach International Airport (PBIA) as a component of terminal rents and landing fees. Therefore, the Department has recovered the value of the unpaid pre-petition debt through ongoing rates and charges. Countywide (AH)

3. Staff recommends motion to adopt: a Resolution approving Supplemental Joint Participation Agreement (SJPA) Number 1 with the Florida Department of Transportation (FDOT) amending the original project description from Taxiway Exits RW 13/31 at Palm Beach International Airport (PBIA) to Taxiway Exits 9L-27R at PBIA. **SUMMARY:** On August 15, 2006 (R2006-1402), the Board of County Commissioners' adopted a resolution approving a Joint Participation Agreement (JPA) with the FDOT in the amount of \$150,000 or 12.50% of the eligible project costs, whichever is less, to Construct Taxiway Exits RW 13/31 at PBIA. The FDOT has issued SJPA Number 1 amending the original project description to Construct Taxiway Exits 9L/27R at PBIA, with no increase in funding. This change will allow us to use state funds towards the design and construction of the taxiway exits on the primary runway at PBIA, Runway 9L/27R. Countywide (AH)

4. Staff recommends motion to adopt: a Resolution approving Supplemental Joint Participation Agreement (SJPA) Number 1 with the Florida Department of Transportation (FDOT) amending the original project description to include Taxiways at Palm Beach International Airport (PBIA). **SUMMARY:** On August 15, 2006 (R2006-1404), the Board of County Commissioners' adopted a resolution approving a Joint Participation Agreement (JPA) with the FDOT in the amount of \$370,000 or 50.00% of the eligible project costs, whichever is less, to Rehab and Expand Apron at PBIA. The FDOT has issued SJPA Number 1 amending the original project description to include Taxiways at PBIA, with no increase in funding. This change will allow for the use of state funds towards pavement rehabilitation activities on the taxiways at PBIA, in addition to the aircraft aprons. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

5. Staff recommends motion to adopt: a Resolution approving Supplemental Joint Participation Agreement (SJPA) Number 1 with the Florida Department of Transportation (FDOT) amending the original project description to include Runways at Palm Beach International Airport (PBIA). **SUMMARY:** On May 2, 2006 (R2006-0766), the Board of County Commissioners' adopted a resolution approving a Joint Participation Agreement (JPA) with the FDOT in the amount of \$545,000 or 50.00% of the eligible project costs, whichever is less, for the Taxiway Pavement Rehabilitation project at PBIA. The FDOT has issued SJPA Number 1 amending the original project description to include Runways at PBIA, with no increase in funding. This change will allow for the use of state funds towards pavement rehabilitation activities on the runways at PBIA, in addition to the taxiways. Countywide (AH)

6. Staff recommends motion to approve:

A) Amendment No. 8 to the General Consulting Agreement with CH2M Hill, Inc. for Consulting/Professional Services in the amount of \$1,480,751 for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program; and

B) a Budget Transfer of \$1,105,751 in the Airport's Improvement and Development Fund to provide sufficient expenditure budget, including a transfer from reserves in the amount of \$1,105,751.

SUMMARY: The Consulting Agreement (R2005-0319) with CH2M Hill, Inc. for general airport planning and design was approved on February 15, 2005 in the amount of \$2,443,804 in order to carry out the approved Capital Improvement Programs for the County's Airports. The agreement is for two (2) years with two (2) – one (1) year renewal options. Amendments 1-6 were approved for a net increase in the amount of \$8,942,834. Amendment No. 7 approved by the Board of County Commissioners on January 5, 2008 (R2008-0036) exercised the second one (1) year renewal option. Approval of Amendment No. 8 in the amount of \$1,480,751 will provide funds to complete the following tasks and services: Environmental Impact Statement (EIS) Planning Support – Supplement No. 2, General Aviation Airports – Master Planning Documents Addendum, Acquisition Services from November 2006 through April 2007, Palm Beach International Airport – Taxiway F Extension, 2008 Annual Environmental Monitoring Services; and Miscellaneous Planning and Engineering Services for 2008. Certain tasks performed during the term of this Amendment will be eligible for State and Federal grant participation. The proposed fee was verified in accordance with FAA Advisory Circular 150/5100-14C by use of an Independent Fee Analysis conducted by a neutral third party firm (The LPA Group, Inc.) for those tasks that are eligible for grant funding. The Disadvantaged Business Enterprise (DBE) participation for this Amendment is 46.25%. The total DBE contract goal including all amendments is 28.56%. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

7. Staff recommends motion to receive and file: eleven (11) original Agreements for the Department of Airports:

A) Agreement to Terminate Hangar Lease Agreement with Larry Carpenter, Unit 6, Building 11300 at North County Airport, terminating R2003-1303 on January 31, 2008;

B) Agreement to Terminate Hangar Lease Agreement with Geosky 3, LLC, Unit 8, Building 11730 at North County Airport, terminating R2006-1252 on January 31, 2008;

C) Agreement to Terminate Hangar Lease Agreement with John McEvoy and Mary Jo McEvoy, Unit 14, Building 11750 at North County Airport, terminating R2004-0616 on January 31, 2008;

D) Agreement to Terminate Hangar Lease Agreement with Trelys, LLC, Unit 9, Building 11740 at North County Airport, terminating R2006-0655 on February 29, 2008;

E) North County General Aviation Airport Hangar Lease Agreement with Donald L. Brady, Unit 8, Building 11730, for one (1) year, automatically renewed at one (1) year intervals, commencing on February 1, 2008;

F) North County General Aviation Airport Hangar Lease Agreement with Jacob Edinger, Unit 11, Building 11750, for one (1) year, automatically renewed at one (1) year intervals, commencing on January 11, 2008;

G) North County General Aviation Airport Hangar Lease Agreement with Michael Machtinger, Unit 8, Building 11350, for one (1) year, automatically renewed at one (1) year intervals, commencing on February 1, 2008;

H) North County General Aviation Airport Hangar Lease Agreement with Gary Reeves, Unit 8, Building 11740, for one (1) year, automatically renewed at one (1) year intervals, commencing on February 1, 2008;

I) License Agreement with Vanguard Car Rental USA, Inc., for four (4) weeks, commencing on January 2, 2008;

J) Agreement Covering the Operation of Aircraft at Palm Beach International Airport with GoJet Airlines LLC, for ten (10) months, automatically extended for a year on a year to year basis, commencing on December 1, 2007; and

K) General Aeronautical Services Agreement with ReadyJet, Inc., for nine (9) months, automatically extended for a year on a year to year basis, commencing January 1, 2008.

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the BCC in R2004-1367, R2007-1755, R2007-2070 and R93-801. Countywide (AH)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to select: Loop Capital Markets as Senior Manager and Wachovia Securities and Raymond James as Co-Managers for the estimated \$42 Million Public Improvement Revenue Bonds, Series 2008 (Convention Center Garage Project). **SUMMARY:** On April 10, 2007, the Board approved a Development Agreement with Ocean Properties, LTD, Convention Center Hotel Development LLC, Convention Center Residential Development LLC, Convention Center Garage Development LLC, and Convention Center Tunnel Development LLC to construct the Convention Center Hotel, Residential Condominiums, garage and tunnel. Bond counsel and disclosure counsel were previously appointed to provide services for the Hotel project. Staff is in the process of preparing documents related to the bond issue for the project and recommends that the Board appoint the underwriting team at this time. The above firms are next on the Senior Manager Underwriting Rotation List. Countywide (PFK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Amendment No. 3 to Contract with Knight Electric Company, Inc. (R2006-0206) to implement the third renewal of an annual Electrical contract with a maximum value of \$600,000. **SUMMARY:** Amendment No. 3 is a renewal to the Annual Contract–Electrical which was awarded to Knight Electric Company, Inc. as one (1) of four (4) approved contractors. The contractor will continue to perform on projects for various facilities. The annual Electrical contract is an indefinite-quantity contract and this renewal has a maximum value of \$600,000. The renewal term is twelve (12) months or until \$600,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the third of four (4) extensions allowed by the Contract. SBE participation goals for the Electrical contracts are 15%. Knight Electric’s participation for work orders issued to date is 100%. Work orders issued to date for all four (4) annual contracts include a combined SBE participation of 93.7%. (FD&O Admin) Countywide (JM)
2. Staff recommends motion to approve: Amendment No. 3 to Contract with B.K. Electric, Inc. (R2006-0205) to implement the third renewal of an annual Electrical contract with a maximum value of \$600,000. **SUMMARY:** Amendment No. 3 is a renewal to the Annual Contract–Electrical which was awarded to B.K. Electric, Inc. as one (1) of four (4) approved contractors. The contractor will continue to perform on projects for various facilities. This annual Electrical contract is an indefinite-quantity contract and this renewal has a maximum value of \$600,000. The renewal term is twelve (12) months or until \$600,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the third of four (4) extensions allowed by the Contract. SBE participation goals for the Electrical contracts are 15%. BK Electric’s participation for work orders issued to date is 100%. Work orders issued to date for all four (4) annual contracts include a combined SBE participation of 93.7%. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve: Amendment No. 3 to Contract with C.R. Dunn, Inc. (R2006-0203) to implement the third renewal of an annual Electrical contract with a maximum value of \$600,000. **SUMMARY:** Amendment No. 3 is a renewal to the Annual Contract–Electrical which was awarded to C.R. Dunn, Inc. as one (1) of four (4) approved contractors. The contractor will continue to perform on projects for various facilities. This annual Electrical contract is an indefinite-quantity contract and this renewal has a maximum value of \$ 600,000. The renewal term is twelve (12) months or until \$600,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the third of four (4) extensions allowed by the Contract. SBE participation goals for the Electrical contracts are 15%. C.R. Dunn's participation for work orders issued to date is 0%. Work orders issued to date for all four (4) annual contracts include a combined SBE participation of 93.7%. (FD&O Admin) Countywide (JM)

4. Staff recommends motion to approve: Amendment No. 2 to Contract with Farmer & Irwin Corp. (R2006-2089) to implement the second renewal of an annual HVAC contract with a maximum value of \$1,000,000. **SUMMARY:** Amendment No. 2 is a renewal to the Annual Contract–HVAC which was awarded to Farmer & Irwin Corp. as one (1) of eight (8) approved contractors. The contractor will continue to perform on projects for various facilities. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,000,000. The renewal term is twelve (12) months or until \$1,000,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the second of four (4) extensions allowed by the Contract. SBE participation goals for the HVAC contracts are 15%. Farmer & Irwin's participation for work orders issued to date is 0%. Work orders issued to date for all eight (8) annual contracts include a combined SBE participation of 75.4%. (FD&O Admin) Countywide (JM)

5. Staff recommends motion to approve: Amendment No. 2 to Contract with E.C. Stokes Mechanical Contractor, Inc. (R2006-2093) to implement the second renewal of an annual HVAC contract with a maximum value of \$1,000,000. **SUMMARY:** Amendment No. 2 is a renewal to the Annual Contract–HVAC which was awarded to E.C. Stokes Mechanical Contractor, Inc. as one (1) of eight (8) approved contractors. The contractor will continue to perform on projects for various facilities. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,000,000. The renewal term is twelve (12) months or until \$1,000,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the second of four (4) extensions allowed by the Contract. SBE participation goals for the HVAC contracts are 15%. Stokes' participation for work orders issued to date is 100%. Work orders issued to date for all eight (8) annual contracts include a combined SBE participation of 75.4%. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. **Staff recommends motion to approve:** Amendment No. 2 to Contract with York International/A Johnson Controls Company (R2006-2092) to implement the second renewal of an annual HVAC contract with a maximum value of \$1,000,000. **SUMMARY:** Amendment No. 2 is a renewal to the Annual Contract–HVAC which was awarded to York International/A Johnson Control Company as one (1) of eight (8) approved contractors. The contractor will continue to perform on projects for various facilities. This annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,000,000. The renewal term is twelve (12) months or until \$1,000,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the second of four (4) extensions allowed by the Contract. SBE participation goals for the HVAC contracts are 15%. York’s participation for work orders issued to date is 0%. Work orders issued for date for all eight (8) annual contracts include a combined SBE participation of 75.4%. (FD&O Admin) Countywide (JM)

7. **Staff recommends motion to approve:** Amendment No. 2 to Contract with Kerney & Associates, Inc. (R2006-2090) to implement the second renewal of an annual HVAC contract with a maximum value of \$1,000,000. **SUMMARY:** Amendment No. 2 is a renewal to the Annual Contract–HVAC which was awarded to Kerney & Associates, Inc. as one (1) of eight (8) approved contractors. The contractor will continue to perform on projects for various facilities. This annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,000,000. The renewal term is twelve (12) months or until \$1,000,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the second of four (4) extensions allowed by the Contract. SBE participation goals for the HVAC contracts are 15%. Kerney’s participation for work orders issued to date is 100%. Work orders issued to date for all eight (8) annual contracts include a combined SBE participation of 75.4%. (FD&O Admin) Countywide (JM)

8. **Staff recommends motion to approve:** Third Amendment to the Interlocal Agreement (R2003-0694) with the Village of Wellington (Village) to lease and maintain a fuel control reader at the Village’s public works facility. **SUMMARY:** The Agreement with the Village, which provides the terms and conditions under which the County leases and maintains a fuel control reader for the Village at the Village’s public works facility, will expire on May 20, 2008. The Agreement provides for three (3) - one (1) year renewals but renewals require approval by both parties. The Village has approved a renewal to extend the term of the Agreement until May 20, 2009. The renewal now requires Board approval. Under the terms of the Agreement, the County provides and maintains the fuel control reader, provides fuel access cards and monthly fuel accounting to the Village. In exchange, the Village pays equipment rental fees and for services provided by the County. In addition, the Village allows PBSO to fuel at this location which benefits law enforcement efforts. The Agreement may be terminated by either party, with or without cause, with a minimum of six (6) months notice. (FD&O Admin) District 6 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. Staff recommends motion to approve: a Lease Agreement with the Town of Mangonia Park (Town) for approximately 4400 gross square feet of the Mangonia Park Town Hall, formerly occupied by the Mangonia Park Police Department, for a PBSO substation. **SUMMARY:** On December 27, 2006, the Palm Beach County Sheriff entered into a Law Enforcement Services Agreement (LESA) with the Town of Mangonia Park with services commencing February 1, 2007. As the terms of the LESA require the Town to provide office space to the Sheriff from which to provide services, the County is leasing the former Mangonia Park Police Department space on behalf of the Sheriff. The purpose of this Lease is to describe and detail the specific responsibilities of the Town and County with respect to the Sheriff's occupancy of the building. The Lease provides for the use of 4400 square feet of building space and non-exclusive use of the common areas and parking areas around the Town Hall. The term of the Lease shall commence upon execution and extend until the expiration or termination of the LESA or for a period of twenty (20) years, whichever comes first, unless sooner terminated, pursuant to the provisions of the lease. No improvements were required for occupancy by the Sheriff. The annual rent is \$1 per year. (FD&O Admin) District 6 (JB)

10. Staff recommends motion to approve: JOC Work Order No. 08-054 with Holt Contractors, Inc. (R2007-0947) in the amount of \$163,696.80 to provide drainage system repairs and improvements at the Mecca Farms property. **SUMMARY:** When site development activities for the Scripps project were ceased at the end of 2005, the property was left as is, without restoring the property to its pre-development condition. In order to provide proper drainage of the site, restoration of some of the previous agricultural ditches and construction of two new ditches is required. This work is the minimum required to restore the previously existing drainage functionality and is being performed in non-jurisdictional areas. The additional work includes: excavating excess fill from the canal on south side of the property; clearing vegetation from the southern perimeter ditch; constructing a new drainage ditch to restore outfall from the Mining Lake; restoring canals feeding east canal; restoring east canal; investigating leak from NE retention area. The SBE participation in this Work Order is 100%. When the participation for this Work Order is added to Holt's total participation to date, the resulting values are 100%. The SBE goals are 15%. This Work Order requires Board approval since the total project cost exceeds \$200,000 (the original Work Order No. 08-025 for \$51,556.46 was approved on 12/19/07). Funding for this work is from the existing budget funds established in 2006 for property management of the site. The total construction duration is 90 days. This work will comply with all applicable local, state, and federal codes and regulations. (FD&O Admin) Countywide/District 6 (JM)

11. Staff recommends motion to approve: Contract with Carrick Contracting Corporation in the amount of \$1,217,000 for the construction of Carlin Park - Performing Arts Pavilion. **SUMMARY:** This Contract will provide for the construction of an approximately 5,517 square feet outdoor pavilion with ancillary spaces. The SBE goal for this project is 15%. Carrick Contracting Corporation will provide 15.1%. The contract time is 242 calendar days to substantial completion. (Capital Improvements Division) District 1 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

12. Staff recommends motion to approve: Consultant Services Authorization No. 1 to Contract with MPA Architects, Inc. (R2007-0394) in the amount of \$180,000 for professional architectural, engineering and construction administration services for the State Attorney/Public Defender (SA/PD) Building Hurricane Hardening project. **SUMMARY:** This project involves hurricane hardening design of the existing SA/PD Building including, architectural and engineering evaluation of the exterior envelope, design development, construction document, permitting and construction administration. The retrofit design will comply with current building codes and standards and provide wind protection to 140 mph. The construction budget is \$3,000,000. The primary source of funding for this project is from a recently approved Grant Agreement with the State of Florida, Division of Emergency Management. The SBE participation for this Authorization is 84%. When added to the Consultant's participation to date, the resulting SBE participation is 84%. (Capital Improvements Division) District 7 (JM)

13. Staff recommends motion to approve: a First Amendment to the Interlocal Agreement (R2005-0981) with the Village of Palm Springs (Village), for radio maintenance services. **SUMMARY:** The Agreement with the Village, which provides the terms and conditions under which the Village receives radio equipment maintenance services from the County, will expire on May 17, 2008. The Agreement provides for one (1) - three (3) year renewal but renewal requires approval by both parties. The Village has approved a renewal to extend the term of the Agreement until May 17, 2011. The renewal now requires Board approval. The terms of the Agreement are standard. The maintenance rates are consistent with those being charged to the County departments. The Agreement may be terminated by either party, with or without cause, with a minimum of three (3) months notice. (FDO/ESS) District 3 (JM)

14. Staff recommends motion to approve: a Corrective Sewer Easement Deed in favor of the Loxahatchee River Environmental Control District (ENCON) to maintain sewer mains at Fire Rescue Station No. 18 located at Burt Reynolds Park, Jupiter. **SUMMARY:** On June 18, 2002 (R2002-0958), the County granted a Sewer Easement Deed to ENCON to provide maintenance services to the sanitary sewer collection system for the Fire Rescue Station located at Burt Reynolds Park, Jupiter. This Corrective Sewer Easement Deed corrects a scrivener's error contained in the legal description. The sewer easement area is approximately 12'x381.14', for a total of 4,573.68 square feet (0.105 acres). This Corrective Sewer Easement is a permanent non-exclusive easement and is being granted to ENCON at no charge, as it will provide maintenance services to a County facility. (PREM) District 1 (HJF)

15. Staff recommends motion to approve: a Corrective Utility Easement in favor of the Town of Jupiter (Town) to maintain water mains at Fire Rescue Station No. 18 located at Burt Reynolds Park, Jupiter. **SUMMARY:** On June 4, 2002 (R2002-0890), the County granted a Utility Easement to the Town to provide for the right to maintain the water mains located within the easement areas that serve the Fire Rescue Station located at Burt Reynolds Park, Jupiter. This Corrective Utility Easement corrects a scrivener's error contained in the legal description. The utility easement area is 12'x172.53', for a total of 2,070.36 square feet (0.048 acres). This Corrective Utility Easement is a perpetual non-exclusive easement and is being granted to the Town at no charge, as it will provide maintenance services to a County facility. (PREM) District 1 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

16. Staff recommends motion to approve: a Declaration of Easement on .41 acres of County-owned land on Jog Road between Okeechobee Boulevard and Belvedere Road, in connection with Water Treatment Plant No. 8, 1500 North Jog Road. **SUMMARY:** The Water Utilities Department (WUD) has requested that a Declaration of Easement be recorded to memorialize the existence and location of a potable water main, adjacent to the right-of-way of Jog Road, and the Florida Turnpike Jog Road Interchange. The easement areas are located north of the Turnpike/Jog Road Interchange; two (2) on the west side of Jog Road and one (1) on the east side of Jog Road. The easement areas are: i) 20' x 392.14', containing 7,767 square feet (.18 acres); ii) 25' x 269.38', containing 5,062 square feet (.12 acres); and iii) 24.27' x 211.61', containing 4,704 square feet (.11 acres). The improvements have no impact on the property's use as a water retention site controlled by the County's Right-of-Way Division, which has reviewed and approved the location of the easement areas. (PREM) District 6 (JMB)

17. Staff recommends motion to approve: a Utility Easement Agreement in favor of the Florida Public Utilities Company (FPUC) for a gas line which will serve an aboveground generator at the PBSO Park Vista Substation west of Boynton Beach. **SUMMARY:** The Substation is located at 7894 South Jog Road, between Hypoluxo Road and Gateway Boulevard. FPUC installed an underground gas line terminating at an aboveground meter to provide service to a generator connected to the Substation. The easement area is approximately 227 feet long and 10 feet wide, and contains a total of 2,270 square feet (0.05 acres). The easement is non-exclusive and is being granted to FPUC at no charge, as it provides service to the Substation. (PREM) District 3 (HJF)

18. Staff recommends motion to approve: the Plat for South County Regional Park - Parcel A. **SUMMARY:** The County is developing the South County Regional Park - Parcel A property (the Property) for use as a public park and golf course. The Property consists of 540.02 acres of land located west of University Drive and north of Glades Road in Boca Raton. This Plat will legally establish the boundary of the Property, and is a requirement of the development process. The County is signing the Plat as the property owner. (PREM) District 5 (HJF)

19. Staff recommends motion to approve: a Declaration of Easement in favor of Palm Beach County Water Utilities Department to provide water service to the County's new Hagen Ranch Road Library located in western Delray Beach. **SUMMARY:** The County is constructing the Hagen Ranch Road Library located on the east side of Hagen Ranch Road, approximately one (1) mile north of Atlantic Avenue in western Delray Beach. As part of the development of this site, the County installed water main pipes along the southern portion of the property meandering in a northerly direction, then looping in a westerly direction onto the County's Fire Rescue Station No. 42 property to make a connection to existing pipes. The water main easement is 20' x 1,596.97' and contains 31,939.40 sq. feet (0.733 acres). The Declaration will be recorded to provide notice of the existence and location of the water main pipes. (PREM) District 5 (JMB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

20. Staff recommends motion to approve: a Declaration of Restrictive Covenant in favor of the Florida Communities Trust (FCT) encumbering the 1.10 acre addition to DuBois Park. **SUMMARY:** The County received a \$1,800,000 grant from FCT for acquisition of a 1.10 acre waterfront property owned by the Susan DuBois Kindt Estate and entered into a Grant Agreement with FCT (R2006-1315 and R2007-2045). This property is immediately adjacent to DuBois Park. The Board approved the Option Agreement for Sale and Purchase (R2007-2083) to acquire this property for \$3,600,000, with FCT funding half of the purchase price. The Grant Agreement requires the County to record this Declaration to document the restrictions imposed by the Grant Agreement. The Grant Agreement restricts any sale or transfer of the property, operation of concessions by non-governmental persons or organizations, management contract by non-governmental persons, any change in character or use of the property from those approved in the Management Plan, and requires a change in the future land use designation to limit the use of the property to public outdoor recreation uses. Default or termination of these restrictions would require the County to convey the property to the State at no charge. (PREM) District 1 (HJF)
21. Staff recommends motion to approve:
- A)** a Declaration of Easement in favor of Palm Beach County Water Utilities (WUD); and
- B)** a Utility Easement Agreement with Florida Power & Light Company (FPL) for utility service at Greenacres Freedom Park.
- SUMMARY:** Greenacres Freedom Park is located at 2400 Pinehurst Drive, south of Forest Hill Boulevard in the City of Greenacres (City). The Park is owned by the County and managed by the City per an Interlocal Agreement (R99-1678D). The City constructed a restroom/concession building and installed soccer field lighting. Easements are needed for a water line and water meter and for an underground power line to a surface pad-mounted transformer to serve the new City-built facilities. Each utility will connect to the existing water and power lines along Pinehurst Drive. The water utility easement is 10' x 10' containing 100 square feet. The FPL easement is approximately 430' long and 10' wide and contains a total of 4,237 square feet (0.097 acres). The FPL easement is non-exclusive and is being granted to FPL at no charge as it provides service to the County-owned Park. (PREM) District 2 (JMB)
22. Staff recommends motion to approve: a First Amendment to Agreement for Purchase and Sale with Magno C. Braga and Marcia S. Braga (R2007-1518) to acquire a 0.25 acre parcel in the Watergate Mobile Home Estates community in Boca Raton for \$136,000. **SUMMARY:** On September 11, 2007, the County entered into an Agreement to purchase a 0.25 acre lot together with a 30-year old mobile home from Mr. and Mrs. Braga (Seller), located at 10537 West Sandalfoot Boulevard in unincorporated Boca Raton, for development of a Countywide Community Revitalization Team (CCRT) neighborhood park. The County intends to demolish the mobile home, such that it provides no value to the County. In preparation for the Closing, it was discovered that the title to the mobile home was never transferred from the original owner whom the Seller has been unable to locate. Mobile home lot sales are unique in that title to the Lot is treated as real property while the mobile home itself is treated as personal property and titled with DMV similar to a car. Since the Seller is unable to transfer clear title to the mobile home, the Seller has offered to reduce the purchase price from \$151,000 to \$136,000. Staff believes that the reduction in the purchase price reasonably accounts for the reduction in market value due to the inability to convey clear title to the mobile home. Closing is expected to take place within thirty (30) days. (PREM) District 5 (JMB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

23. Staff recommends motion to approve: a Contract with Saltz Michelson Architects in the amount of \$993,710 for professional architectural and engineering services, from programming verification through construction administration for the Four Points Renovations. **SUMMARY:** As part of the FY '08 Capital Improvement Plan budget cuts, proceeding with this project allows for the elimination of \$20 million in FY 09 funding for the Emergency Operations Center expansion and the release of \$8 million in FY '07 funding from the countywide building hardening account. Specifically, the scope of the renovations includes: (1) hardening of the exterior envelope, including roof, windows and doors; (2) emergency power for the entire building; (3) replacement of the existing HVAC system; (4) office space for new occupants Head Start Administration, and provisions for the Emergency Operations Support Facility (EOCSF); (5) revision, as necessary, to the spaces of existing occupants Purchasing, Office of Small Business, Consumer Affairs, and Youth Affairs; (6) reconfiguration of core areas to accommodate expanded restrooms; and, (7) site work to meet current zoning requirements and to implement minor and necessary parking lot reconfiguration. The estimated construction cost is \$12M. The SBE goal for this project is 15%. Saltz Michelson's proposal includes participation of 25%. A Consultant Services Authorization for renovations at the County's Cherry Road Complex will be forthcoming in the future to accommodate the remaining tenant originally slated for the Four Points Building prior to the project re-scoping. (Capital Improvements Division) Countywide/District 2 (JM)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2007-1984) with Federation of Families of Palm Beach County, Inc. to change the eligibility requirements for units of reimbursement. **SUMMARY:** Federation of Families of Palm Beach County, Inc. conducts parent training workshops, youth leadership workshops, and a respite care program for families consisting of parents/caregivers and children who are experiencing mental disorders, emotional disturbances, and behavioral at-risk disorders. Amendment No. 001 redefines the reimbursable unit of a family from "a parent/caregiver and at least 2.5 children" to "a parent/caregiver and at least one child". The total number of families to be served under the Agreement will not change. **These are federal Community Development Block Grant funds that require no local match.** Countywide (TKF)
2. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2007-1992) with The Haven, Inc. for the provision of transitional housing and support services to abused boys. **SUMMARY:** The Haven, Inc. operates a 48 bed transitional housing facility for boys ages 11-18, who are abused and/or neglected by their families. Amendment No. 001 reduces the number of persons to be served monthly from forty (40) to thirty-six (36). The reduction is necessitated by the recent trend of a decrease in the number of children placed in foster/group homes by the Florida Department of Children and Families (DCF). The reduction in the number of clients to be served will result in an increase in the rate paid by the County for each client served from \$5.20/person/day to \$5.77/person/day. **These are federal Community Development Block Grant funds that require no local match.** Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

3. Staff recommends motion to approve: a reimbursement to the Village of Royal Palm Beach in the amount of \$45,872. **SUMMARY:** Approval of this agenda item will reimburse the Village of Royal Palm Beach for expenses already incurred by them in connection with ADA improvements at Preservation Park which have been completed. The Village of Royal Palm Beach previously entered into a funding Agreement with Palm Beach County for this project on October 5, 2004. The Agreement, as amended, expired on September 30, 2006. This reimbursement will pay for work that would have been funded under the Agreement. Their \$45,872 payment to the contractor could not be reimbursed until the contractor completed his compliance with the federally mandated Davis-Bacon Act relating to the payment of wages to workers on the project. Davis-Bacon Act matters have now been addressed enabling this reimbursement. **This approval will provide \$45,872 in Federal Community Development Block Grant funds which do not require local matching funds. District 6 (TKF)**

4. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2007-1117) with the City of Delray Beach to extend the expiration date from December 31, 2007, to July 31, 2008, for the expenditure of \$900,000 in Community Development Block Grant (CDBG) funds. **SUMMARY:** The Amendment provides an extension of seven (7) months to the term of the existing Agreement for the demolition of Carver Estates in the City of Delray Beach. Carver Estates is a public housing complex that is no longer in use consisting of 15 residential buildings, two (2) administration buildings, and their appurtenances. These buildings, which are owned by the Delray Beach Housing Authority, were damaged by Hurricane Wilma. The time extension is needed to make up for time lost during the bid preparation process, and due to delays caused as a result of several bid amendments. **These are Federal funds that require no local match. District 7 (TKF)**

5. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2007-1325) with the City of Delray Beach to extend the expiration date from November 15, 2007, to March 15, 2008, for the expenditure of \$10,500 in Community Development Block Grant (CDBG) funds. **SUMMARY:** The Amendment provides an extension of four (4) months to the term of the existing Agreement for the hurricane hardening of the Neighborhood Resource Center in the City of Delray Beach. The work has been delayed while licensing issues were addressed with the winning bidder. **These are Federal funds that require no local match. District 7 (TKF)**

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

6. **Staff recommends motion to conceptually approve:** the following five (5) affordable housing projects through the Commission on Affordable Housing's Single Family Development (homeownership units) and Multi-Family Development (rental units) assistance programs allocating \$985,000 for the development of four hundred ninety-six (496) affordable housing units:

A) New Urban Community Development Corporation for "Henrietta Townhouses" Matching Request \$350,000 (District 7);

B) New Urban Communities for "Hammon Park Residential Development" Matching Request \$35,000 (District 2);

C) J.K. Roth Real Estate Development for "an Affordable Housing Project in Pahokee" Matching Request \$200,000 (District 6);

D) Pinnacle Housing Group & Riviera Beach Housing Authority for "Emerald Palms" Matching Request \$200,000 (District 7); and

E) Cornerstone Group Development for "Westgate Station" Matching Request \$200,000 (District 2).

SUMMARY: These funding recommendations represent the required local government match/contribution necessary for each development to qualify for the Housing Tax Credit Program with the Florida Housing Finance Corporation. The Tax Credit Program involves a competitive process. Thus, there is no guarantee these projects will be funded. The Commission on Affordable Housing Advisory Committee heard presentations from each developer on January 24, 2008, and recommended the represented funding allocations. Projects receiving Tax Credits will be brought to the Board for final approval.

The Single Family Development Assistance Program provides assistance to eligible developers of home ownership developments serving very low, low and moderate-income households. The goal of this strategy is to increase the number of affordable owner occupied housing units available to these income eligible residents. This is achieved through a reduction in the purchase price charged by the builder/developer in response to the amount of SHIP funds provided. The Multi-Family Development Program will provide assistance to developers of affordable rental housing serving low, very low and extremely low income households. The goal of this strategy is to increase the number of affordable rental housing units available to these eligible residents. Districts 2, 6 & 7 (TKF)

7. **Staff recommends motion to approve:** a Subordination Agreement with the Florida Housing Finance Corporation and RSG Boynton Apartment LTD, subordinating the County's mortgage on the Green Cay Village Apartments project. **SUMMARY:** This Subordination Agreement allows the developer to obtain a State Apartment Incentive Loan (SAIL) from the State of Florida, and the County's mortgage will be subordinate to the SAIL. District 4 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

8. **Staff recommends motion to approve:** a repayment of \$32,847 to the State of Florida Hurricane Housing Recovery Program for nineteen (19) households/individuals. **SUMMARY:** This repayment covers expenditures incurred in the Hurricane Housing Recovery Program through its Housing Re-Entry/Eviction Prevention strategy during the aftermath of Hurricane Wilma. The Housing Re-Entry/Eviction Prevention strategy provided financial assistance of up to \$6,500 per eligible household. The assistance provided for security deposits, utility deposits, temporary storage of household furnishings, relocation assistance for owner and renters households, homeowner and flood insurance assistance, homeowners association payments, and rental assistance for extremely low, very-low and low income households. Staff has since identified nineteen (19) households and individuals who received financial assistance totaling \$32,847, but failed to complete the eligibility process. Therefore, according to State statutes, the funds must be repaid. The source of repayment is program income from HCD's Universal Housing Trust Fund with there being no County funds pledged for this repayment. Countywide (TKF)

9. **Staff recommends motion to approve:** an Agreement with the McCurdy Senior Housing Corporation for the purchase and delivery of an emergency generator and roof mounted HVAC units for an assisted living facility to be constructed in the City of Belle Glade, in the amount of \$250,000 in Community Development Block Grant (CDBG) funds, for the period of March 11, 2008, through September 30, 2009. **SUMMARY:** The equipment to be purchased and delivered under this Agreement will be permanently affixed to the assisted living facility building which will be located at 1101 Dr. Martin Luther King, Jr., Blvd. West in the City of Belle Glade. Funding is being made available under this Agreement to McCurdy Senior Housing Corporation, who has a controlling interest in McCurdy Center GP, Inc., who in turn will be the general partner in McCurdy Center, Ltd. (the owner of the land, and the developer for the assisted living facility). The facility will provide services to residents who are at or below 60% of the median income for the area. **This Agreement will provide \$250,000 in Federal CDBG funds which do not require local matching funds.** District 6 (TKF)

J. PLANNING, ZONING & BUILDING

1. **Staff recommends motion to approve:** the voluntary annexation of a parcel owned by Palm Beach County into the City of West Palm Beach. **SUMMARY:** Palm Beach County requests to voluntarily annex a County-owned property into the City of West Palm Beach. The 0.042-acre parcel, as described in Attachment A of the Item, is a County-owned lift station maintained by the Palm Beach County Water Utilities Department (PBCWUD) and will otherwise be an unincorporated enclave when the adjacent property to the east is voluntarily annexed into the City. Pursuant to the Interlocal Agreement between Palm Beach County and the City of West Palm Beach regarding Water and Wastewater Service Area dated December 20, 2005 (County Resolution No. R2005-2445), the property is within the PBCWUD water and wastewater service area and will remain in the County's water and wastewater service area following the annexation. By signing the voluntary annexation petition, Palm Beach County does not transfer ownership rights for the parcel, but rather consents to the property being annexed into, and included within, the municipal boundary of the City of West Palm Beach. The annexation has been processed through the County's review departments, including Fire Rescue, Engineering, Planning, Zoning, Environmental Resources Management, Parks and Recreation, Water Utilities, County Attorney, Property and Real Estate Management and the Office of Financial Management and Budget departments. None of the departments are opposed to the annexation. The proposed annexation meets the requirements of Chapter 171, F. S. and is consistent with the Intergovernmental Coordination Element, Objective 1.4, of the County's Comprehensive Plan. District 2 (RB)

3. CONSENT AGENDA APPROVAL

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

2. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, adopting a Participating Resolution, authorizing Palm Beach County, Florida to allow the City of South Bay (requesting municipality) to participate in the negotiation process for the Interlocal Service Boundary Agreement between Palm Beach County and the City of Belle Glade, pursuant to Chapter 171, Part II, Florida Statutes; and providing an effective date. **SUMMARY:** In November of 2007, the City of Belle Glade adopted an Initiating Resolution pursuant to Chapter 171, Part II, F.S., as a first step in the process of completing an Interlocal Service Boundary Agreement for an area designated outside of the boundaries of the City. Palm Beach County then adopted a Responding Resolution in December of 2007, to begin the negotiation process. Thereafter, the City of South Bay requested to be included in the negotiation process, considering that the southwest portion of the boundary is within South Bay's future annexation area, by adopting a Requesting Resolution in January of 2008. This Participating Resolution provides County agreement for South Bay to participate in the negotiations. The provisions of this resolution shall become effective upon adoption by the Board of County Commissioners and approval of a Participating Resolution by the City of Belle Glade. It is anticipated that the City of Belle Glade will adopt a participating resolution in the near future. The area subject to the proposed agreement is depicted in Exhibit A of the Resolution. By adopting this Resolution, the negotiation process can begin. The County is not obligated to enter into the Interlocal Agreement. The Resolution does not annex any property at this time. Planning staff will work closely with key County agencies and the staffs and consultants from both cities during the six months following the adoption of the Resolution to develop an agreement that will be presented to the Board at a later date. District 6 (RB)

3. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, adopting a Responding Resolution, authorizing Palm Beach County, Florida to commence the negotiation process for an Interlocal Service Boundary Agreement between Palm Beach County and the City of Greenacres, pursuant to Chapter 171, Part II, Florida Statutes; and providing an effective date. **SUMMARY:** On February 4, 2008, the City of Greenacres adopted an Initiating Resolution No. 2008-05 pursuant to Chapter 171, Part II, F.S., as a first step in the process of completing an Interlocal Service Boundary Agreement for an area designated outside of the boundaries of the City, within the City's future annexation area. The area subject to the proposed agreement is depicted in Exhibit A of the Resolution. This Resolution also identifies issues that may be negotiated during the agreement process, including identifying service providers and possible planned improvements. Additionally, the City of Atlantis, the Village of Palm Springs and the Town of Lantana are invited to participate in the negotiations, as their municipal borders and/or the future annexation areas are contiguous or within the area subject to the proposed agreement. By adopting this Resolution, the negotiation process can begin, however, the County is not obligated to enter into the Interlocal Agreement. The Resolution does not annex any property at this time. Planning staff will work closely with key County agencies and City staff during the six (6) months following the adoption of the Responding Resolution to develop an Interlocal Agreement, which will be subsequently presented to the Board at a later date. Districts 2, 3 & 6 (RB)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to approve:

A) First Amendment to Agreement of Purchase and Sale of Water and Wastewater Assets between the County and Village of Royal Palm Beach; and

B) First Amendment to Transition Agreement between the County and Village of Royal Palm Beach.

SUMMARY: The County and Village entered into an Agreement of Purchase and Sale of Water and Wastewater Assets on February 26, 2006 (R2006-0410) in which Village agreed to sell the majority of its utility system assets to the County. The County and Village also entered a Transition Agreement (R2006-2660) regarding certain issues involved in the transition of the Village utility system assets to County. Under the terms of both agreements, the County was to abandon the Village's wastewater treatment plant by a certain date. Both of the agreements are being amended to extend the abandonment date until April 30, 2008. District 6 (MJ)

2. Staff recommends motion to approve: a Wastewater Development Agreement with Sunsport Gardens, Inc. **SUMMARY:** Sunsport Gardens, Inc. (Sunsport) owns property (Property) located at 14125 North Road within the Town of Loxahatchee Groves' (Town) municipal limits and operates an ongoing business enterprise on the Property. The Health Department permit for Property's existing wastewater treatment system is up for renewal and Sunsport has concluded that its best long-term option for wastewater service to the Property is permanent connection to an external wastewater system. They have approached the Water Utilities Department (Department) regarding connection to the Department's wastewater collection system (System) that runs along the Property's southern and eastern borders. Due to Property's location and the location of the wastewater connection, approval for connection is required from, and has been granted by, the Town. In addition, the Property's connection to the System requires Sunsport to install facilities within easements possessed by the Indian Trail Improvement District (ITID). The County's obligations under this Agreement are specifically contingent upon Sunsport to secure all necessary approvals from ITID. District 6 (MJ)

3. 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)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. **Staff recommends motion to approve:** Change Order No. 6 to the Contract with Poole and Kent Company, Inc. (R2005-1928) for the Lake Region Water Treatment Plant (LRWTP) increasing the contract price by \$500,000. **SUMMARY:** This Change Order authorizes the Contractor to accelerate construction of certain portions of the Water Treatment Plant in order to endeavor to make potable water available for distribution to the three (3) Cities by March 31, 2008 and is fully funded by the South Florida Water Management District (SFWMD). Total change orders to date equal a credit of \$6,922,908.40 (35.09% decrease). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.0% overall. The contract with the Poole and Kent Company, Inc. provides for SBE participation of 15.92% overall. This Change Order includes zero overall SBE participation. The contractor's cumulative SBE participation, including this change order is 31.91% overall. (WUD Project No. 03-169) District 6 (JM)

5. **Staff recommends motion to approve:** Change Order No. 1 with Southeast Drilling Services, Inc. for the Systemwide Wellfield Improvement Project increasing the Contract (R2006-2473) by \$1,903,856 and increasing the contract time by 290 calendar days. **SUMMARY:** On November 21, 2006, the Board approved the contract for the Systemwide Wellfield Improvement Project (R2006-2473) with Southeast Drilling Services, Inc. for constructing four (4) new Surficial Aquifer wells at WTP 3, re-drilling of five (5) existing wells at WTP 9, replacement of two (2) dual zone monitoring wellheads at ECR, and installing new pumps, motors and mechanical and electrical equipment on seven existing wells. Change Order No. 1 provides for four (4) additional wells at WTP 3 to meet the ever increasing demands for water and system reliability, the re-drilling and enlargement of four (4) existing wells at WTP 9 in the same borehole utilizing the existing easement, electrical, mechanical, and piping for the golf course wells; the repair of existing well 5 at WTP 3; plugging and abandonment of 20 pad monitoring wells at the deep injection well systems; and miscellaneous site work, wellheads, well casings, well screens, electrical issues. The contract time is being increased by 290 calendar days to accommodate the additional time required for completion of the aforementioned tasks. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.0% overall. The contract with Southeast Drilling Services, Inc. provides for SBE participation of 19.32% overall. This Change Order includes zero overall SBE participation. The contractor's cumulative SBE participation, including this change order is 13.18% overall. Southeast Drilling Services, Inc. has been recently approved as a Small Business Enterprise. (WUD Project No. 05-041) District 2, 3, & 6 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

6. Staff recommends motion to receive and file: One (1) Standard Development Agreement and two (2) Standard Development Renewal Agreements complete with executed documents received during the months of December 2007 and January 2008:

Standard Development Agreement

A) Pinecrest Developers Ltd., Co. 02-01118-000

Standard Development Renewal Agreement

B) Brown Landholding, Inc. 01-01099-R01

C) HomeDevco/Tivoli Lakes, LLC 05-01051-R01

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

7. Staff recommends motion to receive and file: four (4) Unilateral Termination and Partial Release of Standard Potable Water and Wastewater Development Agreements due to non-renewal for the following property owners:

Termination of Standard Development Agreements

A) Robin Singer & Associates, LLC 01-01093-000

B) Shih C. Ching 02-01061-000

C) A.L. Spencer, Kevin Kelly, Kathleen K. Dudro,
Leo B. Kelly, Kristin S. Gailey, Jeffrey S. Shannon,
Matthew C. Shannon, Robert E. Alspaugh,
Todd H. Weaver, Russell L. Seaver, Adience Company, L.P.,
Employees Profit Sharing Plan, 247 Equipment Co., Inc. 401K
Plan F/B/O Albert A. Novak, DMDJ Partners, L.P. and
AMKBJ Partners Ltd. 02-01062-000

D) Coastal One Management, Inc. 02-01064-000

SUMMARY: The terms and conditions for Standard and Non-Standard Development Agreements are outlined in the Water Utilities Department's Uniform Policies and Procedures Manual (UPAP). Development Agreements are valid for a period of five (5) years and may be renewed for an additional five (5) years by paying an additional Mandatory Agreement Payment (MAP). If the additional MAP is not paid or the Agreement has reached its ten (10) year expiration date, the Agreement is terminated. This agenda item recommends the Board receive and file the terminations. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) adopt a Resolution authorizing the Clerk to disburse \$150,000 from the Pollution Recovery Trust Fund (PRTF) for the restoration of freshwater habitats on public lands in Palm Beach County; and

B) approve a \$150,000 Budget Transfer within the Pollution Recovery Trust Fund (PRTF) from reserves for restoration of Chain of Lakes uplands.

SUMMARY: This Resolution will authorize the transfer of \$150,000 from the PRTF reserves for Chain of Lakes upland restoration to eradicate exotic vegetation and assure the success of planting native vegetation on public lands. Districts 2, 3 & 4 (SF)

2. Staff recommends motion to:

A) approve five (5) contracts with the US Department of Agriculture (USDA) for \$128,490 in cost sharing for qualified land management activities on Natural Areas under the Wildlife Habitat Incentives Program (WHIP), expiring September 30, 2013;

B) approve a Budget Amendment of \$128,490 in the Natural Areas Fund to establish a revenue budget from USDA; and

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

SUMMARY: WHIP is administered by the Natural Resources Conservation Services (NRCS) for USDA to cost share in activities which improve wildlife habitats. ERM will be reimbursed 75% of costs such as exotic species control, habitat restoration, and prescribed burning on five (5) Palm Beach County natural areas for an amount not to exceed \$128,490 (Yamato Scrub \$34,999, Juno Dunes \$34,987, Hypoluxo Scrub \$20,819, Seacrest Scrub \$17,139, and Highridge Scrub \$20,546). The County match of \$42,830 is available in the Natural Areas Fund. Countywide (SF)

3. Staff recommends motion to approve: Budget Amendment of \$800,000 in the Capital Outlay Fund to establish revenue budget for the Florida Department of Environmental Protection (FDEP) to fund invasive plant removal with Task Assignments No. SE-119 (\$200,000) and SE-120 (\$200,000) for the Loxahatchee Slough, No. SE-121 (\$200,000) for the Pine Glades Natural Area, and No. SE-122 (\$200,000) for the Cypress Creek Natural Area. **SUMMARY:** Task Assignments No. SE-119, SE-120, SE-121 and SE-122 to FDEP Contract No. SL898 (R2001-0772) for \$200,000 each have been received from FDEP, under the Bureau of Invasive Plant Management Program. The Task Orders are effective August 20, 2007 through May 31, 2008, for invasive plant control in the Loxahatchee Slough, Pine Glades and Cypress Creek Natural Areas. This item will establish budget for the amount of each Task Assignment. District 1 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

4. Staff recommends motion to:

A) approve a Contract in the amount of \$67,200 with Harbor Branch Oceanographic Institute at Florida Atlantic University (FAU/HBOI) to conduct oyster monitoring in Lake Worth Lagoon (LWL); and

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

SUMMARY: The Contract authorizes FAU/HBOI to monitor three (3) oyster reef sites located within the LWL as part of the monitoring efforts described in the revised Lake Worth Lagoon Management Plan (LWLMP) 2007. The Contract expires June 30, 2009. In South Florida, restoration of oyster populations is an important component and metric for the northern estuaries within Comprehensive Everglades Restoration Program (CERP). Funding is provided through the Florida Department of Environmental Protection Contract no. LP6046 (R2006-0583; R2007-2279) Countywide (SF)

5. Staff recommends motion to approve: Interlocal Agreement (Agreement) with the

Town of Jupiter (Town) for management of the Jupiter Ridge Natural Area (Natural Area), a 273-acre tract of environmentally sensitive land located within the Town.

SUMMARY: On September 3, 1996, the County entered into an Interlocal Agreement with the Town (R96-1227D) to manage the Natural Area with the assistance of the Town. Because of the number and types of changes needed to update the Agreement, staff determined that it would be more appropriate to prepare a new Agreement than to revise the existing Agreement. On March 13, 2007, the Board accepted donation of a 0.99-acre preserve parcel from Tierra del Sol at Jupiter, LLC (Tierra del Sol) to be added to the Natural Area and also accepted a conservation easement over a portion of the Town's Riverwalk multiuse pathway on the adjacent Tierra del Sol property for access to the preserve area for management purposes. The Easement was conveyed to the County on November 9, 2007 and the preserve parcel was conveyed on January 25, 2008. Town of Jupiter Resolution 12-06, as amended by Resolution 112-06, required Stateside Jupiter, Ltd., Tierra del Sol's predecessor, to construct or provide funding for the construction of an approximately 330-foot-long section of the Riverwalk on a portion of the Natural Area, as a condition of site plan approval. The State, which owns most of the Natural Area and leases it to the County for management (Lease No. 4004, as amended), has granted permission for this work, which will be done by Tierra del Sol with County and Town supervision. The County will manage that portion of the Riverwalk in cooperation with the Town as part of the public access facilities on the Natural Area. The new Agreement will be included in the first revision of the management plan for the Natural Area, which is due to the State for review in 2008. District 1 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

6. Staff recommends motion to:

A) approve Agreement No. 4600001246 with the South Florida Water Management District (SFWMD) for the Sandhill Crane East - Loxahatchee Slough Restoration Phase I, commencing upon execution in FY2008 for a period of one (1) year in an amount not-to-exceed \$250,000;

B) approve Budget Amendment of \$250,000 in the Capital Outlay Fund to recognize the Contract revenue for the Sandhill Crane East – Loxahatchee Slough Restoration Phase I Project; 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 Agreement.

SUMMARY: The Loxahatchee River Preservation Initiative grant provides \$250,000 in funding for the Project on a reimbursement basis. The County's share of the \$500,000 project cost is \$200,000 provided from the Natural Areas Fund and \$50,000 in-kind. The Project match is budgeted as current encumbrances and salaries. The proposed restoration activities for Phase I of the Project include: 1) mechanical removal of exotic vegetation, primarily Australian pine, from the spoil piles that were excavated along two (2) parallel ditches (2.7 miles in length) and along perimeter ditches (8.5 miles), and 2) ground control treatment of exotic vegetation (primarily Brazilian Pepper, Climbing Fern, and Australian Pine) for a portion of the project area. District 1 (SF)

7. Staff recommends motion to approve: a Budget Transfer of \$236,701 in the Capital Outlay Fund between Natural Area Projects to reallocate funding. **SUMMARY:** A Budget Transfer in the Capital Outlay Fund will provide \$172,217 funding for Environmental Restoration activities from the Ocean Ridge Natural Area account, closing that project, and \$8,510 from the High Ridge Scrub account and \$5,974 from C-18 Triangle account for the Delaware Scrub Natural Area account, closing the aforementioned projects. The Pond Cypress Natural Area account will be reduced by \$50,000 providing \$30,000 for the Delaware Scrub Natural Area account re-aligning funding for public access currently under design, and \$20,000 for the Hypoluxo Scrub Natural Area account re-aligning funding for restoration irrigation. Remaining funds in the Pond Cypress Natural Area account will be sufficient to complete construction by fiscal year end. Districts 1, 3, 4 & 6 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

8. Staff recommends motion to:

A) approve Loxahatchee River Preservation Initiative Contract SAP No. 4600001245 with the South Florida Water Management District (District) for the Palm Beach County Limestone Creek Phase III Restoration Project, commencing upon execution in FY 2008 for a period of one (1) year, in an amount not-to-exceed \$325,000;

B) approve Budget Transfer of \$325,000 in the Natural Areas Fund from Reserves for Improvements to transfer to the Capital Outlay Fund to provide matching funds for the project;

C) approve Budget Amendment of \$650,000 in the Capital Outlay Fund to recognize the contract revenue (\$325,000) and a transfer from the Natural Areas Fund (\$325,000) for a total of \$650,000 for the Limestone Creek Natural Area Restoration Project; and

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

SUMMARY: State matching funds, through the Loxahatchee River Preservation Initiative (LRPI) which are administered by the District, were requested. The LRPI Contract will provide \$325,000 in funding for the Limestone Creek Phase III Restoration Project (Project), on a reimbursement basis. The County's share of the \$650,000 total project cost is \$325,000 provided from the Natural Area Fund. Phase III of the Limestone Creek Restoration Plan will include construction of the oxbows/littoral shelf designed in Phase II of the restoration plan. The Project will provide enhancement of water resources benefiting the Loxahatchee River, including an inter-tidal mangrove wetland and essential wildlife habitat for fish, and migratory bird species. An American's Disabilities Act accessible canoe/kayak launch will be constructed to provide an additional passive recreational use for the local community. District 1 (SF)

9. Staff recommends motion to approve: Budget Transfer of \$22,200 in the Economic Development Fund from the Office of Economic Development to the Department of Environmental Resources Management (ERM) to allocate grant funds for the construction of a trailhead as partial implementation of the Palm Beach County Lake Okeechobee Scenic Trail (LOST) Tourism Enhancement Master Plan from the Lake Okeechobee Scenic Trail account. **SUMMARY:** The transfer between departments will allow ERM to manage an additional \$22,200 portion of a grant award from the Florida Department of Environmental Protection for the construction of a trailhead adjacent to the Herbert Hoover Dike as part of the LOST Tourism Enhancement Master Plan. Matching funds were provided retroactively from park improvements between FY 2004 and FY 2006. District 6 (SF)

10. Staff recommends motion to approve: an Interlocal Agreement with the City of Boca Raton (City) for the management of the 79-acre Pondhawk Natural Area. **SUMMARY:** The current Interlocal Agreement was approved by the County on October 22, 2002 (R2002-1928) and provides that the City will assist the County with the management of the Pondhawk Natural Area. The updated Interlocal Agreement contained in this item reiterates the respective management duties of the City and County. It also includes a section for Public Access/County Improvements; provides revised information related to the Blue Lake Pathway construction; and updates information related to the receipt of the Florida Communities Trust grant. District 4 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

11. Staff recommends motion to approve:

A) an Interlocal Agreement with the Jupiter Inlet District (JID) for funding and cooperation with permit-required sea turtle and environmental monitoring on Jupiter Beach, expiring October 31, 2018; and

B) an Interlocal Agreement with the Florida Inland Navigation District (FIND) for funding and cooperation with permit-required sea turtle and environmental monitoring on Jupiter Beach, expiring October 31, 2018.

SUMMARY: These Interlocal Agreements provide for an equitable cost-share of monitoring activities required by permits issued for regular maintenance dredging of the Jupiter Inlet and associated sand trap and the nearby Atlantic Intracoastal Waterway (AICW). A Budget Amendment will be submitted when the Task Order for sea turtle monitoring is executed and the cost-shares have been determined. District 1 (SF)

12. Staff recommends motion to approve:

A) annual Contract with Taylor Engineering, Inc. (Taylor) for continuing professional coastal and marine engineering consultant services, effective for two (2) years retroactively from March 1, 2008, through February 28, 2010; and

B) Task Order Taylor-01 to the annual Contract with Taylor in the amount of \$316,582 for sea turtle monitoring services in northern Palm Beach County retroactive to March 1, 2008.

SUMMARY: The consultant will provide professional coastal and marine engineering services on a task order basis for various projects within the Department of Environmental Resources Management and other departments. Taylor has agreed to Small Business Enterprise (SBE) and/or Minority and Women Business Enterprise (M/WBE) participation of 15%. The Contract contains an option to renew for one (1) additional year. Task Order Taylor-01 authorizes Taylor to manage sea turtle monitoring along 11 miles of beach for the 2008 sea turtle nesting season. Monitoring of the Juno Beach project area, included in this Task Order, is eligible for cost-sharing with the state. Monitoring of the Jupiter project area will be eligible for cost-sharing with Jupiter Island District (JID) and Florida Inland Navigation District (FIND). Monitoring of the Singer Island project area may be eligible for cost-sharing with the state. There is 0% SBE-MBE subconsultant participation on this Task Order. Countywide/District 1 (JM)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to:

A) ratify the signature of the Chairperson of the Board of County Commissioners on a Community Development Block Grant (CDBG) application, submitted to Palm Beach County Housing and Community Development (HCD) on January 3, 2008, requesting \$200,000 for Westgate Park and Recreation Center Splash Playground to be matched with \$125,075 from the Park Improvement Fund Countywide Community Revitalization Team (CCRT) allocation and \$74,925 in CCRT funding;

B) adopt Resolution for assistance under the CDBG for grant funding for Westgate Park and Recreation Center Splash Playground in the amount of \$200,000;

C) authorize the County Administrator or his designee to execute the grant project agreement and all future time extensions, task assignments, necessary minor amendments, and any other necessary forms and certifications during the term of the Agreement that do not change the scope of work or terms and conditions of the Agreement if the grant is approved; and

D) authorize the Director of the Parks and Recreation Department to serve as Liaison Agent with HCD for this project.

SUMMARY: The application requests \$200,000 from CDBG toward the construction of the Westgate Park and Recreation Center Splash Playground. District 2 (AH)

2. Staff recommends motion to approve: Agreement with Chamber of Commerce of the Palm Beaches, Inc. for the period March 11, 2008, through April 15, 2008, in an amount not-to-exceed \$15,000 for funding of the Kids K and Kids Marathon Mile events. **SUMMARY:** This funding is to help offset costs for Chamber of Commerce of the Palm Beaches, Inc.'s Kids K and Kids Marathon Mile events offered as a part of the fourth annual Marathon of the Palm Beaches. Approximately 2,500 children and youth participated in the events. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to September 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 2 Funds. District 7 (AH)

3. Staff recommends motion to approve: Agreement with Delray Beach Arts, Inc. for the period March 11, 2008, through June 15, 2008, in an amount not-to-exceed \$11,000 for funding of the 2008 Delray Beach Garlic Fest. **SUMMARY:** This funding is to help offset costs for the Delray Beach Garlic Fest held in Old School Square on February 8 through 10, 2008. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to January 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 4 (\$5,000) and District 7(\$6,000) Funds. District 7 (AH)

4. Staff recommends motion to approve: Agreement with Boca Raton Philharmonic Symphonia, Inc. for the period March 11, 2008, through July 30, 2008, in an amount not-to-exceed \$5,000 for funding of the American Music Celebration concert. **SUMMARY:** This funding is to help offset costs for the American Music Celebration concert being held at the Mizner Park Amphitheatre in Boca Raton on April 18, 2008. The concert is anticipated to be attended by approximately 3,000 people. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to January 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 4 Funds. District 4 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

5. Staff recommends motion to receive and file: First Amendment to Agreement (R2007-1555) with Expanding and Preserving Our Cultural Heritage, Inc. for funding of a stage for the Spady Living Heritage Day Festival. **SUMMARY:** This fully executed First Amendment to Agreement in an amount not-to-exceed \$1,600 extends the project completion date from September 30, 2007, to February 15, 2008, and the term of the Agreement from December 30, 2007, to February 15, 2008, in order to allow additional time to accommodate dates of payments and completion of the reimbursement process. The Amendment is in accordance with Resolution R2005-1738 authorizing the delegation of authority for amending RAP agreements to the County Administrator or his designee. All other terms of the Agreement, including the funding amount, remain the same. Funding for the project is from the Recreation Assistance Program (RAP) District 4 Funds. District 7 (AH)

6. Staff recommends motion to approve: Agreement with the City of Delray Beach for the period March 11, 2008, through June 3, 2008, in an amount not-to-exceed \$3,000 for funding of the Delray Rocks Youth Organization's football and cheerleading trip. **SUMMARY:** This funding is to offset expenses paid by the City of Delray Beach for the Delray Rocks Youth Organization's trip to participate in the National Youth Football Championships in Daytona Beach from November 21 through November 24, 2007. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to November 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

7. Staff recommends motion to receive and file: First Amendment to Agreement (R2007-0996) with Redemptive Life Fellowship, Inc. for black history tours. **SUMMARY:** This fully executed First Amendment to Agreement in an amount not-to-exceed \$9,100 expands the project time frame from April 1, 2007, through July 30, 2007, to March 20, 2007 through February 28, 2008, and extends the term of the Agreement from October 30, 2007, to February 28, 2008 in order to allow additional time to accommodate dates of payments. The Amendment is in accordance with Resolution R2005-1738 authorizing the delegation of authority for amending RAP agreements to the County Administrator or his designee. All other terms of the Agreement, including the funding amount of \$9,100, remain the same. Funding for the project is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

8. Staff recommends motion to receive and file: First Amendment to Agreement (R2007-1000) with the City of Pahokee for funding of 4th of July fireworks. **SUMMARY:** This fully executed First Amendment to Agreement in an amount not-to-exceed \$5,000 extends the project completion date from August 1, 2007, to August 31, 2007, and the term of the Agreement from November 1, 2007, to December 30, 2007, in order to allow additional time to accommodate dates of payment and completion of the reimbursement process. The Amendment is in accordance with Resolution R2005-1738 authorizing the delegation of authority for amending RAP agreements to the County Administrator or his designee. All other terms of the Agreement, including the Agreement amount, remain the same. Funding for the project is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

9. Staff recommends motion to receive and file: First Amendment to Agreement (R2007-1734) with South Florida Science Museum, Inc. for the 2007 Summer Camp Program. **SUMMARY:** This fully executed First Amendment to Agreement in an amount not-to-exceed \$10,000 expands the project time frame from June 4, 2007 through August 21, 2007, to May 1, 2007 through April 1, 2008, and extends the term of the Agreement from November 21, 2007, to April 1, 2008 in order to allow additional time to accommodate dates of payments and complete the reimbursement process. The Amendment is in accordance with Resolution R2005-1738 authorizing the delegation of authority for amending RAP agreements to the County Administrator or his designee. All other terms of the Agreement, including the funding amount of \$10,000, remain the same. Funding for the project is from the Recreation Assistance Program (RAP) District 2 Funds. District 2 (AH)

10. Staff recommends motion to receive and file: original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for Atlantic Community High School in an amount not-to-exceed \$5,000 for the Girls Basketball Program. **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)

11. Staff recommends motion to receive and file: Palm Beach County Florida Boating Improvement Program Project Agreement with the Town of Jupiter in an amount not-to-exceed \$250,000 for funding of the Sawfish Bay Park project. **SUMMARY:** This fully executed Agreement was executed by Dennis L. Eshleman, as authorized signatory for PBC-FBIP Agreements meeting criteria as delineated in R99-77, which established guidelines for the Palm Beach County - Florida Boating Improvement Program (PBC-FBIP). The Agreement is for an eligible boating-related project which includes construction of restrooms, a dock/seawall, a canoe/kayak launch area, and 28 parking/access spaces. Pre-Agreement costs incurred subsequent to November 1, 2006, are eligible for reimbursement. The funding for this project was approved during the FY 2007 budget process. District 1 (AH)

12. Staff recommends motion to receive and file: original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for Alexander W. Dreyfoos, Jr. School of the Arts in an amount not-to-exceed \$20,000 for funding of the Artist-in-Residence and Arts Primer programs. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747), as amended. Funding is from the Recreation Assistance Program (RAP) District 2 Funds. District 7 (AH)

13. Staff recommends motion to receive and file: original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for Poinciana Elementary School in an amount not-to-exceed \$1,500 for the purchase of the American Sign Language program. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747), 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)

14. Staff recommends motion to receive and file: original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for Gold Coast School of Choice in an amount not-to-exceed \$10,000 for funding of the Intergenerational Bonding Program and Soup Kitchen. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747), as amended. Funding is from the Recreation Assistance Program (RAP) District 2 Funds. District 2 (AH)

15. Staff recommends motion to:
 - A) ratify** the Chairperson's signature on a Florida Department of State – Division of Historical Resources Small Matching Historic Preservation Grant-in-Aid Grant Application requesting \$50,000 for renovation of the DuBois Pioneer Home in DuBois Park;

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

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

SUMMARY: This Grant Application requests \$50,000 for Phase I restoration of the DuBois Pioneer Home. The house will be renovated in three (3) phases. Phase I will concentrate on restoring the house's exterior and structural integrity. Improvements will include repair or replacement of the roof, wood shake siding, doors, porch and breezeway areas. The estimated cost of Phase I is currently \$492,111. The remaining phases will include restoring the interior, upgrading electrical, plumbing, and mechanical systems, and the addition of ADA accessible ramps to provide access to the site for educational and/or historic touring purposes. District 1 (AH)

16. Staff recommends motion to approve: Budget Transfer of \$154,529 in Park Improvement Fund from the Florida Boating Improvement Program reserve to Lake Ida Park boat ramp improvements. **SUMMARY:** This Budget Transfer will provide the funding necessary to renovate the two (2) existing boat ramps on the west side of Lake Ida Park. Funding is from the Park Improvement Fund Florida Boating Improvement Program reserve. District 4 (AH)

17. Staff recommends motion to approve: Agreement with Palm Beach County MTA, Inc. for the period March 11, 2008, through July 30, 2008, in an amount not-to-exceed \$5,000 for funding of the 2007 Music Teachers Association's annual conference. **SUMMARY:** This funding is to help offset costs for the Florida Music Teachers Association's annual conference held in Boca Raton on October 18-21, 2007. The conference was hosted by Palm Beach County MTA (Music Teachers Association), Inc. and was attended by approximately two hundred (200) music teachers and interested parties from throughout the State. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to September 9, 2007. Funding is from the Recreation Assistance Program (RAP) District 4 (\$2,500) and District 7 (\$2,500) Funds. District 4 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

18. **Staff recommends motion to receive and file:** executed Independent Contractor Agreements received during the month of January:
- A) Rosa Lowe, Introduction to Drama, West Jupiter Recreation Center;
 - B) John Bishop, Wheelchair Rugby Referee, Therapeutic Recreation Complex;
 - C) Kerin Banfield, Wheelchair Rugby Referee, Therapeutic Recreation Complex;
 - D) Bernard Crawford, Wheelchair Rugby Referee, Therapeutic Recreation Complex;
 - E) Rupert Smith, Wheelchair Rugby Referee, Therapeutic Recreation Complex;
 - F) Jill Porter, Senior Water Aerobics Instructor, Therapeutic Recreation Complex;
 - G) Clare Buckland, Yoga Instructor, Therapeutic Recreation Complex;
 - H) Susan Allshouse, Tennis Instructor, West Boynton Park and Recreation Center;
 - I) Caroline Andre, Cheerleading Coach, Westgate Park and Recreation Center;
 - J) Aaron Banfield, Wheelchair Rugby Official, Therapeutic Recreation Complex;
 - K) Cynthia Davis, Art Instructor, Therapeutic Recreation Complex;
 - L) Gordon Andrews, USA Head Swim Coach, Lake Lytal Aquatic Center;
 - M) Arthur Gibson, Basketball Referee, Westgate Park and Recreation Center; and
 - N) Carrengton Johnson, Basketball Referee, Westgate Park and Recreation Center.

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

19. **Staff recommends motion to adopt:** Resolution authorizing the County Administrator or designee to execute standard sponsorship agreements for the provision benefits to a sponsor when an event or program is hosted by the Parks and Recreation Department.
- SUMMARY:** The Palm Beach County Parks and Recreation Department (Department) established policies and procedures (PPM) to allow the solicitation of private donations or sponsorships as a means of generating funds for improving or expanding recreation based programs and services offered to the public with the least amount of financial impact to its citizens. Upon receipt of a donation or sponsorship, the donor or sponsor shall receive benefits, as listed in the PPM. These benefits may be amended from time to time. The size and cost of the event will determine the amount of sponsorship fees the Department will accept and the type of sponsorship benefits available. Due to the frequency of sponsorships, staff is recommending that the Board of County Commissioners (BCC) approve a resolution which delegates authority to the County Administrator or designee to execute standard sponsorship agreements. Countywide (AH)

3. CONSENT AGENDA APPROVAL

N. LIBRARY

1. Staff recommends motion to:

A) receive and file one (1) Grant Agreement for \$1,216,617 awarded by the Florida Department of State, Division of Library and Information Services for FY 2008 State Aid to Libraries (R2007-1559 & R2007-1560); and

B) approve a Budget Amendment of \$132,880 decreasing the State Aid Grant Fund, conforming budget with award amount.

SUMMARY: The Application was approved and the Agreement was signed by the BCC on September 11, 2007 (R2007-1559 and R2007-1560). Notification of the award was issued on January 25, 2008. The State provides an annual operating grant to eligible libraries based upon their annual operating expenditures from local funds. Estimated State Aid revenue has been included in the County Library's FY 2008 budget. Countywide (TKF)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve: an Agreement with the Public Defender's Office for a pilot project in the Ex-Offender Reentry Program in an amount not-to-exceed \$7,000. **SUMMARY:** The Public Defender's Office will administer a pilot project, as part of the Ex-Offender Reentry Program, to purchase Florida identification cards and necessary support documentation required by the Department of Highway Safety and Motor Vehicles for inmates about to be released from the county jail. The lack of identification creates a barrier to accessing other services upon release and increases the chances of an individual re-offending and returning to the criminal justice system. Countywide (DW)

2. Staff recommends motion to approve:

A) an Interlocal Agreement for the period of March 1, 2008, through September 30, 2008 with the Palm Beach Community College as a partner to implement job training and job coaching targeted toward ex-offenders at the Community Justice Service Centers and the Justice Service Center in Riviera Beach;

B) a Budget Transfer of \$20,878 in the Criminal Justice Reserve Fund; and

C) a Budget Amendment of \$20,878 to decrease transfers to the General Fund.

SUMMARY: The corrections component of the Youth Violence Prevention Project involves the establishment of an Adult Justice Service Center in each targeted area to provide assistance to juvenile and adult offenders. The Adult Justice Service Center located in Riviera Beach, provides services including employment, substance abuse, mental health, legal assistance, re-entry assistance, life skills, and probation sanction assistance. In January 2008, a federal re-entry grant sun-setted leaving the Justice Service Center without a job coach. Efforts to keep the services through grant writing have not been successful. The Criminal Justice Commission proposes to enter into a partnership for six (6) months (March – September 2008) with Palm Beach Community College to restore job coaching and employment skills to ex-offenders being served by the City of Riviera Beach's Justice Service Center and the Community Justice Service Centers. This service will be cost-shared between PBC and the City of Riviera Beach for FY 2008 and fully funded by the City of Riviera Beach in FY 2009. District 7 (DW)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEM SERVICES

1. **Staff recommends motion to approve:** Eighth Amendment to Contract with CGI-AMS (formerly named American Management Systems, Inc.) (R2002-1782) to extend the software maintenance provisions of the contract from October 1, 2007, through September 30, 2011 at a total cost of \$2,636,502. **SUMMARY:** The Eighth Amendment is for an extension of the software maintenance for the AMS Advantage program from October 1, 2007, through September 30, 2011 at a total cost of \$2,636,502. The annual software maintenance fee is a component of the vendor contract which provides for technical assistance and software upgrades. Countywide (PFK)

X. PUBLIC SAFETY

1. **Staff recommends motion to receive and file:** the executed Hazardous Materials Contingency Planning and Grant Agreement in the amount of \$23,820 from the Florida Division of Emergency Management for the period of July 1, 2007, to June 30, 2008. **SUMMARY:** This is an annual grant from the State to conduct the hazardous materials analyses in the County. Document R2006-0401 gave authority to the County Administrator or his designee to execute these agreements on behalf of the Board. No County match is required. Countywide (DW)
2. **Staff recommends motion to receive and file:** a Standard Agreement with Byron V. Reid, D.V.M. for on-call veterinary services for large animals in an amount not-to-exceed \$10,000 for the period October 1, 2007, through September 30, 2008. **SUMMARY:** On May 6, 1997, the Board adopted a resolution authorizing the County Administrator or his designee to execute standard contracts with various Florida licensed veterinarians to provide needed part-time, relief and emergency "on-call" professional medical services for shelter animals. Countywide (SF)

3. **Staff recommends motion to:**

A) ratify staff recommendations to establish a hobby breeder permit fee in the amount of \$150; and

B) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending Resolution No. R2007-2119 to: establish a hobby breeder permit fee, establish fines for violation of Section 28 and Section 29 of the Animal Care and Control Ordinance, and reduce the fee for an electronic microchip ID implant from \$20 to market cost plus 10%.

SUMMARY: On February 5, 2008, the Board of County Commissioners adopted amendments to the Animal Care and Control Ordinance that established Section 28, "Sterilization Program for Dogs and Cats", and Section 29, "Hobby Breeder Permits". This Resolution establishes the \$150 hobby breeder permit, as presented and recommended by staff on January 15, 2008 and again on February 5, 2008 in the attachment entitled "Narrative Highlights of the Ordinance." Countywide (SF)

3. CONSENT AGENDA APPROVAL

Z. RISK MANAGEMENT

1. **Staff recommends motion to approve:** a Contract with Concept EFL Imaging Center, LLC to provide Radiology services in the amount not-to-exceed \$54,000 for the period March 19, 2008, through March 18, 2010. **SUMMARY:** Radiology services are necessary to the operation of our Occupational Health Clinic for high risk positions covered under Occupational Safety & Health Administration (OSHA), National Institute for Occupational Safety & Health (NIOSH) and National Fire Protection Association (NFPA). Services include lumbosacral and/or chest x-rays required on pre-employment, periodic/annual physical exams and special screening as needed followed by written interpretations and summary reports. Countywide (TKF)

2. **Staff recommends motion to approve:** renewal of the Excess Automobile Liability Insurance Policy from State National Insurance Company, purchased through the County's contracted broker, Arthur J. Gallagher & Co., under Contract No. 05-102/LJ, in an amount not-to-exceed \$360,600 for the operation of Palm Tran, Inc.'s bus fleet for the period April 1, 2008, through April 1, 2009. **SUMMARY:** This policy from State National Insurance Company provides \$2,000,000 of coverage excess of a \$100,000 per claimant/\$200,000 per occurrence self-insured retention that is provided by the Self-Insured Retention Plan. The not-to-exceed renewal premium is \$360,600, an increase of 6%. This premium is not subject to adjustment for changes in the size of the fleet during the policy period. Sufficient funds are budgeted in FY 2008 for this coverage. Countywide (TF/DR)

3. **Staff recommends motion to approve:** renewal of the Excess Property & Liability Insurance Program for the period April 1, 2008, through March 31, 2009 purchased through the County's contracted broker, Arthur J. Gallagher & Co., under Contract No. 05-102/LJ, for a total cost not-to-exceed \$ 13,203,500. **SUMMARY:** The Excess Property & Liability Insurance Program currently provides excess layers of property insurance totaling \$150 million inclusive of the County's \$1,000,000 self-insured retention and excess layers of liability insurance totaling \$6 million inclusive of the County's \$500,000 self-insured retention. The program also includes various ancillary excess insurance covering damage to County-owned property resulting from flood, terrorism, boiler & machinery, and employee dishonesty. The total not-to-exceed cost of \$ 13,203,500 is inclusive of anticipated mid-year charges for newly added properties and represents a \$822,640 (6%) decrease over the actual expiring premium. The County's total insurable values have increased 9.2 % this year to approximately \$1.9 billion. The increase in costs is also impacted by a variety of State mandated surcharges and assessments. Sufficient funds are budgeted in FY 2008 for this coverage. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF

1. Staff recommends motion to:

A) accept a South Florida High Intensity Drug Trafficking Area (HIDTA) FY 2008 Violent Crimes and Drug Trafficking Organization (VCDTO) initiative in the amount of \$83,715 for the period of November 29, 2007, through December 31, 2008; and

B) approve a Budget Amendment of \$83,715 in the Sheriff's Grants Fund.

SUMMARY: On November 29, 2007, the Palm Beach County Sheriff's Office (PBSO) received an award from the South Florida (HIDTA) (VCDTO). The funds provided will be used for equipment, investigative expenses, and to pay overtime incurred by law enforcement officers participating in a multi-agency operation. There is no additional allocation needed, no matching funds required, and no additional County funds required. Countywide (DW)

2. Staff recommends motion to:

A) accept a Florida Department of Law Enforcement Violent Crime and Drug Control Council award for Operation Gangland Express in the amount of \$50,000 for the period of December 6, 2007, through December 31, 2008 or upon the conclusion of the investigation; and

B) approve a Budget Amendment of \$50,000 in the Sheriff's Grant Fund.

SUMMARY: On December 24, 2007, the Palm Beach County Sheriff's Office (PBSO) received an award from the Florida Department of Law Enforcement (FDLE) for the purpose of investigating a current ongoing case. The FDLE awarded these grant funds to assist with the added cost associated with overtime. There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (DW)

3. Staff recommends motion to:

A) accept a Florida Department of Law Enforcement Florida Consortium "2007 Paul Coverdell National Forensic Sciences Improvement Grant" in the amount of \$43,701 for the period of October 1, 2007, through September 30, 2008; and

B) approve a Budget Amendment of \$43,701 in the Sheriff's Grant Fund.

SUMMARY: The National Institute of Justice (NIJ) awarded these funds to the Florida Department of Law Enforcement (FDLE) for the "2007 Paul Coverdell National Forensic Sciences Improvement Grant." On January 2, 2008, the Palm Beach County Sheriff's Office (PBSO) was awarded funds to improve the quality of forensic services. The PBSO's Technical Services Division will use the funds provided for training. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF (Cont'd)

4. Staff recommends motion to:

A) accept a Florida Department of Law Enforcement Edward Byrne Memorial Justice Assistance Grant for the Domestic Violence Program, in the amount of \$60,000 for the period of October 1, 2007, through September 30, 2008; and

B) approve a Budget Amendment of \$60,000 increasing the Sheriff's Grant Fund.

SUMMARY: On August 20, 2007, the Palm Beach County Sheriff's Office (PBSO) received an award to continue its Domestic Violence Program. The Domestic Violence Program will continue to concentrate on the domestic violence victim population in Palm Beach County through the use of the domestic violence investigator position. These funds will continue to pay for this allocation. There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (DW)

5. Staff recommends motion to:

A) accept a National Association of Drug Diversion Investigators, Inc. award in the amount of \$10,000 for the Palm Beach County Sheriff's Office Public Service Campaign Project; and

B) approve a Budget Amendment of \$10,000 to the Sheriff's Grants Fund.

SUMMARY: On November 5, 2007, the Palm Beach County Sheriff's Office (PBSO) received an award from the National Association of Drug Diversion Investigators, Inc. (NADDI) for the PBSO Public Service Campaign Project. The funds provided will be used by PBSO's Overdose Death Suppression Team to create, produce and broadcast a comprehensive multi-media, public service campaign that elevates public awareness of the risks associated with prescription drug diversion, abuse and misuse. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF (Cont'd)

6. Staff recommends motion to:

A) receive and file Grant Modification amending the State of Florida, Division of Emergency Management Grant, for the Regional Virtual Fusion Center (Florida Law Enforcement Exchange (FLEX) Project), to extend the ending grant period from January 31, 2008, to September 30, 2008; and

B) approve a Budget Amendment of \$29,836 in the Sheriff's Grant Fund.

SUMMARY: The Board of County Commissioners (BCC) accepted this grant for \$32,445 on May 1, 2007; the original period for this grant was July 1, 2006, through January 31, 2008. This agenda item will extend the grant period from January 31, 2008, through September 30, 2008. The State of Florida, Division of Emergency Management awarded these funds to the Palm Beach County Sheriff's Office (PBSO) for the Regional Virtual Fusion Center under the State Homeland Security Grant Program. This was originally budgeted and approved as the Florida Law Enforcement Exchange (FLEX) Project. This project is an extension of the PBSO's integration of its local applications supporting countywide, regional and statewide data sharing. PBSO will streamline its operational and intelligence focused systems in web-based architectures to be shared and extended as appropriate to users within the Sheriff's office, to municipal agencies, and within the Florida Department of Law Enforcement Region. These funds have been approved by the State of Florida, Division of Emergency Management. The award was not fully expended in FY 2007. The balance of the award being carried forward into FY 2008 is \$29,836. There is no match requirement associated with this award. No additional positions are created, and no additional County funds are required. Countywide (DW)

7. Staff recommends motion to approve: a Budget Amendment of \$49,145 in the General Fund for security services provided by the Palm Beach County Sheriff's Office at the Airport Center for the period December 5, 2007 through September 30, 2008.

SUMMARY: The Budget Amendment includes the cost for one (1) Court Services Deputy, as set forth in the contract between the Palm Beach County Sheriff's Office and Palm Beach County Board of County Commissioners, effective January 1, 2008. The contract provides for three (3) – one (1) year renewals. The Deputy is required due to the Office of Criminal Conflict being housed at the Airport Center. The State will be reimbursing the County in FY 2008 for this expense. Countywide (DW)

CC. SUPERVISOR OF ELECTIONS

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

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4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A.** Proclamation declaring March 2008 as “National Social Worker Month” in Palm Beach County. (Sponsored by Commissioner Greene)

- B.** Proclamation declaring the March 2008 as “Women’s History Month” in Palm Beach County. (Sponsored by Commissioner Marcus)

- C.** Proclamation declaring March 24 – 30, 2008 as “Autism Awareness Week” in Palm Beach County. (Sponsored by Commissioner Kanjian)

- D.** Proclamation declaring March 2008 as “Bicycle Month” in Palm Beach County. (Sponsored by Commissioner Koons)

- E.** Proclamation declaring March 2008 as “National Nutrition Month” in Palm Beach County. (Sponsored by Commissioner Greene)

- F.** Proclamation declaring the March 10 – 16, 2008 as “Dolphin Conservation Week” in Palm Beach County. (Sponsored by Commissioner Marcus)

- G.** Proclamation declaring March 16 – 22, 2008 as “Professional Surveyors Week” 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) adopt a Resolution confirming the special assessment process for Royal Palm Estates Paving and Drainage Improvements, Section 35, Township 43 South, Range 42 East, Palm Beach County Atlas Page Number 69, G-20, under the Palm Beach County (County) Municipal Service Taxing Unit (MSTU) Street Improvement Program;

B) approve a Budget Transfer of \$222,729 from MSTU District B Fund from Reserves to Royal Palm Estates Paving and Drainage Improvements;

C) approve a Budget Transfer of \$324,971 in the Unincorporated MSTU Fund (District F) from Reserves to Royal Palm Estates Paving and Drainage Improvements (Project);

D) authorize that all assessment funds collected by the Tax Collector's Office are to be repaid to MSTU District F; and

E) approve a Contract with H & J Contracting, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$1,073,841.42, for the construction of the Project.

SUMMARY: Adoption of the Resolution provides for the collection of fifty percent (50%) of the MSTU funds expended on the Project. Assessments will be payable in twenty (20) equal annual installments. The Project consists of construction of paving and drainage improvements for roads in Royal Palm Estates, also known as Southern Pines: Marguerita Drive, Ethelyn Drive, Marie Drive, Neva Drive, Tropical Avenue, West Trail, and Ruth Drive. The Small Business Assistance goal for the Project is 15%. The Small Business Enterprise (SBE) participation committed for the project by the Contractor is 30.25% overall. District 6 MSTU District B (MRE)

B. Staff recommends motion to adopt: 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 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 replace Chapter 23, Article 3 known as the Right-of-Way Construction Permitting Ordinance (Ordinance 2001-063); provide an exception to permit requirements; amend permit application format requirements; and amend requirements for road maintenance. Countywide (MRE)

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

C. Staff recommends motion to approve:

- A) a Budget Amendment for a decrease of \$3,562,000 in the Water Utilities Revenue Fund;
- B) a Budget Amendment for a decrease of \$2,000,000 in the Water Utilities Operating & Maintenance Fund;
- C) a Budget Amendment for a decrease of \$6,185,300 in the Water Utilities Capital Improvements Fund;
- D) a Budget Amendment for a decrease of \$814,000 in the Water Utilities Connection Fee Fund; and
- E) a Budget Amendment for a decrease of \$2,317,000 in the Water Utilities Special Assessment Program Fund.

SUMMARY: The requested amendments can be categorized as follows: 1) decrease of the Balance Brought Forward amount to reflect the audited balance; 2) decrease of Operating Revenue to better reflect current customer usage patterns; 3) decrease of Connection Fee Revenue to reflect decreased building activity; 4) decrease of Special Assessment Revenue due to decreased connection activity; and 5) decrease in various equipment, capital, and expense accounts to maintain a balanced budget. These decreases are attributable to both the economic downturn and decreased water usage as a result of mandatory water restrictions. As a result, departmental revenues are far below the levels anticipated during budget preparation. To compensate for the decrease in revenue, it is necessary to reduce planned expenditures and delay several capital projects. Our 2009 proposed budget will better reflect present realities. A separate agenda item will be presented to the Board in the near future with a recommended strategy to address the current revenue shortfall. Countywide (MJ)

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

D. Staff recommends motion to:

A) adopt a Resolution accepting as the County's statement under Section 125.3401, Florida Statutes, the public interest statement and determining that the purchase of the water and wastewater system of the Indian Trail Improvement District (District) is in the public interest;

B) approve the Palm Beach County/Indian Trail Improvement District Potable Water, Reclaimed Water, and Wastewater Interlocal Agreement (Agreement);

C) authorize the County Attorney's Office to dismiss all of its counterclaims and interest in that certain case brought in the Circuit Court for Palm Beach County, Case No. 50 2005 CA 000965XXXX, and titled "*Indian Trail Improvement District, etc. v. Palm Beach County*"; and

D) authorize the Chairperson to execute any and all documents necessary to carry out the closing of the purchase of the District's water, wastewater, and reclaimed water system.

SUMMARY: The Water Utilities Department has been working diligently to negotiate interlocal agreements with water and wastewater service providers in the western communities. This Agreement is the fifth such agreement brought to the Board and its adoption achieves the Board's goal. This Agreement permanently resolves the ongoing service area disputes between the District and the County. The County shall be the District's exclusive provider of bulk and retail potable water, reclaimed water, and wastewater service. The County agrees to compensate the District in the amount of \$6,175,000 for utility assets, current and future customers, stabilization of certain roadways, and to settle ongoing litigation.

The County will pay an additional \$2,215,800 to terminate the existing bulk service agreement between the District and the City of West Palm Beach. The District shall control the special assessment program within the legislative boundaries of the District, including the design and construction of utility infrastructure in accordance with County standards and permitting, and, following construction, will convey such infrastructure to the County. The County will allocate \$500,000 to provide financial support for up to 10% of the total costs for future assessment projects. Those residents wishing to connect to County utility service shall then pay applicable connection fees to the County. The District may also choose to permit the County to conduct special assessments within their boundaries. Other considerations afforded the County under this Agreement include: 1) the reasonable provision by District of vehicles and staff to move emergency generators throughout the legislative boundaries of the District during emergencies; 2) the reasonable provision of sites for future water supply wells and a laydown yard; 3) assignment of the right to utilize current and future utility easements for construction, operation, maintenance, and replacement of potable water, wastewater, and reclaimed water pipelines. Further, The District agrees to dismiss all claims and interests against the County and the County agrees to dismiss all claims and interests against the District in the circuit court case initiated against the County related to the Utility Element of the Comprehensive Plan (Case No. 50 2005 CA 000965XXXX.) The District further agrees to provide a written disclaimer of interest in the eminent domain case brought by the County for acquisition of utility easements (Case No. 50 2006 CA 004834XXXXMB). This Agreement is compatible with the County's agreement with Seacoast Utilities (R2005-1769), City of West Palm Beach (R2005-2445), and the Village of Royal Palm Beach Franchise Agreement (R2004-1802, as amended by R 2006-0411). The District will assign the District's existing interlocal agreement and Pipeline Lease with the City of West Palm Beach with respect to the pipeline constructed along the City's M-Canal, and other interlocal and developer agreements. District 6 (MJ)

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

- E. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Palm Beach County Criminal History Record Check Ordinance (Ordinance No. 2003-030); providing for definitions; providing for criminal history record checks; providing for disqualifying offenses; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date. **SUMMARY:** On February 26, 2008, the Board of County Commissioners voted to approve the proposed amendment to the Criminal History Record Check Ordinance. The Criminal History Record Check Ordinance (Ordinance No. 2003-030) established the County's program for conducting criminal history record checks on contractors, repair and delivery persons who required unescorted access to County facilities determined to be critical to public safety or security and established a list of disqualifying criminal offenses. The Ordinance defined a disqualifying criminal offense as a conviction of certain crimes unless the person convicted had been pardoned or had their civil rights restored. At the time, felons were only restored their civil rights after an individual application and hearing. In April 2007, however, Florida's Rules of Executive Clemency were changed to provide for automatic restoration of civil rights for most felons upon completion of their sentences. Given the change, the Ordinance needs to be amended so that the automatic restoration of civil rights by the State does not affect the County's ability to consider a conviction a disqualifying offense. (FDO Admin) Countywide (JM)

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6. REGULAR AGENDA

A. CLERK & COMPTROLLER

1. SBA/Local Government Investment Fund Update by Sharon R. Bock, Clerk & Comptroller.

B. ADMINISTRATION

1. 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)

6. REGULAR AGENDA

C. COUNTY ATTORNEY

1. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on May 20, 2008 at 9:30 a.m.:](#) an Ordinance of the Board Of County Commissioners of Palm Beach County, Florida, authorizing the use of unmanned cameras at traffic signals to promote traffic safety; providing for title; providing for use of image capture technologies; providing for definitions; providing for adherence to red light traffic control signals; providing for violation; providing for warning signs at monitored intersections; providing for review of recorded images; providing for notice of infraction; providing for vehicle owner responsibilities; providing for appeal to Palm Beach County's hearing officer; providing for vehicle owner affidavit of non-responsibility; providing for penalties; providing for administrative costs; providing for collections of civil penalties; providing for exceptions; providing for three (3) month notice, introductory period; providing for accounting for program revenues and expenditures; providing for applicability; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for captions; and providing for effective date. **SUMMARY:** This Ordinance will authorize the use of unmanned camera/monitoring systems to promote compliance with red light directives and adopt a civil enforcement system, including notice, review, penalties, funding and an appeal process for red light violations. Final adoption of this Ordinance will occur only if the Florida Legislature fails to pass red light legislation. Countywide (MRE)

2. [Staff recommends motion to adopt:](#) a Resolution authorizing the issuance of up to \$17,000,000 Variable Rate Demand Revenue Bonds (The Children's Home Society of Florida Project), Series 2008 (the "Bonds") for the purposes of (a) financing or refinancing part of the costs of the acquisition, construction and equipping of certain social service centers in Palm Beach County, Florida, and certain other locations in Florida, to be owned and operated by The Children's Home Society of Florida or its affiliates, and (b) paying the costs associated with issuing the Bonds; approving and authorizing the execution and delivery of certain Interlocal Agreements; approving and authorizing the execution and delivery of a Trust Indenture, Loan Agreement and certain other documents required in connection with the issuance of the Bonds; appointing a Trustee under the Trust Indenture; authorizing a delegated negotiated sale of the Bonds, and approving the conditions and criteria for such sale; authorizing and approving the execution and delivery of an Official Statement in connection with the issuance of the Bonds; making certain other covenants and agreements in connection with the issuance of the Bonds and providing an effective date. **SUMMARY:** On February 5, 2008, the Board of County Commissioners held a TEFRA hearing for the Bonds and approved the application of The Children's Home Society of Florida ("CHS") for the issuance of the Bonds. Proceeds of the Bonds will be used to: (a) finance or refinance part of the costs of the Project (as further described below), to be owned and operated by CHS or its affiliates, and (b) pay part of the costs of issuing the Bonds. The Bonds will be payable solely from revenues derived from CHS. **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.** Countywide (PFK)

6. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** continuing with the approach to the County's participation in the West Palm Beach Transit Oriented Development (TOD) as previously directed by the Board on December 11, 2007 and not provide for a partial disposition of the County's holdings within the TOD prior to the existence of an overall development plan for the TOD and/or approval of a land transaction with the State ensuring land with sufficient development capacity to meet the County's long term facilities requirements. **SUMMARY:** On December 11, 2007, the Board directed staff to meet with representatives of the State Department of Environmental Protection (DEP)/State Lands, Department of Management Services (DMS) and Department of Health (DOH) to determine the specific structure of an agreement between the State and the County which would result in the County owning sufficient land on the State's Dimick Block to accommodate its future facilities allowing for the sale of the County property for development as part of the TOD. This meeting was held on January 18, 2008. The meeting was successful in terms of identifying: 1) a structure and approach to the transaction and that there are no fatal flaws from the legal or technical real estate perspectives; and 2) the next steps to developing the detailed planning, operational and financial information necessary for DOH and DMS to recommend approval of the business terms that would be contained in the agreement. With the action items identified, a work plan and schedule for the development of the agreement and presentation to the Trustees and the Board for approval has been developed. DOH and DMS have agreed to immediately proceed forward with the steps that are its responsibility in support of the TOD. DEP/State Lands has also assigned staff and legal counsel to the project and the County/FDO will take the lead in the development of the agreement itself. The County and City will also have key roles in the DOH/DMS tasks. This work, combined with the other action items are projected to take until between August and November to complete and includes work required to demonstrate that the County's pre-conditions to successful implementation of the TOD can be met. County staff, therefore recommends that it continue to participate in the manner previously directed including not considering an RFP for the disposal of the Wedge ahead of the TOD as to do so would: 1) jeopardize the County's ability to meet its long term facility requirements at Government Hill; 2) increase the County's financial participation in the TOD; and 3) undermine the long term success of the TOD. (FDO Admin) Countywide/District 7 (HJF)

6. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of the County's interest in a 414 square foot parcel of County-owned land in Boynton Beach to Patricia H. Mikulec, for \$10,797.12, with reservation of mineral and petroleum rights, but without rights of entry and exploration;

B) approve a Deposit Receipt and Contract For Sale and Purchase with Patricia H. Mikulec; and

C) approve a County Deed in favor of Patricia H. Mikulec.

SUMMARY: The County acquired a 2.94 acre parcel of submerged land underlying three finger canals in unincorporated Boynton Beach by Tax Deed in May 1971. The canals are located along the Intracoastal Waterway in Boynton Beach between Turner Road and Chukker Road. The assessed value of the County's entire parcel is \$891. The canals were bulkheaded in connection with development of the adjacent residential lots. However, the Mikulec's lot is at the end of one of the canals and was not originally bulkheaded, nor was the adjacent Anya Group lot. The Mikulecs and Anya Group both put in new bulkheads, but built a few feet out into the canal owned by the County. The County previously sold 115 square feet to the Anya Group in August of 2005 for \$3,000 (\$26.08/sf) (R2005-1333). The purchase price for this sale to Mikulec was calculated at the same price (\$26.08/sf) paid by Anya Group for its lot. The Mikulec's lot is assessed at \$18/sf. This property is being sold to the Mikulecs without competitive bidding under the alternative disposition procedures established by Ordinance 2002-067. This requires a finding by the Board that the Mikulecs are "the only persons capable of reasonably utilizing the property for the use which the Board has determined to be the highest and best use of the property." Staff recommends this finding to ensure that the Mikulecs, as the adjacent upland riparian lot owners, retain access to the canal immediately behind their lot and to prevent neighbors from trying to interfere with each other's riparian rights. The County will retain mineral rights in accordance with Florida Statutes Section 270.11, but will not retain rights of entry and exploration. (PREM) District 4 (HJF)

6. REGULAR AGENDA

E. FIRE RESCUE

1. Staff recommends motion to approve:

A) a Settlement Agreement with the Professional Firefighters/Paramedics of Palm Beach County, Local 2928, IAFF, Inc. (Union) for Grievance No. 00-23 – Long Term Disability (LTD); and

B) a Budget Transfer of \$140,000 in the Fire Rescue Long Term Disability Fund from the LTD reserves for future payments.

SUMMARY: The Collective Bargaining Agreement with the Union provides a LTD benefit for line of duty disability. In April 2000, the County Internal Auditor's office initiated an audit of the calculation of benefits under this program. Due to vague language in the Agreement, a number of assumptions were used during the audit regarding the calculations of benefits. The assumptions relate to the impact of other benefit payments as offsets to the LTD benefit. These other benefits included Workers' Compensation (WC) and Florida Retirement System (FRS) payments, as well as annual Cost of Living Adjustment (COLA) increases in these payments. Using these assumptions, the audit determined that some LTD benefit recipients were either over/or under paid. Fire Rescue staff implemented the audit recommendations which included reducing LTD payments for some recipients, and seeking reimbursement from other recipients. In July 2000, the Union filed a grievance under the Collective Bargaining Agreement opposing reductions in LTD benefits and the assumptions used in the audit to recalculate the LTD benefits. While attempting to resolve the Union's grievance, the County failed to prevail in a Workers' Compensation law suit relating to COLA offsets in the calculation of LTD benefits. As a result of the court ruling, a settlement to the grievance was agreed to between the Union and Fire Rescue, subject to approval of the Board. This settlement provides the following:

- A) Back-pay to 20 employees in the total amount of \$316,087.93;
- B) Identifies total owed the County for overpayments to 11 employees in the amount of \$307,759.25;
 - 1) Of these 11 employees, 6 currently receive benefits from the County and the settlement provides a repayment plan; and
 - 2) The County will make efforts to collect overpayments to the remaining 5 personnel.
- C) Increases the calculated annual LTD benefit for the 41 initial recipients by \$75,712.44.

The above amounts are as of April 11, 2008. Countywide (SB)

6. REGULAR AGENDA

F. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to:

A) approve on preliminary reading and advertise for Public Hearing on April 15, 2008, at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Palm Beach County Unified Land Development Code, Ordinance 2003-67, as amended, by amending Article 13, concerning countywide impact fee amounts and regulations, as follows: amending Chapter A - General; Chapter B - County District, Regional, and Beach Parks Impact Fee; Chapter C – Fire Rescue Impact Fee; Chapter D - Library Impact Fee; Chapter E - Law Enforcement Impact Fee; Chapter F - Public Buildings Impact Fee; Chapter H - Road Impact Fees; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Unified Land Development Code; providing for an effective date; and

B) receive and file the Impact Fee Review Committee report to the Board of County Commissioners (BCC).

SUMMARY: Under Article 13.A.5.F of the ULDC, the Impact Fee Manager shall undertake a study of the Impact Fee System every two (2) years and recommend to the Board of County Commissioners whether any changes should be made to the fee schedules to reflect changes in the factors that affect the fee schedules. Dr. James Nicholas, Impact Fee Consultant, has completed the study and prepared a final report, *The 2007 Update of Impact Fees Prepared for Palm Beach County, January 5, 2008*. This agenda item authorizes advertisement of a Public Hearing on implementation of adjusted impact fees and provides for receiving the Impact Fee Review Committee's report to the BCC, as required by Ordinance. Countywide (LB)

2. Staff recommends motion to adopt: a Resolution supplementing Resolution No. R83-555, as amended and supplemented; authorizing the issuance of not exceeding \$6,500,000 principal amount of Water and Sewer Revenue Refunding Bond, Series 2008 in connection with the refunding of all of the County's outstanding Water and Sewer Revenue Bonds, Series 1985; providing for certain other details relating to the 2008 Bond; approving the form and authorizing the execution of a Loan Agreement; approving the form of and authorizing the execution of an escrow deposit agreement; authorizing the proper officers of the County to do all acts necessary and proper for carrying out the transactions contemplated by the Resolution; providing for the repeal of prior inconsistent resolutions or proceedings; providing for an effective date. **SUMMARY:** Over the past two (2) months, the rating agencies have downgraded the insurance financial strength rating of the major municipal bond insurance companies. Those issuers with existing insured loan obligations in the short-term variable rate markets have been impacted with severely increasing interest rates. The Series 1985 Water and Sewer Bonds are insured and have a variable interest rate which is set periodically by the County's remarketing agent. Over the past two (2) years, the interest rates have generally ranged from 3.5% to 4% but in the past several weeks the range has increased to 5% to 9% as a result of the declining ratings of the bond insurer. The Series 1985 Bonds mature on November 1, 2011. The County's financial advisor recommended that, because of the short maturity of these bonds, the County should refund the bonds at a fixed rate using a local bank. We received a bid for a fixed rate of 3.25% from Wachovia Bank and recommend that the Board approve the refunding. Due to the small size of the issue, we recommend that Edwards & Angell, who served as bond counsel on the Series 1985 Bonds, serve as bond counsel on the Series 2008 Bond. The cost of issuance will not exceed \$30,000. Countywide (PFK)

6. REGULAR AGENDA

G. PLANNING, ZONING & BUILDING

1. **Staff recommends motion to adopt:** Resolution of the Board of County Commissioners of Palm Beach County, Florida, changing the street name of Orange Road to Kiwi Court, located in Section 35, Township 40, Range 42, Loxahatchee Gardens, recorded in Plat Book 23, Page 237. **SUMMARY:** Planning, Zoning & Building Department requests a street name change for Orange Road to eliminate and/or reduce confusion with another street in the unincorporated area with the same name. In conjunction with Emergency Services, Planning, Zoning & Building Department staff believes this duplication could result in a delay of emergency services to the neighborhood. Upon receiving a copy of the approved resolution, PZ&B staff will implement the name change by notifying appropriate parties and agencies. District 1 (RB)

H. PURCHASING

1. **Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on April 15, 2008 at 9:30 a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code Chapter 2, Article III, Division 2, Part A (The Palm Beach County Purchasing Code); amending Section 2-51(f)(1) "Application/exemptions"; amending Section 2-52 "Definitions"; amending Section 2-54(d)(6) "Proposal Evaluation"; amending Section 2-54(d)(7) "Proposal Award"; amending Section 2-55(a) "Right to Protest"; amending Section 2-56 "Suspension and Debarment"; providing for repeal of laws in conflict; providing for severability; providing for a savings clause; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date. **SUMMARY:** The current Purchasing Code (Ordinance No. 2005-062), as adopted in 2005, established a centralized purchasing system for the procurement of the County's non-construction related goods and services. The Amendment to the Purchasing Code under consideration today includes minor revisions necessary in order to further facilitate and enhance the efficiency of the County's procurement process. A summary of recommended changes to the existing Purchasing Code is attached to the Agenda Item. Countywide (GB)

I. AIRPORTS

1. **Staff recommends motion to approve:** the implementation of a General Aviation (GA) Landing Fee at Palm Beach International Airport (PBI). **SUMMARY:** Staff recommends the implementation of a GA landing fee at PBI. Similar to most airports, GA users at PBI do not pay landing fees. GA users pay a fuel fee at PBI, totaling \$900,000 annually. Commercial airlines using PBI pay landing fees totaling \$5 million annually. Both fees recover the cost of operating the airfield including: security, aircraft rescue and fire fighting costs, maintenance, debt service, and capital. The Aviation and Airports Advisory Board (AAAB) voted 5-4, recommending against a GA landing fee. Members voting against the GA fee cited increasing costs (maintenance, fuel, insurance) to operate GA aircraft. Members voting for the GA fee voiced concerns over equity, stating that GA users should pay their fair share since GA operations account for over 65% of operations at PBI. Staff has identified a contractor that has technology to capture GA operations, bill the appropriate party, and collect landing fees. It is anticipated that the contractor would be paid from the collection proceeds. If the Board recommends pursuing GA landing fees, staff will return to the BCC for the approval of the billing/collections contract and a proposed GA landing fee structure. Countywide (AH)

6. REGULAR AGENDA

J. 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)

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RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE ENVIRONMENTAL CONTROL BOARD

7. BOARD OF COUNTY COMMISSIONERS SITTING AS THE ENVIRONMENTAL CONTROL BOARD

A. HEALTH DEPARTMENT

1. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on April 15, 2008 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, sitting as the Environmental Control Board; amending Chapter 11, Article II, Section 11-19, Section 11-20, and Section 11-24 of the Palm Beach County Code; providing for statutes, laws, rules, etc. incorporated by reference; providing for County Health Department and Solid Waste Authority permits, licenses, and approvals; providing for a fee schedule; providing for applicability; providing for a savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances, and providing for an effective date. **SUMMARY:** The Palm Beach County Environmental Control Act, Chapter 77-616, Laws of Florida, as amended, establishes the Palm Beach County Board of County Commissioners as the Palm Beach County Environmental Control Board and authorizes the Environmental Control Board to adopt revise and amend from time to time appropriate ordinances for the implementation, effective enforcement, administration and interpretation of the act. The Palm Beach County Environmental Control Ordinance No. 78-5, as amended, and codified in Chapter 11, Article II of the Palm Beach County Code was adopted for this purpose. The proposed ordinance will amend in Chapter 11, Article II of the Palm Beach County Code, the rules adopted by reference and the list of activities required to be approved, licensed or permitted as necessary due to changes in the laws and regulations of the state of Florida, and the fee schedule as necessary to keep pace with rising costs and current regulatory requirements. Countywide (GB)

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ADJOURN AS ENVIRONMENTAL CONTROL BOARD

CONVENE AS THE CHILD CARE FACILITIES BOARD

8. BOARD OF COUNTY COMMISSIONERS SITTING AS THE CHILD CARE FACILITIES BOARD

A. HEALTH DEPARTMENT
(Child Care Advisory Council)

1. Staff recommends motion to approve: appointment of one (1) member to the Child Care Advisory Council to fill the position vacated by Deputy Chief Jerry Catoe. This is an at large appointment:

| <u>Nominee:</u> | <u>Seat No:</u> | <u>Requirement:</u> | <u>Nominated by:</u> |
|-----------------|-----------------|---|---|
| Alicia Kula | 5 | Represents fire protection, engineering or technology | Comm. Addie Greene Comm. Jeff Koons Comm. Burt Aaronson |

SUMMARY: The Child Care Advisory Council is comprised of seven (7) members who serve at the pleasure of the Board of County Commissioners. Membership must consist of two (2) members who represent and operate private child care facilities in Palm Beach County; one (1) member who represents and operates a parochial child care facility in Palm Beach County; one (1) consumer protection enforcement official; one (1) member for fire protection, engineering or technology; and one (1) member who, at the time of appointment, was the parent of a child attending a child care facility in Palm Beach County; and one (1) representative from the Florida Department of Children and Families (DCF). Countywide (GB)

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ADJOURN AS CHILD CARE FACILITIES BOARD

RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

9. BOARD APPOINTMENTS

A. **ADMINISTRATION**
(Town of Jupiter Economic Development Advisory Board)

1. **Staff recommends motion to approve:** appointment of the following nominee to the Town of Jupiter Economic Development Advisory Board:

| <u>Nominee for Appointment</u> | <u>Nominated By</u> |
|---------------------------------------|---|
| Andrew Duffel | Commissioner Addie Greene Commissioner Jeff Koons Commissioner Karen Marcus Commissioner Jess Santamaria Commissioner Burt Aaronson |

SUMMARY: The Town of Jupiter, under Resolution No. 102-07, established an Economic Development Advisory Board for the purpose of providing recommendations to the Town of Jupiter. These recommendations are related to the disbursement of funds from the \$3,000,000 Economic Development Fund, as required under their Interlocal Agreement with Palm Beach County, related to locating Scripps in North County. Under the Resolution, one (1) member must be a representative of Palm Beach County. District 1 (DW)

B. **COMMUNITY SERVICES**
(Citizens Advisory Committee on Health & Human Services)

1. **Staff recommends motion to approve:** appointment of one (1) member to the Palm Beach County Citizens Advisory Committee on Health and Human Services for the term indicated:

| <u>Seat No.</u> | <u>Appointment</u> | <u>Category</u> | <u>Term</u> | <u>Nominated by</u> |
|------------------------|---------------------------|------------------------|--------------------|-------------------------------|
| 5 | Debby Walters | Health Services | 03/11/08-9/30/2009 | Comm. Koons Comm. Aaronson |

SUMMARY: This vacancy resulted from the resignation of Brenda Gail Oakes. Ms. Walters will finish her term. Resolution R2001-0913 requires the Executive Committee of the Citizens Advisory Committee to solicit and recommend member nominations for transmittal to the Board of County Commissioners. The Executive Committee has recommended this appointment. Additionally, a memo was distributed to Commissioners requesting nomination to the Committee. Countywide (TKF)

(Homeless Advisory Board)

2. **Staff recommends motion to approve:** appointment of the following community and business representative to the Homeless Advisory Board for a term of two (2) years, effective March 11, 2008:

| <u>Seat No.</u> | <u>Appointment</u> | <u>Member Category</u> |
|------------------------|---------------------------|-------------------------------|
| 30 | Miriam Maldonado | Formerly Homeless |

SUMMARY: On May 1, 2007, the Board of County Commissioners approved a resolution establishing the Homeless Advisory Board. The Advisory Board consists of sixteen (16) core members who are principally elected officials or agency heads (or their designees) and twenty (20) community and business members. The community and business member seats are broken down as follows: seven (7) business representatives; three (3) private foundation representatives; four (4) formerly homeless representatives; one (1) faith based community representative; one (1) philanthropist; one (1) housing authority representative; one (1) hospital executive officer; and two (2) general members. In accordance with the establishing resolution, the community and business representatives to this advisory board are nominated by the core members. This is the initial appointment to this seat. Countywide (TKF)

9. BOARD APPOINTMENTS

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

1. **Staff recommends motion to approve:** the appointment of one (1) at-large member to the Groundwater and Natural Resources Protection Board (GNRPB) to complete the term of three (3) years beginning on March 11, 2008, through July 30, 2010:

| <u>Nominee</u> | <u>Representing</u> | <u>Seat No.</u> | <u>Nominated By</u> |
|-----------------------|----------------------------|------------------------|--|
| Jason A. Moretz | Biologist/Chemist | 4 | Treasure Coast Chapter - Florida Association of Environmental Professionals |

SUMMARY: Ordinance 92-20 and Article 17.C.7. of the Unified Land Development Code (ULDC) provide for a seven (7) member GNRPB. The membership consists of one (1) professional engineer, one (1) attorney, one (1) hydrologist, one (1) business person, one (1) biologist or chemist, one (1) citizen of PBC, and one (1) member of an environmental organization. Cynthia Barlow vacated Seat No. 4 on December 11, 2007, in accordance with the absenteeism requirements found in Resolution No. R2002-1606. Ordinance 92-20 and Article 17.C.7 of the ULDC require Seat No. 4 to be filled by a Biologist/Chemist. No other nominations were received. Countywide (SF)

D. **FIRE RESCUE**
(Fire Rescue Advisory Board)

1. **Staff recommends motion to approve:** the reappointment of the following individuals to the Fire Rescue Advisory Board beginning on February 25, 2008, through February 24, 2011:

| <u>Nominee</u> | <u>Category</u> | <u>Seat No.</u> | <u>Nominated By</u> |
|-----------------------|------------------------|------------------------|---|
| Lucille Karasick | Consumer | 6 | Commissioner Marcus Commissioner Koons Commissioner McCarty Commissioner Greene Commissioner Aaronson |
| Jay Littman | Business | 5 | Commissioner Marcus Commissioner Koons Commissioner Aaronson |

SUMMARY: The Fire Rescue Advisory Board was created by Resolution No. R89-1661 and revised by No. R92-596 on April 28, 1992. This Board consists of seven (7) (At-Large) members with specific fields of expertise and serve three (3) year terms. The nominees have expressed an interest in serving another term and are eligible for reappointment. On January 9, 2008, a memo was distributed to the County Commissioners requesting nominations to this Board. No other nominations have been received. Countywide (SGB)

9. BOARD APPOINTMENTS

D. **FIRE RESCUE (Cont'd)**
(Fire Rescue Level of Service Committee)

2. **Staff recommends motion to approve:** reappointment of three (3) members to the Fire Rescue Level of Service Committee each for a term of three (3) years beginning May 3, 2008, through May 2, 2011:

| <u>Nominee</u> | <u>Seat</u> | <u>Category</u> |
|-----------------------|--------------------|----------------------------|
| Karl Umberger | 4 | City Manager-Small City |
| Chief Robert Ridgeway | 5 | City Fire Chief-Large City |
| Mike Mayo | 7 | Labor Representative |

SUMMARY: Palm Beach County Resolution R2004-0494 established the Fire Rescue Level of Service Committee (LOS). It consists of nine (9) members representing specific categories: one (1) County Administrator or designee; one (1) County Fire Chief; two (2) City Managers (one representing small cities, one representing large cities); two (2) City Fire Chiefs (one representing small cities, one representing large cities); one (1) Labor Representative; one (1) Fire Rescue Advisory Board Member; and one (1) EMS Council representative. All terms shall be for three (3) years, except the appointments for County Administrator (or designee) and County Fire Chief which may be permanent appointments. The LOS Committee recommends reappointment of Karl Umberger, Chief Robert Ridgeway and Mike Mayo. These incumbents desire to continue to serve. Countywide (SB)

E. **PLANNING, ZONING & BUILDING**
(Building Code Advisory Board)

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

A) appointment of one (1) individual to the Building Code Advisory Board (BCAB), to complete the unexpired term of Stephen Uman, who resigned from the City of Greenacres, and whose term expires on January 1, 2009; and

B) reappointment of one (1) individual to the Building Code Advisory Board (BCAB) for a three (3) year term from January 2, 2008, to January 1, 2011:

| <u>Appoint Nominee</u> | <u>Seat</u> | <u>Requirement</u> | <u>Nominated By</u> |
|-------------------------------|--------------------|---------------------------|----------------------------|
| Wayne R. Bergman | 3 | Building Official | BOAPBC |

| <u>Reappoint Nominee</u> | <u>Seat</u> | <u>Requirement</u> | <u>Nominated By</u> |
|---------------------------------|--------------------|---------------------------|----------------------------|
| Robert S. Dawson | 4 | Building Official | BOAPBC |

SUMMARY: The Building Code Advisory Board was established by Special Act of Florida Legislature in 1974, and amended in 2001. The term of office is three (3) years; with no limit to the number of terms a member may serve. Wayne R. Bergman is nominated by the Building Officials Association of Palm Beach County to fill the unexpired term of Stephen Uman, Seat 3. This action will fill the above-referenced seats until January 1, 2009. The reappointment of Robert S. Dawson is nominated by the Building Official Association of Palm Beach County. The Board comprises of sixteen (16) members; seven (7) regional Building Officials (nominated by the Building Official Association of Palm Beach County); seven (7) members who must be appointed from nominations submitted by the Construction Industry Management Council of Palm Beach County; one (1) member who must be a registered Architect nominated by the Palm Beach County Chapter of the American Institute of Architects; and one (1) member who must be a Professional Engineer nominated by the Palm Beach County Chapter of the Florida Engineering Society. Countywide (GB)

9. BOARD APPOINTMENTS

E. **PLANNING, ZONING & BUILDING**
(Construction Board of Adjustment and Appeals)

2. **Staff recommends motion to approve:** the appointment of the following named individual to the Construction Board of Adjustment and Appeals (CBAA) for a three (3) year term from March 11, 2008, to March 10, 2011:

| <u>Appoint</u> | <u>Seat</u> | <u>Requirement</u> | <u>Nominated By</u> |
|-----------------------|--------------------|---------------------------|----------------------------|
| Duane Drawdy | 2 | General Contractor | CIMC |

SUMMARY: Palm Beach County Ordinance 89-31 created the Construction Board of Adjustment and Appeals. The term of the office is three (3) years. Duane Drawdy is nominated by the Construction Industry Management Council of Palm Beach County. The nomination represents the General Contractor member of the Board as required by the Palm Beach County Ordinance 2002-005, as amended, Palm Beach County Amendments to the Florida Building Code, 2004 Edition. The Board is comprised of seven (7) members consisting of one (1) registered architect; one (1) registered engineer; one (1) general contractor; one (1) electrical contractor; one (1) HVAC contractor; one (1) plumbing contractor and any other contractor licensed category. In addition to the seven (7) members, there should be two (2) alternate members, one (1) member with the qualifications referenced above and one (1) member at-large from the public. Countywide (DW)

F. **COMMISSION DISTRICT APPOINTMENTS**

MARCH 11, 2008

10. MATTERS BY THE PUBLIC – 2:00 P.M.

MARCH 11, 2008

11. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

MARCH 11, 2008

12. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS

B. District 2 - COMMISSIONER JEFF KOONS, VICE CHAIR

C. District 3 - COMMISSIONER ROBERT J. KANJIAN

Proclamation declaring March 26, 2008 as "Trinity Christian Academy's Girl's Basketball Championship Day"

D. District 4 - COMMISSIONER MARY MCCARTY

E. District 5 - COMMISSIONER BURT AARONSON

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

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

Proclamation declaring March 10, 2008 as "Registered Dietitian's Day" in Palm Beach County.

Proclamation recognizing the accomplishments of Eta Phi Beta Sorority, Inc. Delta Chapter in Palm Beach County.

13. ADJOURNMENT

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

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

MARCH 11, 2008

| <u>PAGE</u> | <u>ITEM</u> | |
|-------------|-------------|---|
| 11 | 3A-4 | <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...(Admin./Water Resources) (Moved to April 1, 2008) |
| 19 | 3C-29 | <u>DELETED:</u> Staff recommends motion to approve: an Agreement in the amount of \$312,725.31 with R. J. Behar & Company, Inc. (RJB) for professional services. (Engineering) (Further staff review) |
| 19 | 3C-30 | <u>DELETED:</u> Staff recommends motion to approve: Supplemental Agreement No. 3 to Project No. 20041202, under contract R2004-2466, in the amount of \$145,724.41 with Arcadis...(Engineering) (Further staff review) |
| 25 | 3E-13 | <u>DELETED:</u> Staff recommends motion to approve: the Minority AIDS Initiative (MAI) continuation grant application with the Department of Health and Human Services Health Resources and Services Administration (HRSA)... (Community Services) (Further staff review) |
| 26 | 3F-2 | <u>REVISED TITLE:</u> Staff recommends motion to approve: A)...B) the designation of the Clerk & Comptroller County Administrator , or her his designee, as the Primary Authorized Person to act on behalf of the County to handle the sales transaction with Fidelity Brokerage Services, LLC. (Airports) |
| 42 | 3K-4 | <u>DELETED:</u> Staff recommends motion to approve: Change Order No. 6 to the Contract with Poole and Kent Company, Inc. (R2005-1928) for the Lake Region Water Treatment Plant (LRWTP) increasing the contract price by \$500,000. (WUD) (Moved to April 1, 2008) |
| 62 | 5C | <u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to approve: A) a <u>downward</u> Budget Amendment for a decrease of \$3,562,000 in the Water Utilities Revenue Fund <u>to decrease expected revenues;</u> B) a <u>downward</u> Budget Amendment for a decrease of \$2,000,000 in the Water Utilities Operating & Maintenance Fund <u>to decrease the expected revenue from the Water Utilities Revenue Fund which will decrease equipment by \$500,000 and reserves by \$1,500,000;</u> C) a <u>downward</u> Budget Amendment for a decrease of \$6,185,300 in the Water Utilities Capital Improvements Fund <u>to decrease the expected revenue from the Water Utilities Revenue Fund, decrease the balance from FY 2007, and increase revenues from other governments which will decrease several projects in the fund;</u> D) a <u>downward</u> Budget Amendment for a decrease of \$814,000 in the Water Utilities Connection Fee Fund <u>to decrease expected connection fee revenues;</u> and E) a <u>downward</u> Budget Amendment for a decrease of \$2,317,000 in the Water Utilities Special Assessment Program Fund <u>to decrease expected revenues from assessment collection and the balance from FY 2007 which will decrease the reserve by \$929,000 and the project account by \$2,000,000.</u> |
| | | SUMMARY: The requested amendments can be categorized as follows: 1) <u>Decrease of the Balance Brought Forward amount to reflect audited balance the differences between actual and estimated revenues and expenditures of FY 2007 and set various accounts to their audited balances;</u> 2) Decrease of Operating Revenue to better reflect current customer usage patterns; 3) Decrease of Connection Fee Revenue to reflect decreased building activity; 4) Decrease of Special Assessment Revenue due to decreased connection activity; and 5) Decrease in various equipment, capital, and expense accounts to maintain a balanced budget....(WUD) |

REVISED TITLE & SUMMARY: Staff recommends motion to: A) adopt a Resolution accepting as the County's statement under Section 125.3401, Florida Statutes, the public interest statement and determining that the purchase of the water and wastewater system of the Indian Trail Improvement District (District) is in the public interest; B)..C).. D)...SUMMARY: The Water Utilities Department has been working diligently to negotiate interlocal agreements with water and wastewater service providers in the western communities. This Agreement is the fifth such agreement brought to the Board and its adoption achieves the Board's goal. This Agreement permanently resolves the ongoing service area disputes between the District and the County. The County shall be the District's exclusive provider of bulk and retail potable water, reclaimed water, and wastewater service. The County agrees to compensate the District in the amount of \$6,175,000 for utility assets, current and future customers, stabilization of certain roadways, and to settle ongoing litigation. The County will pay an additional \$2,215,800 to terminate the existing bulk service agreement between the District and the City of West Palm Beach. The District shall control the special assessment program within the Acreage area legislative boundaries of the District's boundaries, including the design and construction of utility infrastructure in accordance with County standards and permitting, and, following construction, will convey such infrastructure to the County. The County will allocate \$500,000 to provide financial support for up to 10% of the total costs for future assessment projects within the Acreage area. Those residents wishing to connect to County utility service shall then pay applicable connection fees to the County. The District may also choose to permit the County to conduct special assessments within the Acreage area of the District's ~~their~~ boundaries. Other considerations afforded the County under this Agreement include: 1) the reasonable provision by District of vehicles and staff to move emergency generators throughout the legislative boundaries of the District during emergencies; 2) the reasonable provision of ~~sites for future water supply wells and~~ a laydown yard;... (WUD)

ADD-ON: Acceler8: Workforce Training & Local Business Development, Presentation by the South Florida Water Management District. (Admin.)

ADD-ON: Staff requests Board direction: regarding the request by Court Administration to fund \$44,500 to maintain the Civil Traffic Hearing Officer Program through June 30, 2008 as a result of State budget cuts. **SUMMARY:** This Program, which handles traffic infractions in a more efficient manner than regular court process, will end March 14, if not funded. Source of funds would be general fund contingency. Court Administration understands that County funding is unlikely for July, but providing interim funding would allow time for evaluation of alternatives and adjustments to process with law enforcement. According to the Clerk, the County collected \$2,047,234 last fiscal year from fines from this hearing process. Court Administration thinks that revenues will decrease if this Program is terminated. Countywide (TF) (Admin.)

REVISED TITLE: Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on May 20, 2008 at 9:30 a.m.: an Ordinance of the Board Of County Commissioners of Palm Beach County, Florida, authorizing the use of unmanned cameras at traffic signals to promote traffic safety; providing for title and purpose; providing for use of image capture technologies; providing for definitions; providing for adherence to red light traffic control signals; providing for violation; providing for warning signs at monitored intersections; providing for review of recorded images; providing for notice of infraction; providing for vehicle owner responsibilities; providing for appeal to Palm Beach County's hearing officer; ~~providing for vehicle owner affidavit of non-responsibility~~; providing for penalties;...(County Attorney)

- 70 6F-1 **DELETED: Staff recommends motion to: A) approve on preliminary reading and advertise for Public Hearing on April 15, 2008, at 9:30 a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Palm Beach County Unified Land Development Code, Ordinance 2003-67, as amended, by amending Article 13, concerning countywide impact fee amounts and regulations, as follows: amending Chapter A - General; Chapter B - County District, Regional, and Beach Parks Impact Fee; Chapter C – Fire Rescue Impact Fee; Chapter D - Library Impact Fee; Chapter E - Law Enforcement Impact Fee; Chapter F - Public Buildings Impact Fee; Chapter H - Road Impact Fees;...(OFMB) (Further staff review)
- 71 6G-1 **DELETED: Staff recommends motion to adopt:** Resolution of the Board of County Commissioners of Palm Beach County, Florida, changing the street name of Orange Road to Kiwi Court,...(PZ&B) (Further staff review)
- 71 6I-2 **ADD-ON: Staff recommends motion to:**
- A) declare** AFCO Constructors, Inc. (AFCO), in default of its Construction Contract (R2006-0338) (Contract) with the County for the Concourse C Gate Expansion Project at Palm Beach International Airport (Project);
- B) terminate** AFCO's right to complete the work under the Contract;
- C) authorize** the Department of Airports (DOA) to undertake completion of the Project with DOA employees and/or through a third party completion contractor; and
- D) authorize** the County Administrator, or his designee, to make demand on AFCO's surety to fulfill its obligations under the Public Construction Bond for the Project.
- SUMMARY:** On February 28, 2006, the BCC approved the Contract with AFCO for the Project in the amount of \$17,433,942. The County approved Change Orders 1-13, which provided for a net increase to the Contract amount of \$649,489 and a time extension of 52 calendar days. The current Contract amount is \$18,083,431. To date, the County has paid \$12,925,326 of the total Contract amount. DOA is requesting termination of AFCO's right to complete the work under the Contract based on AFCO's failure to correct work that is not in compliance with the Contract and failure to perform work in a good and workmanlike manner. Countywide (JCM) (Airports)
- 72 6K-1 **ADD-ON: Staff recommends motion to approve:** Settlement Agreement, Waiver and General Release, inclusive of attorney's fees and costs, in the total amount of \$56,000, to settle the claims of former County employee Howard H. Eisenman, (Employee Grievance Nos. 2007-06-2073, 2007-04-2068, and 2006-12-2056). **SUMMARY:** Howard H. Eisenman is a former County employee who was employed as a Communicator in the Public Safety Department. On June 18, 2007, Mr. Eisenman was terminated from County employment for failing to perform his assigned duties. Mr. Eisenman filed a grievance of his termination. Under the terms of the settlement, Mr. Eisenman will withdraw all pending grievances, tender his resignation, and provide the County with a general release. Staff, including Administration, the Human Resources Department and the Public Safety Department, concurs that this settlement is in the best interest of Palm Beach County. Countywide (EC) (Public Safety)

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 (*).