

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

**MAY 20, 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
- C. Songs by the South Olive Elementary School Choir

**3. CONSENT AGENDA (Pages 6 - 28)**

**4. PUBLIC HEARINGS - 9:30 A.M. (Pages 29 - 31)**

**5. REGULAR AGENDA (Pages 32 - 36)**

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve:

**A)** 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 in the Plantation Village Area Countywide Community Revitalization Team (CCRT) area;

**B)** 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 in the Haverhill West CCRT area;

**C)** Budget Transfer from the Capital Outlay Fund for implementation to the Plantation Village Area Street Lighting Project in the amount of \$40,000 and to the Haverhill West Street Lighting Project in the amount of \$40,000;

**D)** Budget Transfer from the Capital Outlay Fund to the CCRT Street Lighting Maintenance Fund for the Plantation Village Area Street Lighting Project in the amount of \$80,000 and for the Haverhill West Lighting Project in the amount \$80,000;and

**E)** Budget amendments totaling \$160,000 in the CCRT Street Lighting Maintenance Fund to recognize and appropriate the transfers from the Capital Outlay Fund of \$80,000 for the Plantation Village Area Street Lighting Project and \$80,000 for the Haverhill West Street Lighting Project.

**SUMMARY:** The street lighting projects being submitted for approval were initiated by members of the Plantation Estates Neighborhood Group and the Haverhill West/Mobile mobile home park. Based on review of each application by the Office of Community Revitalization staff as well as Palm Beach County Sheriffs' Office staff, it was determined that the installation of these streetlights would help reduce area crime as well as enhance pedestrian safety. The total amount of funding provided for these projects is \$240,000. District 2 (AH)

2. Staff recommends motion to approve:

**A)** an Interlocal Agreement with the City of Belle Glade for the period May 20, 2008, through August 30, 2009 for an amount not-to-exceed \$16,187 for the installation of a Perimeter Fence in Hands Park; and

**B)** a Budget Transfer in the amount of \$16,187 from the CCRT Recouped Funding reserves to the Hands Park Fence Installation Project.

**SUMMARY:** This Interlocal Agreement allows for the reimbursement of an amount not-to-exceed \$16,187 for costs incurred by Belle Glade subsequent to December 1, 2007 for the installation of a split-rail fence around the perimeter of Hands Park. The requested funding is to cover the costs associated with the installation of the fence, which is necessary to provide safety for the children and youth served by Belle Glade Hands Park. District 6 (AH)

3. Staff recommends motion to receive and file: Resolution adopted by the Board of Supervisors of Indian Trail Improvement District in support of allowing the future land use amendments & development proposals along the Western Northlake Boulevard Corridor to continue and providing for an effective date.

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>
Joint w/SFWMD	December 13, 2007
Zoning	March 24, 2008
Workshop	March 25, 2008
Regular	April 1, 2008
Environmental Control Board	April 1, 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 March 2008. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **DELETED**
2. **Staff recommends motion to approve:** an Encroachment License Agreement (Agreement) with Western Palm Beach County Farm Bureau (Bureau). **SUMMARY:** This item will approve an Agreement so that the Bureau can keep a portion of a building, a driveway, and a portion of the parking area within Palm Beach County owned right-of-way for Livestock Market Road. The area of the encroachments is not within the currently used roadway. District 6 (PK)

3. **Staff recommends motion to:**  
**A) adopt** a Resolution approving a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) for the construction of a traffic signal at Boynton Beach Boulevard and Old Boynton Road; and  
**B) approve** a Budget Amendment of \$264,389 in the Transportation Improvement Fund to recognize funding from the FDOT JPA and appropriate it to the account called "FDOT JPA Signal at Boynton Beach Boulevard and Old Boynton Road."

**SUMMARY:** This JPA provides \$264,389 for the construction of a traffic signal at the intersection of Boynton Beach Boulevard and Old Boynton Road. This signal was to be constructed as part of an earlier FDOT project on Boynton Beach Boulevard. The construction of the traffic signal was deferred due to a pending developer funded roadway improvement on Old Boynton Road. This Budget Amendment of \$264,389 in the Transportation Improvement Fund is to recognize funding from the FDOT JPA and appropriate it to the account called "FDOT JPA Signal at Boynton Beach Boulevard and Old Boynton Road." District 7 (MRE)

### 3. CONSENT AGENDA APPROVAL

#### C. ENGINEERING & PUBLIC WORKS (Cont'd)

4. Staff recommends motion to approve: a Budget Amendment of \$3,480,900 in the County Transportation Trust Fund to recognize funding from the Local Agency Participation Agreement (LAP) with the Florida Department of Transportation (FDOT) and appropriate it to Signal Interconnect Restoration – Hurricane Wilma. **SUMMARY:** On August 21, 2007, the Board of County Commissioners (Board) adopted a resolution approving an LAP with FDOT (R2007-1251) providing up to \$3,480,900. Approval of this Amendment will allow Palm Beach County to accept the money from FDOT and contract the needed repair work. Countywide (MRE)
5. Staff recommends motion to approve: removal of the Palmetto Park Road pathway project from the approved Fiscal Year 2007/2008 Pathway Program. **SUMMARY:** A majority of the affected property owners were not in favor of a pathway in the right-of-way adjacent to their property and signed a petition to cancel the project. District 5 (MRE)
6. Staff recommends motion to approve: a Limited Indemnification Agreement with Temple Torah of West Boynton Beach, Inc. (Owner). **SUMMARY:** This action will approve a Limited Indemnification Agreement which provides that Owner will compensate and reimburse the County for any damages or expenses incurred by the County caused by Florida Power & Light Company conducting any construction related to the installation, maintenance, removal, or repair of any of its utility equipment or infrastructure located on or near the right turn lane constructed by Owner on Jog Road. Owner is constructing the right turn lane to comply with a County zoning condition. District 3 (PK)
7. Staff recommends motion to approve: a Contract with H & J Contracting, Inc. (H & J), the lowest responsive, responsible bidder in the amount of \$2,403,070.88 for the widening of Jog Road from Yamato Road to Clint Moore Road (Project) to a six (6) lane facility. **SUMMARY:** This Contract will provide all the work necessary to construct the Project. The Small Business Enterprise (SBE) goal for the Project is 15% overall. The SBE participation committed for the Project by H & J is 15%. The time limit for the completion of all work under this contract shall be no more than two hundred forty (240) calendar days. District 4 (MRE)
8. Staff recommends motion to adopt: a Resolution approving a Transportation Regional Incentive Program (TRIP) Agreement with the State of Florida Department of Transportation (FDOT), in the amount of \$5,400,596 for the intersection improvements at Jog Road and 45th Street (Project). **SUMMARY:** Through this Agreement, Palm Beach County (County) will receive a grant of \$5,400,596 from the TRIP for the Project. The County will be responsible for all costs above this grant. District 6 (MRE)
9. **DELETED**

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

10. Staff recommends motion to approve:

**A)** a Supplemental Agreement No. 1 to Project Agreement (R2005-1059) in the amount of \$18,312.97 with Bowyer-Singleton & Associates, Inc., for professional services; and

**B)** a Budget Transfer of \$26,578 in the Transportation Improvement Fund from FY 2005 Road Program Reserve for Plans and Alignment to Westgate Avenue from Congress Avenue to Australian Avenue.

**SUMMARY:** This Supplemental Agreement will provide the additional services necessary to study an additional alignment alternative for Westgate Avenue from Congress Avenue to Australian Avenue. District 2 (PK)

11. Staff recommends motion to approve: an Agreement in the amount of \$319,745.22 with HSQ Group, Inc. for professional services. **SUMMARY:** This Agreement will provide the professional services necessary for the preparation of design plans and construction bid documents for Lyons Road from south of Lake Worth Drainage District (LWDD) L-11 Canal to north of LWDD L-10 Canal. District 6 (PK)

12. Staff recommends motion to approve: an Agreement in the amount of \$312,725.31 with R.J. Behar & Company, Inc. 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 (PK)

13. Staff recommends motion to approve: an Interlocal Agreement with the City of Boynton Beach (City) regarding open cuts in County maintained roadways. **SUMMARY:** The City has agreed to follow the policies and procedures set forth by the County regarding open cuts in County roads; however, the City is requesting that it not be required to provide surety bonds for the open cuts, as required by County Policy, but instead be bound by the terms and conditions of this Interlocal Agreement. District 3 (MRE)

14. Staff recommends motion to adopt: a Resolution declaring the acquisition of a parcel of land, designated as Parcel 201, as a Line of Sight Easement necessary for the construction and improvements on the Forest Hill Boulevard from Wellington Trace to State Road 80 project. **SUMMARY:** This action initiates eminent domain proceedings against one parcel having a total appraised value of \$10,100. District 6 (PM)

15. Staff recommends motion to:

**A) accept** a Warranty Deed for Parcel 2A on Seminole Pratt Whitney Road; and

**B) approve** payment of a counter-offer in the amount of \$287,000.

**SUMMARY:** This action will accept a Warranty Deed for a parcel of land needed for water management purposes and approve a counter-offer in the amount of \$287,000 for the purchase of the parcel of land, designated as Parcel 2A. This parcel is required for the construction of improvements on Seminole Pratt Whitney Road from Orange Boulevard to south of Northlake Boulevard. District 6 (PK)

### 3. CONSENT AGENDA APPROVAL

#### C. ENGINEERING & PUBLIC WORKS (Cont'd)

16. **Staff recommends motion to adopt:** a Resolution declaring the acquisition of properties designated as Parcels 205, 207, 225, 252, 255 and 256 as Embankment Easements necessary for the construction and improvements on Seminole Pratt Whitney Road from Orange Boulevard to south of Northlake Boulevard. **SUMMARY:** This action initiates eminent domain proceedings against six (6) parcels having a total appraised value of \$74,900. District 6 (PM)
17. **Staff recommends motion to approve:** authorizing the County Engineer or the Deputy County Engineer to sign purchase contracts on behalf of Palm Beach County (County) for parcels settled at appraised value or administratively approved counter-offer amounts, as needed for the improvement and construction of Congress Avenue from Lantana Road to south of Melaleuca Lane (project). **SUMMARY:** This action will authorize the County Engineer or Deputy County Engineer to sign certain purchase contracts on behalf of the County for this Project only. This complies with State requirements for this project since it involves the use of State funds. District 3 (PM)
18. **Staff recommends motion to:**
- A) accept** a Warranty Deed for Parcel 132 on Northlake Boulevard; and
- B) approve** payment in the amount of \$1,100,000 for Parcel 132.
- SUMMARY:** This action will accept a Warranty Deed for a parcel of land needed for water management purposes and approve payment in the amount of \$1,100,000 for the purchase of the parcel of land, designated as Parcel 132. This 10 acre parcel is required for the construction of improvements on Northlake Boulevard from east of Seminole Pratt Whitney Road to east of Coconut Boulevard. District 6 (PK)
19. **Staff recommends motion to adopt:** a Resolution approving recordation and filing of a Specific Purpose Survey Maintenance Map with the Clerk of the Circuit Court of and for Palm Beach County (County), Florida, certifying that 60<sup>th</sup> Street North, from the "M" Canal east to Seminole Pratt Whitney Road, was constructed by the County and has been maintained or repaired, continuously and uninterruptedly, by the County for over four (4) years and therefore all right, title, easement appurtenances in and to the road is vested in the County. **SUMMARY:** This recordation and filing will establish and confirm title of 60<sup>th</sup> Street North, to the County in accordance with Section 95.361, Florida Statutes, which provides that upon construction by the County and upon four years of continuous and uninterrupted maintenance or repair of the road by the County and upon filing of a map with the Clerk, all right, title, easement, appurtenances in and to the road becomes vested in the County. The Road and Bridge Division Director has certified on the cover of the 60<sup>th</sup> Street Specific Purpose Survey Maintenance Map, that the Map depicts the limits of maintenance by the County. District 6 (PFK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. **Staff recommends motion to receive and file:** the four (4) Interlocal Agreements with the City of Tallahassee, the City of Jacksonville, Indian River County and Collier County Industrial Development Authority as they relate to the \$16,680,000 Palm Beach County, Florida Variable Rate Demand Revenue Bonds (The Children's Home Society of Florida Project), Series 2008, authorized by Resolution R2008-0463 on March 11, 2008. **SUMMARY:** The Children's Home Society of Florida bond issue required the execution of four (4) Interlocal Agreements with several governmental entities within the State of Florida in connection with the issuance of those bonds. These four (4) Interlocal Agreements should now be received and filed in the Minutes Department. Countywide (PFK)
2. **Staff recommends motion to receive and file:** the official transcript for the closing of the \$9,500,000 Aggregate Principal Amount Tax-Exempt Adjustable Mode Revenue Bonds, Series 2008 (Caron Foundation of Florida, Inc. Project) (the "Bonds") for the purpose of financing a portion of the cost of acquisition and construction of office and outpatient treatment facilities to be owned and operated by Caron Foundation of Florida, Inc. in Palm Beach County, as authorized by Resolution R2007-2054 adopted on November 13, 2007. The closing occurred on January 10, 2008. **SUMMARY:** On November 13, 2007, the Board adopted Resolution No. R2007-2054, authorizing the issuance of the Bonds. The closing occurred on January 10, 2008. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** Contract with the Children's Home Society for the period May 20, 2008, to September 30, 2008, in an amount not-to-exceed \$15,000, for clothing and school supplies for youths in foster group homes. **SUMMARY:** Community Services Block Grant (CSBG) funds of \$10,000 will enable Palm Beach County Community Action Program to provide assistance with clothing and back to school supplies for 25 youths in foster care. Funds for this program are included in the current CSBG budget. (Community Action Program) Countywide (TKF)
2. **Staff recommends motion to approve:** Use of Facility Agreement with Trinity United Methodist Church providing for a congregate meal site for the elderly effective May 12, 2008, with no fixed expiration date. **SUMMARY:** This Agreement will enable the Division of Senior Services (DOSS) to operate a congregate dining site for the elderly at Trinity United Methodist Church, 1401 9<sup>th</sup> Street, West Palm Beach, FL 33401, at no cost to the County for space or energy usage. The Division of Senior Services (DOSS) will operate the site and provide the meals. (DOSS) Countywide except for portions of Districts 3, 4, 5 & 7 south of Hypoluxo Road (TKF)
3. **Staff recommends motion to approve:** Project Application with the Florida Department of Education for the Farmworker Jobs & Education Program under Title I of the Workforce Investment Act, for the period July 1, 2008, through June 30, 2009, in the amount not-to-exceed \$328,582. **SUMMARY:** The Farmworker Jobs & Education Program (formerly Adult Migrant Program) is funded by the State Department of Education to provide academic education and vocational training to farm workers and their dependents to get permanent employment outside of farm work. The FY 2008-2009 program will provide enrollment and training services for 147 participants. No County funds are required. (Farmworker Jobs & Education Program) Countywide (TKF)

### 3. CONSENT AGENDA APPROVAL

#### E. COMMUNITY SERVICES (Cont'd)

4. **Staff recommends motion to approve:** Agreement with Oakwood Center of the Palm Beaches, Inc. for the period May 23, 2008, through May 22, 2009, in an amount of \$181,080, for 15 permanent housing beds for disabled, homeless individuals. **SUMMARY:** This contract with Oakwood Center of the Palm Beaches, Inc. is a collaborative with the Division of Human Services funded under a Housing and Urban Development (2001 HUD) Shelter Plus Care program Grant. The grant provides rental assistance for permanent housing beds for fifteen (15) homeless, disabled individuals. No local match is required by the County for this grant. (Human Services) Countywide (TKF)
  
5. **Staff recommends motion to receive and file:** the 2007 U.S. Department of Housing and Urban Development (HUD) Renewal Grant Agreements for the Supportive Housing Program, FL14B705003, for the period January 1, 2009 through December 31, 2009 in the amount of \$438,254, and for the Shelter Plus Care Program, FL14C705018, for the period of May 23, 2008, through May 22, 2009 in the amount of \$181,080. **SUMMARY:** On May 15, 2007 (R2007-0751 and R2007-0752), the Board of County Commissioners delegated authority to the County Administrator or his designee to sign the U.S. Department of Housing and Urban Development (HUD) Supportive Housing Program grant agreement and the HUD Shelter Plus Care grant agreement. This authorization and designation were necessary to expedite the agreements and thereby avoid gaps in service delivery to homeless individuals. (Human Services) Countywide (TKF)
  
6. **Staff recommends motion to approve:** Amendment No. 4 to the Contract (R2007-1407) with Comprehensive AIDS Program, Inc. for the period March 1, 2007, through February 29, 2008, to increase funding by \$20,400, for a total not-to-exceed amount of \$769,936.45. **SUMMARY:** Ryan White HIV Health Support service dollars are reviewed throughout the contract year and dollars unlikely to be spent by the end of the contract period are reallocated to best meet the needs of the affected clients. These funds are needed to meet expenditures by Comprehensive AIDS Program, Inc. for Medical Case Management for the recently completed contract year. No County funds are required. (Ryan White) Countywide (TKF)

#### F. AIRPORTS

1. **DELETED**
  
2. **Staff recommends motion to approve:** Utility Easement Agreement with Florida Power & Light Company for utility service to the new Palm Beach Sheriff's Office (PBSO) hangar on the Palm Beach International Airport (PBIA). **SUMMARY:** Florida Power & Light Company (FPL) requires an easement to provide electrical service to the new hangar being constructed for PBSO at PBIA. Countywide (JMB)
  
3. **Staff recommends motion to approve:** First Amendment to North County General Aviation Airport Executive Hangar Lease Agreement (R2007-1496) with Sunrise Instruments & Avionics, Inc. (Sunrise), terminating the Lease Agreement effective May 31, 2008. **SUMMARY:** On August 9, 2007, the County entered into the North County General Aviation Airport Executive Hangar Lease Agreement for Hangar No. 11250-7 with Sunrise. Sunrise has requested to terminate the lease prior to its August 30, 2008 expiration date. Sunrise is responsible for payment of \$5,497.73 for expenses incurred relating to a fuel spill cleanup and has requested that this amount be deducted from its security deposit. Countywide (JMB)

MAY 20, 2008

### 3. CONSENT AGENDA APPROVAL

#### F. AIRPORTS (Cont'd)

4. **Staff recommends motion to approve:** the Construction Manager (CM) at Risk Contract with David Brooks Enterprises, Inc. for a term of two (2) years with three (3), one (1) year renewal options for miscellaneous repair, replacement and improvement projects for Palm Beach County Department of Airports. Task No. D-1 in the amount of \$50,000 is for Pre-Construction Phase Services for Addressable Fire Alarm at Palm Beach International Airport. **SUMMARY:** The Department of Airports requested proposals for CM at Risk Services for Miscellaneous Repair, Replacement and Improvement Projects to be completed at Palm Beach International Airport (PBI), Lantana Airport (LNA), North County General Aviation Airport (F45) and Pahokee Airport (PHK). Based on this request, eight (8) proposals were received on October 2, 2007. On January 9, 2008, the Countywide Selection Committee selected the firms of The Morganti Group, Inc. and David Brooks Enterprises, Inc. to provide these services. Task No. D-1 for David Brooks Enterprises, Inc. includes pre-construction phase services for addressable fire alarm at PBI in the amount of \$50,000. The services provided in this Contract constitute the first task to be assigned to this Contract under the Request for Proposals. The Small Business Enterprise (SBE) goal for this Contract was established at 15%. David Brook Enterprises, Inc. is an SBE firm, which has 100% SBE participation. Countywide (JCM)
  
5. **Staff recommends motion to approve:** the Construction Manager (CM) at Risk Contract with The Morganti Group, Inc. for a term of two (2) years with three (3), one (1) year renewal options for miscellaneous repair, replacement and improvement projects for Palm Beach County Department of Airports. Task No. M-1 in the amount of \$1,089,000 is for Construction Phase Services for Modifications to Buildings B, D and E of the Maintenance Compound at Palm Beach International Airport. **SUMMARY:** The Department of Airports requested proposals for CM at Risk Services for Miscellaneous Repair, Replacement and Improvement Projects to be completed at Palm Beach International Airport (PBI), Lantana Airport (LNA), North County General Aviation Airport (F45) and Pahokee Airport (PHK). Based on this request, eight (8) proposals were received on October 2, 2007. On January 9, 2008 the Countywide Selection Committee selected the firms of The Morganti Group, Inc. and David Brooks Enterprises, Inc. to provide these services. Task No. M-1 for The Morganti Group, Inc. includes Construction Phase Services for Modifications to Buildings B, D and E of the Maintenance Compound at PBI in the amount of \$1,089,000. The services provided in this Contract constitute the first task to be assigned to this Contract under the Request for Proposals. The Small Business Enterprise (SBE) goal for this Contract was established at 15%. The Morganti Group, Inc. obtained 10.9% SBE participation. Countywide (JCM)
  
6. **Staff recommends motion to adopt:** a Resolution approving a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) in the amount of \$437,500 to improve Runway 13/31 safety area at Palm Beach International Airport. **SUMMARY:** The FDOT has issued a JPA reflecting their commitment of funding to the above referenced project in the amount of \$437,500 or 12.50% of the eligible project costs, whichever is less. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

7. Staff recommends motion to receive and file: eight (8) original Agreements for the Department of Airports:

A) Agreement to Terminate Hangar Lease Agreement with Edward Hartwig, Unit 19, Building 11300 at North County Airport, terminating R2007-1702 on April 30, 2008;

B) Agreement to Terminate Hangar Lease Agreement with Tower Plus 2000, Inc. Unit 13, Building 11720 at North County Airport, terminating R2003-1140 on April 30, 2008;

C) North County General Aviation Airport Hangar Lease Agreement with Edward Asplundh, Unit 5, Building 11740, for one (1) year, automatically renewed at one (1) year intervals, commencing on May 1, 2008;

D) North County General Aviation Airport Hangar Lease Agreement with Coastal Equipment Inc., Unit 5, Building 11750, for one (1) year, automatically renewed at one (1) year intervals, commencing on April 15, 2008;

E) North County General Aviation Airport Hangar Lease Agreement with Robert Murphy, Unit 4, Building 11350, for one (1) year, automatically renewed at one (1) year intervals, commencing on May 1, 2008;

F) Consent to sublease for a Sublease Agreement between Florida Airmotive, Inc. and A.E.C.O.A., Inc., approved April 15, 2008;

G) License Agreement with Vanguard Car Rental USA, Inc. to use property for short term storage of operable vehicles commencing March 24, 2008, and expiring April 24, 2008; and

H) First Amendment to Memorandum of Understanding between Department of Airports (DOA) and Fire Rescue Department regarding use of the Palm Beach County Park Airport ("Lantana Airport") Fire Station, amending R2003-1945, commencing July 1, 2008, terminating June 30, 2013, and may be extended by agreement of the Director of DOA and Fire Rescue Administrator on a five (5) year basis thereafter.

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

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: a Budget Transfer of \$779,357 from the Road Impact Fee Zone 2 reserve account to the Road Impact Fee Zone 2 appropriation account. **SUMMARY:** Merco Group canceled a proposed development project and has applied for a refund of impact fees already paid. The refund request meets all of the refund requirements of Article 13 of the Unified Land Development Code (ULDC), and has been approved by the Impact Fee Manager. This Budget Transfer allows for the appropriation of \$779,357 of road impact fee revenues collected in a prior year so that the Impact Fee Office can pay the refund. Districts 1, 2, 3, 6 & 7 (LB)

3. CONSENT AGENDA APPROVAL

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

2. **Staff recommends motion to approve:** a Budget Transfer of \$657,050 from the Road Impact Fee Zone 2 reserve account to the Road Impact Fee Zone 2 appropriation account. **SUMMARY:** Hovstone Properties canceled a proposed development project and has applied for a refund of impact fees already paid. The refund request meets all of the refund requirements of Article 13 of the Unified Land Development Code (ULDC), and has been approved by the Impact Fee Manager. This Budget Transfer allows for the appropriation of \$657,050 of road impact fee revenues collected in a prior year so that the Impact Fee Office can pay the refund. Districts 1, 2, 3, 6 & 7 (LB)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** Amendment No. 4 to Contract with The BG Group, LLC (R2004-1729) for the annual Demolition contract to increase the maximum value by \$100,000 from \$400,000 to \$500,000. **SUMMARY:** Amendment No. 4 will increase the maximum value of the Contract to \$500,000. The contractor will continue to perform on demolition projects for various facilities. The term will end August 20, 2008 or until \$500,000 in work orders are issued; whichever comes first. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value of the Contract. All terms of the original Contract remain in effect. The BG Group's SBE participation for Work Orders issued to date is 100%. SBE participation goals for the Contract are 15%. The BG Group, LLC is a certified SBE contractor. (FD&O Admin) Countywide (JM)
2. **Staff recommends motion to approve:** Work Order No. 08-023 with Precision Air Systems, Inc. (R2006-2091) in the amount of \$30,643 to provide additional HVAC work at the Governmental Center. **SUMMARY:** The original scope consisted of the work required to complete the installation of two (2) - 10" chilled water pipes from the ground floor to the mechanical penthouse, including valves to control flow. The additional work consists of re-routing the pipe inside the building in an existing abandoned trash chute in lieu of the planned surface mounted installation to the exterior of the building. The re-routing of the pipes will protect the pipes from damage from vandalism, during a hurricane, and will be an aesthetic improvement. The SBE goals are 15%. The SBE participation in this Work Order is 100%. When the participation for this Work Order is added to Precision Air's total participation-to-date, the resulting values are 100%. This Work Order is being sent for Board approval since the total project cost exceeds \$200,000 (the original Work Order No. 06-032 for \$195,052 was approved by the Contract Review Committee (CRC) on September 13, 2006). The total construction duration is sixty (60) days. This work will comply with all applicable local, state and federal codes and regulations. (FD&O Admin) Countywide/District 7 (JM)
3. **Staff recommends motion to approve:** Work Order No.08-094 with Hi-Tech Roofing & Sheetmetal, Inc. (R2007-0941) in the amount of \$217,200 to perform roof replacement on the 3rd floor at the PBSO Admin. Building A. **SUMMARY:** The work consists of the removal of the existing coal-tar pitch roof system and replacement with a new 3-ply modified bitumen roof system. The SBE participation in this Work Order is 100%. When the participation for this Work Order is added to the total participation against the Roofing contract, the resulting values are 44.03%. The participation goals are 15%. The total construction duration is ninety (90) days. This work will comply with all applicable local, state and federal codes and regulations. (FD&O Admin) District 2 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. **Staff recommends motion to approve:** an Interlocal Agreement with the Town of Ocean Ridge (Town) for radio maintenance service. **SUMMARY:** This Agreement provides for the provision of radio equipment maintenance services to the Town of Ocean Ridge. The services are to be charged on an hourly basis at a cost of \$65/hour/person and \$97.50/hour/person for overtime work. In the event that the County must out-source the labor, a separate labor rate is provided. The maintenance cost of future years shall be determined by the County's Agreement with Motorola. The rates may be adjusted annually with notification by June 1st annually (effective that following October 1<sup>st</sup>) at the County's sole discretion, but in no event shall the Town's fee schedule exceed the fee schedule applied to County departments. The term of the Agreement is for three (3) years with one (1) - three (3) year renewal. The Agreement may be terminated by either party, with or without cause with a minimum of three (3) months notice. (FDO Admin) District 4 (JM)
  
5. **Staff recommends motion to adopt:** a Resolution rescinding and replacing Resolution No. 2007-0028 pertaining to the Public Art Committee (Committee). **SUMMARY:** As the County's Art in Public Places Program continues to establish itself and take on a broad array of projects, the Public Art Committee recommends that the Committee broaden its member requirements to be more flexible to reach out to and nominate art professionals with diverse area of expertise. This Resolution modifies the membership of the Committee by adding a seat to the "Palm Beach County resident with significant visual art experience" category and by eliminating the "Palm Beach County citizen with a significant visual art background but no current interest in a for-profit art business" category. This Resolution also adds an additional seat to the "Planning/Design Professional" category. (FDO Admin) Countywide (MJ)
  
6. **Staff recommends motion to approve:** a Budget Transfer of \$960,000 in the Law Enforcement Impact Fees Fund from reserves to establish a PBSO Marine Unit CIP project budget line. **SUMMARY:** This Transfer is needed to fund the design and construction of a new facility for the PBSO Marine Unit/Underwater Search and Recovery Unit within Phil Foster Park. The Marine Unit responsibilities include homeland security and the protection of life and property by rendering assistance to endangered or disabled vessels, rescue of capsized or injured boaters, rescue of lost divers, regulation of boat traffic, the enforcement of boating and fish/wildlife laws, and offshore interdiction operations for illegal immigration and drug trafficking. In addition to the law enforcement services provided to the waterways, the responsibilities of the Marine Unit are integral to comprehensive and unique countywide law enforcement service supporting traditional road patrol and investigative functions of PBSO such as evidence retrieval and rescue/recovery services. Ninety-seven (97%) percent of the Unit operations are in support of local law enforcement efforts with only 3% of its efforts tied to support for Federal operations. However, Federal support is the primary source of funding for the vessels used by the Marine Unit. This facility will provide a facility for the Marine Unit to respond from in Central County, reducing response time and placing it literally in the heart of its primary service area. The project includes the build-out of 2,300 sq. ft. of space within a building proposed for Phil Foster Park, the addition of a storage building, and construction of docks for 6 vessels. This project was originally proposed for design in the FY '10 budget for \$1,700,000. However, by locating the project within the Park and accelerating the design and construction to be concurrent with an existing park improvement project at Phil Foster Park, the County will realize over a 40% savings. Funding for this project is from law enforcement impact fees and is entirely growth related. (FDO Admin) Countywide/Districts 1 & 7 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. Staff recommends motion to approve: JOC Work Order No. 08-083 with Holt Contractors, Inc. (R2007-0947) in the amount of \$287,754.39 to provide additional drainage improvements at the Mecca Farms site. **SUMMARY:** When the site development activities for the Scripps project ceased, the property was left as is, without restoring the property to its pre-development condition. In order to provide proper drainage of the site, some of the previous agricultural ditches were restored and some new ditches were constructed. This work is now needed to continue with the restoration. The work includes complete repair/replacement of water pumps used to control the water levels on the site; supply and installation of a total of four replacement pump discharge pipes at pump stations No. 2 and No. 3; clear the west perimeter of the property along Seminole Pratt Whitney Road of all exotic vegetation; and clear all trees from the dike of the retention area along the north and east sides. The SBE goals are 15%. The SBE participation in this Work Order is 100%. When the participation for this Work Order is added to Holt's total participation-to-date, the resulting values are 100%. This Work Order is being sent for Board approval since the total project cost exceeds \$200,000 (the original Work Order was approved by the Contract Review Committee on April 16, 2008). Funding for this work is from the existing budget funds established in 2006 for property management of the site. The total construction duration is 180 days. This work will comply with all applicable local, state and federal codes and regulations. (FDO Admin) Countywide/District 6 (JM)

8. **DELETED**

9. Staff recommends motion to:

**A) adopt** a Resolution authorizing the Town of Juno Beach to install a wireless internet node at the Juno Beach Pier for a term of three (3) years, with the right to three (3) one (1) year extensions at an annual rent of \$10; and

**B) approve** a Lease Agreement with the Town of Juno Beach.

**SUMMARY:** This Lease Agreement will allow for the installation of a wireless internet communication node at the Juno Beach Pier and will improve wireless communications for both the Town's Public Safety Department and residents of the Town. The wireless node is to be installed externally on the Concession Building located at the west end of the Pier. The Concession Building is currently being operated by Dania Pier Management Corp. under a Concessionaire Service Agreement with the County (R2007-2256). Dania Pier Management has consented to the Town's installation of the wireless node on the exterior of the Concession Building. The initial term of the Lease Agreement is three (3) years, with three (3) extension options, each for a period of one (1) year at an annual rent of ten dollars (\$10). The County can terminate the Lease at any time after the first year upon ninety (90) days notice. (PREM) District 1 (JMB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

10. Staff recommends motion to receive and file: a Notice of Termination of Lease Agreement with Lake Worth Towers, Inc. (R95-208D) discontinuing the use of approximately ten (10) square feet of rooftop space on the Lake Worth Tower Condominium located at 1500 Lucerne Avenue in Lake Worth. **SUMMARY:** On February 21, 1995, the Board approved the Lease Agreement with Lake Worth Towers, Inc. for approximately ten (10) square feet of rooftop antenna space to be utilized for installation and operation of a UHF satellite receiver for the Division of Emergency Management Services' UHF MED system. The initial term of the Lease Agreement was for one (1) year and automatically renews unless either party provides six (6) months advance notice of its intent to terminate. On November 19, 2007, the County received a six (6) month Termination Notice. The equipment at the site is not critical and can be removed without negatively impacting Emergency Management's system. This item merely acknowledges that the Lease has terminated effective May 18, 2008. Termination of this Lease will avoid \$264.72 of Lease payments. (PREM) District 7 (HJF)
  
11. Staff recommends motion to approve: exercise of the first option to extend the term of the Lease Agreement (R2002-1349), as amended, with the School Board of Palm Beach County for the County's continued use of approximately 300 sq. ft. of office space within the Delray Full Service Center, for \$1/year. **SUMMARY:** Since 2002, the County has leased approximately 300 sq. ft. of office space at the School Board's Delray Full Service Center, located at 301 SW 14<sup>th</sup> Avenue, Delray Beach, for the operation of a Community Outreach Program. This first option will extend the term of the Lease Agreement from August 20, 2008, through August 19, 2009. The School Board provides all electricity, trash removal, utility service and general maintenance to the leased facility. The annual rent is \$1. All other terms of the Lease Agreement remain unchanged. (PREM) District 7 (JMB)
  
12. Staff recommends motion to approve: Amendment No. Six to Lease Agreement (R91-437D) with Wallace K. Lutz , as Trustee of the Wallace K. Lutz, Sr. Revocable Trust Dated October 8, 1991. **SUMMARY:** The County, on behalf of the Department of Community Services' Migrant Program, currently leases 699 sq. ft. of office space at 607 South Main Street, Unit 103, Belle Glade, as a satellite office. This Amendment extends the term of the Lease for three (3) years from June 1, 2008, to May 31, 2011, and updates the Notice provision. The annual rent under this Amendment will remain unchanged at \$7,366.80 (\$10.54/sq. ft.). (PREM) District 6 (JMB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

13. Staff recommends motion to approve: a Declaration of Easement for water, sewer, and irrigation quality water lines over the County's District Park "H" property in unincorporated Boynton Beach. **SUMMARY:** The County is the owner of a 52 acre parcel of property located just south of Boynton Beach Boulevard between Acme Dairy Road and Lyons Road in western Boynton Beach. The property was acquired from G.L. Homes as part of a civic site assemblage for a District Park. The School Board is the owner of an adjacent 33 acre school site. The County's site is vacant and the School Board is currently developing an elementary school with future plans to develop a middle school. In order to provide water, sewer, and irrigation quality water to service the elementary school, the School Board is running lines along the northern boundary of the County's property and is connecting to an existing lift station at the northwest quadrant of the County's property. The Water Utilities Department is requiring an easement for these lines. The School Board has agreed to size the utility lines to provide capacity to service future development of the County property. Staff recommends granting this easement at no cost to the School Board, since the utility easement will ultimately benefit the County by providing accessible infrastructure for the future development of the County's property. The easement area is approximately 1,514' long, varies in width from 20' to 40', and covers an area of approximately 1.23 acres. The Declaration of Easement will be recorded to provide notice of the existence and location of the utility lines. (PREM) District 5 (HJF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: Amendment No. 003 to an Agreement (R2006-0988) with the City of Belle Glade, to expand the scope of the project to include installation of guardrails and posts on SW 8<sup>th</sup> Street, and extend the expiration date from February 29, 2008, to July 31, 2008. **SUMMARY:** The agreement provides the City of Belle Glade \$948,900 in 2004 Disaster Recovery Initiative Program funds for drainage improvements on SW 5<sup>th</sup>, 10<sup>th</sup> and 12<sup>th</sup> Streets, and on SW Avenues I and J, in the City of Belle Glade. The residents along SW 10<sup>th</sup> Street objected to the appearance of the guardrails being installed in front of their homes. To address this community concern an alternative high profile curb and associated sidewalk is being installed and the surplus guardrails and posts will be installed elsewhere in the project area for the benefit of neighborhood residents. The guardrails and posts will be installed on the east side of SW 8<sup>th</sup> Street between the roadway and an abutting canal in order to provide a safety barrier. The addition of work on SW 8<sup>th</sup> Street expands the scope of the project. The City of Belle Glade will install these materials using its own workforce. Due to design delays and State approvals, a five (5) month extension is needed to complete the work on SW 8<sup>th</sup> Street and the other streets included in the project. **These are Federal Community Development Block Grant funds that require no local match.** District 6 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to approve: an Agreement with the City of Lake Worth for the purchase of a prefabricated restroom building in Howard Park in the amount of \$130,000 in Community Development Block Grant (CDBG) funds for the period of May 20, 2008, through March 31, 2009. **SUMMARY:** The scope of this project includes the purchase and delivery of a prefabricated restroom building for public use. The restroom building will be installed in Howard Park at the southwest corner of Washington Avenue and Wingfield Street and will be ADA compliant. The City of Lake Worth, using its own resources, will construct the foundation and slab, construct the concrete walkways, ramps, and landings needed to access the proposed building, provide all labor and equipment for the installation/assembly of the prefabricated restroom building components, and provide all utilities to serve the building (water, sewer, electrical). **These are Federal CDBG funds that require no local match.** District 7 (TKF)
  
3. Staff recommends motion to approve: a "Request for Release of Funds (RROF) and Certification Application" form (HUD-7015.15) to comply with environmental grant conditions for the following project proposed to be funded under the Community Development Block Grant (CDBG) Program, Countywide Clearance and Remediation Activities. **SUMMARY:** CDBG-funded projects approved under the County's Action Plan on July 10, 2007 (R2007-1219), must comply with 24 CFR Part 58, which establishes regulations concerning the Environmental Review procedures for the CDBG Program. Under these regulations, the County is required to: A) aggregate geographically or functionally, all activities into projects; B) determine which project is in need of an environmental assessment and, where applicable, issue an environmental clearance finding; C) publish the finding to receive public input; and D) submit Form HUD-7015.15 to the U.S. Department of Housing and Urban Development (HUD). Steps A through C have been finalized for the Countywide Clearance and Remediation Activities Project. Execution of Form HUD-7015.15 and its submission to HUD will accomplish Step D. This form documents and certifies that all steps have been taken with respect to HUD's environmental procedures. Before expending any CDBG funds for these activities, the County must receive a notification from HUD of the removal of environmental grant conditions. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve:

**A) adopt** resolutions of the Board of County Commissioners (BCC) of Palm Beach County, Florida, granting County tax exemptions for a total of four (4) historic properties located within the City of West Palm Beach; and

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

**SUMMARY:** The resolutions will authorize a County tax exemption for the following historic properties located within the City of West Palm Beach:

- Address: 333 Monroe Drive
- Address: 418 34<sup>th</sup> Street
- Address: 859 Sunset Road
- Address: 1114 Florida Avenue

If granted, the tax exemption shall take effect January 1, 2008, and shall remain in effect for ten (10) years, or until December 31, 2017. The exemption shall apply to 100 percent of the assessed value of all improvements to each historic property, which resulted from restoration, renovation, or rehabilitation of the property. Based on the 2008 County government millage rate, it is estimated that approximately \$2,269 tax dollars will be exempted annually. Accompanying each resolution is a restrictive covenant which requires the qualifying improvements be maintained during the period that each tax exemption is granted. Districts 2 & 7 (RB)

2. Staff recommends motion to:

**A) adopt** resolutions of the Board of County Commissioners (BCC) of Palm Beach County, Florida, granting County tax exemptions for a total of two (2) historic properties located within the Town of Palm Beach; and

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

**SUMMARY:** The resolutions will authorize a County tax exemption for the following historic properties located within the Town of Palm Beach:

- Address: 209 Seaspray Avenue
- Address: 221 Seaspray Avenue

If granted, the tax exemption shall take effect January 1, 2008, and shall remain in effect for ten (10) years, or until December 31, 2017. The exemption shall apply to 100 percent of the assessed value of all improvements to each historic property, which resulted from restoration, renovation, or rehabilitation of the property. Based on the 2008 County Government Millage Rate, it is estimated that approximately \$6,427.87 tax dollars will be exempted annually. Accompanying each resolution is a restrictive covenant which requires the qualifying improvements be maintained during the period that each tax exemption is granted. District 1 (RB)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

**A) adopt** a Resolution for Assistance through Florida Inland Navigation District (FIND) Waterways Assistance Program authorizing submission of a grant application requesting \$250,000 to cover a portion of the \$800,000 associated with construction of the John's Island Oyster Reef Project situated in the Lake Worth Lagoon (LWL);

**B) adopt** a Resolution for Assistance through FIND Waterways Assistance Program authorizing submission of a grant application requesting \$639,575 to cover 50% of the \$1,279,150 associated with construction of the Snook Islands Public Use Facility situated along the LWL within the City of Lake Worth;

**C) adopt** a Resolution for Assistance through FIND Waterways Assistance Program authorizing submission of a grant application requesting \$720,786 to cover a portion of the \$2,184,200 associated with construction of the South Cove Restoration Project situated within the Lake Worth Lagoon in the City of West Palm Beach;

**D) authorize** the County Administrator or his designee to sign the project agreements, all future time extensions, task assignments, certifications and other forms associated with the project agreement, and necessary minor agreements that do not change the scope of work or terms and conditions of the agreements if any or all the grants are approved; and

**E) authorize** the Director of the Department of Environmental Resources Management to serve as Liaison Agent with FIND for these projects.

**SUMMARY:** The County will be submitting three grant proposals which will reimburse the County up to \$1.6 million for projects that are currently within the County's budget and approved to go forward. Specifically, the grant proposals would reimburse the County for \$250,000, \$639,575 and \$720,786 for the John's Island Oyster Reef Project, Snook Islands Public Use Facility, and the South Cove Restoration Project, respectively, increasing the amount of oyster reef material and reducing the County's match requirements from other funding sources. If successful in receiving approval(s) for funding, the deadline for spending the grant(s) will be September 2011. Districts 2 & 3 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to approve:

**A)** extending the continuing Contract (April 18, 2006; R2006-0688) with Applied Technology and Management (ATM) for professional coastal and marine engineering services on a countywide basis;

**B)** annual Contract with Coastal Planning and Engineering, Inc. (CPE) for continuing professional coastal and marine engineering consultant services, effective for two (2) years through May 20, 2010; and

**C)** annual Contract with Humiston and Moore Engineers (Humiston) for continuing professional coastal and marine engineering consultant services, effective for two (2) years through May 20, 2010.

**SUMMARY:** ATM was selected in accordance with County procedures for the Consultant's Competitive Negotiations Act (CCNA). The County is retroactively exercising the only renewal option to extend the Contract through April 17, 2009. Authorizations are on a task order basis. The County issued \$398,729 in task orders since 2006. ATM's Contract requires 20% Small Business Enterprise (SBE) and/or Minority and Women Business Enterprise (M/WBE) participation; it has achieved 6.4% participation. ATM's SBE-M/WBE subconsultant services were not always required on the specialized projects assigned during the initial two (2) years of the Contract. CPE and Humiston 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. CPE has agreed to SBE-M/WBE participation of 20%. Humiston has agreed to SBE-M/WBE participation of 25%. The Contracts contain an option to renew for one (1) additional year. Countywide (JM)

M. PARKS & RECREATION

1. Staff recommends motion to approve: First Amendment to Interlocal Agreement (R2004-2216) with the City of West Palm Beach for funding of the Grassy Waters Preserve - Phase I project. **SUMMARY:** This Amendment extends the project completion date for the Grassy Waters Preserve - Phase I project from October 18, 2007, to April 18, 2009, in order to allow for additional time for project completion and submission of the reimbursement request to the County. All other terms of the Agreement, including the funding amount of \$500,000, remain the same. Funding for the project is from the 2002 \$50 Million Cultural and Recreational Facilities Bond referendum. District 2 (PK)

2. Staff recommends motion to approve: Second Amendment to Interlocal Agreement (R2005-0680), as amended (R2007-0191), with the City of Delray Beach for the Delray Intracoastal Park. **SUMMARY:** This Amendment extends the project completion date for the Delray Intracoastal Park project from April 4, 2008, to December 31, 2008, in order to allow additional time for project completion and submission of the reimbursement request to the County. All other terms of the Agreement, including the funding amount of \$2,000,000, remain the same. Funding is from the 2002 \$50 Million Cultural and Recreational Facilities Bond referendum (\$500,000), the Transportation Improvement Fund (\$500,000), and the 2004 \$50 Million Waterfront Access Bond referendum (\$1,000,000). District 4 (PK)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. Staff recommends motion to receive and file: original executed Amendment to Request for Funding Form for School Board Recreation Assistance Program project for Wellington Community High School for wrestling team tournament expenses (R2007-2281) to amend the project initiation date from December 7, 2007, to September 1, 2007, and to extend the project completion date from March 31, 2008, to April 30, 2008. **SUMMARY:** This fully executed Amendment to Request for Funding Form is being processed in accordance with the Interlocal Agreement for the Funding of Recreation Assistance Program (RAP) Projects (R2003-1747), as amended. District 6 (AH)

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

A) Richard Procyk, History Tours, Riverbend Park; and

B) Caroline Karolinko, Synchronized Swimming Head Coach, Aqua Crest Pool.

**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 is now being submitted to the Board to receive and file. Districts 1 & 7 (AH)

5. Staff recommends motion to approve:

A) Agreement with Greater Lake Worth Chamber of Commerce, Inc. for the period May 20, 2008, through November 30, 2008, in an amount not-to-exceed \$10,000 for funding of the 2008 City of Lake Worth 4<sup>th</sup> of July Celebration;

B) a Budget Transfer of \$10,000 in the Transportation Improvement Fund from Reserve for District 7 to the County Transportation Trust Fund;

C) a Budget Transfer of \$10,000 in the Transportation Trust Fund increasing the annual transfer from the Transportation Improvement Fund and decreasing the annual transfer from the General Fund;

D) a Budget Transfer of \$10,000 in the General Fund decreasing the annual transfer to the County Transportation Trust Fund and increasing the annual transfer to the Park Improvement Fund; and

E) a Budget Amendment of \$10,000 in the Park Improvement Fund increasing the annual transfer from the General Fund and increasing the appropriation to the District 7 Recreation Assistance Program (RAP).

**SUMMARY:** This funding is to offset the cost of the 2008 City of Lake Worth 4<sup>th</sup> of July celebration sponsored by the Greater Lake Worth Chamber of Commerce that will be held at Bryant Park on July 4, 2008. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to February 21, 2008. The budget transfers and budget amendment increase the gas tax support and decrease the ad valorem support of the County Transportation Trust Fund, thereby allowing for the allocation of the available ad valorem support to the District 7 Recreation Assistance Program. At the November 21, 2006 Board meeting, the flexibility of up to \$200,000 in transfers was approved for this purpose. With the approval of this project, the remaining balance available in transfers for District 7 for FY 2008 is \$190,000. District 7 (AH)

### 3. CONSENT AGENDA APPROVAL

#### M. PARKS & RECREATION (Cont'd)

6. **Staff recommends motion to approve:** Budget Transfer of \$200,000 in Park Improvement Fund from Reserves to Loggers' Run Entrance Improvements. **SUMMARY:** This Budget Transfer will provide the funding necessary to fulfill the obligations outlined in the County's lease of 27 acres with Loggers' Run, Inc., which include improvements to the Loggers' Run entrance. Funding is from the Park Improvement Fund reserve. District 5 (AH)
  
7. **Staff recommends motion to approve:** First Amendment to Agreement (R2007-2107) with the City of Pahokee for the Pahokee Lake Island preliminary study. **SUMMARY:** This Amendment extends the project completion date from March 1, 2008, to July 15, 2008, and the project term date from June 1, 2008, to September 30, 2008, in order to allow additional time to complete this project and to accommodate dates of payment and completion of the reimbursement process. All other terms of the Agreement, including the funding amount of \$50,000, remain the same. District 6 (AH)
  
8. **Staff recommends motion to approve:** Agreement with Young Men Stepping Up, Inc. for the period May 20, 2008, through December 30, 2008, in an amount not-to-exceed \$5,000 for funding of the First Choice Basketball Program. **SUMMARY:** This funding is to help offset costs incurred by Young Men Stepping Up, Inc. for the newly started First Choice Basketball Program, which currently serves approximately thirteen players. The Agreement allows for the reimbursement of pre-agreement expenses incurrent subsequent to April 8, 2008. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

#### Q. CRIMINAL JUSTICE COMMISSION

1. **Staff recommends motion to approve:** a Budget Transfer of \$81,880 from the Criminal Justice Reserve Funds to allocate unspent funds from FY 2007 for the Weed and Seed programs in Delray Beach, Riviera Beach and West Palm Beach. **SUMMARY:** On September 11, 2007 (R2007-1581), December 4, 2007 (R2007-2208), and January 15, 2008 (R2008-0087) respectively, the Board of County Commissioners approved amendments to contracts with the Cities of Delray Beach, West Palm Beach and Riviera Beach to continue supporting their Weed and Seed programs for the period October 1, 2007, to September 30, 2008. The Criminal Justice Commission recommends the allocation of \$81,880 in the Criminal Justice Reserve Fund for the continuation of "seeding" services and to comply with the existing contracts' financial obligations for the period ending September 30, 2008. District 7 (DW)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to:

**A) adopt** a Resolution of the Board of County Commissioners, Palm Beach County, Florida, establishing the Highridge Family Center Activity Fund and establishing procedures for reimbursement of expenses; and

**B) approve** a Budget Amendment of \$15,000 in the Highridge Activity Fund to establish a budget.

**SUMMARY:** The Division of Youth Affairs has found that juvenile residents at Highridge Family Center respond more effectively to the program when incentives for good behavior are in place. This Resolution establishes a fund that will be funded from activity fees collected from parents of juvenile enrollees and will pay for such things as shirts, movie rentals, field trips, pizza night and other expenses that are not budgeted and solely benefit the juvenile residents of the program. The current activity fee is \$75 for the three (3) month residential program. Payment of the fee is voluntary and is not a requirement to enrollment. Countywide (DW)

2. Staff recommends motion to:

**A) ratify** the Chairperson's signature on three (3) E911 State grant applications amounting to \$10,812,951 to improve the County's E911 System;

**B) receive and file** the grant award letter from the Florida E911 Board to receive \$6,862,743 in grant funding for a period of one (1) year;

**C) approve** a Budget Amendment of \$10,812,951 in the E911 Grant fund to establish grant budgets;

**D) approve** a Budget Amendment of \$8,500,000 in the E911 Carry Forward Fund to move existing E911 budget in a new fund to comply with changes in the statutes;

**E) approve** a downward Budget Amendment of \$4,500,000 in the 911 Wireline Fund; and

**F) approve** a downward Budget Amendment of \$2,800,000 in the 911 Wireless Fund.

**SUMMARY:** The State E-911 Board made available \$50 million to Florida counties to improve their E911 systems. Palm Beach County Division of Emergency Management submitted three (3) grant applications totaling \$10,812,951 that will upgrade the County's E911 system to an Internet Protocol (IP) based system. All three (3) applications were approved by the State. These grants require County match totaling \$4.25 million which is available from existing non-ad-valorem 911 funds. Countywide (DW)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. Staff recommends motion to:

**A) adopt** a Resolution approving a Florida Department of Transportation (FDOT) Supplemental Joint Participation Agreement (JPA) FM No. 42317819401 amending the original agreement by increasing the total amount to \$2,946,292 (a \$585,000 increase – State funds); to provide additional funding for upgrade of buses to hybrid models; and

**B) approve** a Budget Amendment of \$585,000 in Palm Tran's Grant Fund for Fiscal Year 2008.

**SUMMARY:** FDOT is providing a supplemental grant of \$585,000 (100% state funds, no match required) from the Urban Transit Capital and the Intermodal Development Programs to upgrade the order of three (3) buses covered by this grant to hybrid models. In January 2008, FDOT executed the original JPA (R2007-2301) making available state funds to finance the operating and capital costs associated with implementing a limited stop/express transit service between Stuart (Martin County) and West Palm Beach. The JPA provided the funding necessary to purchase three (3) buses and to provide for the costs of operating this service for three (3) years. FDOT supports Palm Tran's efforts for a "green" operation, and is providing the additional funds needed to upgrade the bus order to hybrid models. Countywide (DR)

BB. MEDICAL EXAMINER'S OFFICE

1. Staff recommends motion to adopt: a Resolution authorizing the Palm Beach County Medical Examiner's Office to bill and collect Expert Witness Fees generated by the Medical Examiner and Associate Medical Examiners during conferences, depositions, trials and other sworn testimony that arise from civil litigation involving Palm Beach County Medical Examiner cases. Funds generated will be designated County funds and will be used to offset the expenses of the Medical Examiner's operation. **SUMMARY:** Chapter 406.09, Florida Statutes, entitles the District and Associate Medical Examiners to expert witness fees, as provided by law. The hourly rate for expert witness fees is as high as Four Hundred Dollars (\$400) per hour. In 2007, the Palm Beach County Medical Examiner and his Associates averaged 20 hours of civil litigation. When considering the five (5) pathologists, the expected revenues for FY 2008-2009 are estimated at Forty Thousand Dollars (\$40,000). This fee is effective as of April 1, 2008. Countywide (DW)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF

1. **Staff recommends motion to approve:** a Budget Transfer of \$207,054 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff's Office (PBSO). **SUMMARY:** Florida Statute 932.7055 requires that no less than 15% of the LETf's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2008 estimated donation requirement is \$122,726. The funds are requested to aid qualified organizations that meet the requirements set forth in F.S. 932.7055. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The current State LETf balance is \$786,878. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$579,824. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective agency. No new positions are needed and no additional County funds are required. Countywide (DW)

<u>Organization</u>	<u>Amount</u>
Florida Sheriff's Youth Ranches, Inc.	\$ 76,935
Junior Achievement of the Palm Beaches, Inc.	\$ 25,000
Narcotic Overdose Prevention & Education (NOPE) Task Force, Inc.	\$ 10,000
Palm Beach County Coalition for Children	\$ 1,000
PBSO Explorers Post 611 & 111	\$ 10,885
Redemptive Life Urban Initiatives Corp.	\$ 20,000
Urban League of Palm Beach County	\$ 43,352
Youth Empowerment, Inc.	<u>\$ 19,882</u>
<b>Total Amount of Donations</b>	<b>\$207,054</b>

2. **Staff recommends motion to:**
  - A) accept** on behalf of the Palm Beach County Sheriff's Office an agreement with the City of Miramar, a municipal corporation of the State of Florida, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative (UASI) to provide \$412,745 in FY 2007 reimbursable funding for various direct law enforcement oriented domestic security activities effective until April 10, 2010; and

**B) approve** a Budget Amendment of \$412,745 in the Sheriff's Grant Fund.

**SUMMARY:** This Agreement provides a means of funding various domestic security activities within the County and region using federal Urban Area Security Initiative (UASI) funds through the City of Miramar as the Ft. Lauderdale UASI's fiscal agent. The total funds provided to Palm Beach County agencies through the FY 2007 UASI (\$825,490) represents 12.9 % of the total Ft. Lauderdale FY 2007 UASI grant (\$6,382,600), and will be used to support and strengthen the County's ability to plan for, and respond to, acts of terrorism. The FY 2007 UASI awarded \$412,745 to the County, which will be used to fund fire, health, emergency management, and other approved anti-terrorism activities. The Sheriff's Office received an equivalent award of \$412,745 to fund direct law enforcement activities. Future funding will be determined based on a competitive need process. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

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

- A. **Staff recommends motion to adopt:** a Resolution abandoning two (2) platted unimproved road easements, thirty (30) feet in width, being the south fifteen (15) feet of Tracts 81-95 and the north fifteen (15) feet of Tracts 98-112, and the west fifteen (15) feet of Tracts 72, 89, 104 and 121, and the east 15 feet of Tracts 73, 88, 105 and 120, lying in Block 29, Section 29, Township 46 South, Range 42 East, within the plat of Palm Beach Farms Company Plat No. 1, Plat Book 2, Pages 26-28, Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located approximately one (1) mile north of Clint Moore Road, on the east side of Lyons Road. The release of the public road easements will allow for the development of Dubois AGR Planned Unit Development as proposed by the Final Subdivision Plan, Petition Number 2004-250. District 5 (PK)
- B. **Staff recommends motion to adopt:** a Resolution abandoning those certain unimproved portions of three (3) - thirty (30) foot wide unimproved roads within Tracts G, H, I, and J, the plat of Osceola Groves, as recorded in Plat Book 20, Page 30, Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located approximately 2 miles south of State Road 76 and 1 mile east of U.S. 441. As a condition of approval for a Type IIIA sand/rock mining operation, the development is required to abandon these unimproved road rights-of-way. District 1 (PK)
- C. **Staff recommends motion to adopt:** a Resolution abandoning portions of the unimproved rights-of-way of Wakula Street and Asima Street, within the plat of Pine-Jog Subdivision, as recorded in Plat Book 23, Page 245 Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located on the north side of Summit Boulevard and east of Jog Road within the Pine-Jog Environmental Center. The owner/petitioner is requesting the abandonment to utilize the unimproved rights-of-way within the Pine Jog Elementary School Site. District 6 (PK)
- D. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County authorizing the expansion of the geographic area of the county seat of Palm Beach County beyond the corporate limits of the City of West Palm Beach to include specifically designated parcels. **SUMMARY:** Article 8, Section 1(k) of the Constitution of the State of Florida (1968), requires the principal offices and permanent records of all county officers are to be located in the county seat of Palm Beach County. Over the course of time, the principal offices and/or permanent records retention facilities of several county officers have migrated beyond the geographic boundaries of the City of West Palm Beach. This Resolution ensures continuing compliance with the law. On May 6, 2008, the Board of County Commissioners held its first public hearing on the expansion of the geographic area of the county seat of Palm Beach County. Countywide (JCM)
- E. **Staff recommends motion to approve:** the renewal of a "Special Secondary Service" Certificate of Public Convenience and Necessity (COPCN) Advanced Life Support, First Response, Non-Transport Service. **SUMMARY:** Security Services of America LLC, Elite Protection Services provides private security and Advanced Life Support (ALS) first response, non-transport service to the gated community of Delaire Country Club. The residents of Delaire Country Club wish to have Security Services of America LLC, Elite Protection Services provide ALS first response, non-transport services as part of their security services. The County Emergency Medical Services Office, Emergency Medical Services Advisory Council, and Delray Beach Fire Rescue have reviewed the application and recommend approval for a renewal of a Special Secondary Service Provider – Non-Transport, ALS, First Response COPCN to be issued to Security Services of America LLC, Elite Protection Services for operation restricted to the confines of the community of Delaire Country Club. They would operate under a "Memorandum of Understanding" with Delray Beach Fire Rescue, the primary ALS transport provider for the area. District 5 (DW)

#### 4. PUBLIC HEARINGS - 9:30 A.M. CONTINUED

- F. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Schedule “A” and Schedule “A1” of Chapter 8.5, Article II, Palm Beach County Code (known as the “Code Enforcement Citation Ordinance of Palm Beach County, Florida”); to update certain code references; providing for an increase in fines; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for a savings clause; and providing for an effective date. **SUMMARY:** This Amendment updates the County’s Code Enforcement Citation Ordinance, bringing Schedule “A”, which identifies the types of violations and the fines associated with them, into conformance with changes made to the Unified Land Development Code. The Amendment also amends Schedule “A1” and increases most of the fines related to Code Enforcement activities. Countywide (GB)
- G. **Staff recommends motion to adopt:** 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 penalties; providing for administrative costs; providing for collection 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:** On March 11, 2008, the Board of County Commissioners held its preliminary reading of this Ordinance authorizing the use of unmanned camera/monitoring systems to promote compliance with red light directives and to adopt a civil enforcement system, including notice, review, penalties, funding and an appeal process for red light violations captured by unmanned camera/monitoring systems. The Board of County Commissioners determined that the unmanned camera/monitoring systems at traffic signals are necessary to promote the safety of the public. The Board at the preliminary reading directed that the penalty be changed from \$100 to \$125. Countywide (MRE)
- H. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Sections 2-80.21 through 2-80.34 of the Palm Beach County Code, which codified Ordinance No. 2002-064, as amended by Ordinance No. 04-071 and Ordinance No. 05-048, and established the Small Business Enterprise Program; providing for definitions; providing for methods to achieve goals; providing for contract compliance requirements; providing for ranking of responsive bidders; providing for suspension debarment; providing for prompt payment; providing for procurement procedures; providing for SBE eligibility standards; providing for determination of a commercially useful business function; providing for application review procedures; providing for denial of certification; providing for resolution of appeals; providing for denial of recertification; providing for decertification; providing for hearing before a Special Master; providing for M/WBE Certification; providing for Small Business Advisory Committee; providing for repeal of laws in conflict; providing for deletion of referral for suspension or debarment; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date. **SUMMARY:** On May 6, 2008, the Board of County Commissioners held preliminary reading of this ordinance and authorized advertising for public hearing. Changes to the SBE Ordinance are recommended to create a certification appeal process, allow for suspension or debarment of vendors who fail to comply with the ordinance, allow for a sheltered market program for SBEs on contracts under \$250,000, and provide further clarity in the ordinance. Countywide (TKF)

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

- I. Staff recommends motion to adopt: 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 – to adjust administrative fees and to allow for certain public building impact fee credits; amending Chapter E – to adopt the most recent methodology and to decrease the law enforcement impact fees where appropriate; amending the following chapters to adopt the most recent methodology and to maintain impact fees at their current amounts: Chapter B – county district, regional, and beach parks impact fee; Chapter C – fire rescue impact fee; Chapter D – library 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. **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*. BCC approval of this agenda item provides for the adoption of the methodology with adjustments to the fees as described below. Based upon direction given by the Board of County Commissioners at its meeting on April 15, 2008, the Ordinance amending Article 13, ULDC, provides for adjusting only those fee categories calculated in the consultant’s report to decrease from their current adopted amounts. These reductions affect only selected categories of the Law Enforcement impact fee, and are proposed to take effect on August 20, 2008. In addition to fee adjustments, the Ordinance amending Article 13 contains two policy revisions accepted by the Board at its meeting on April 15, 2008: (1) to increase the allowable administrative fee from 2% to 3.4%, the amount needed to cover the core cost of administering the program; and (2) to create a public buildings credit provision when civic sites are donated without specific, identified uses. Countywide (LB)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to approve:

**A)** Tri-Party Agreement with the Palm Beach County Supervisor of Elections (SOE) and Runbeck Election Services, Inc. (Runbeck) for the use of the Sentio Ballot Printing System in the amount of \$1,460,000;

**B)** Budget Transfer of \$279,960 in the Optical Scan Voting Equipment Fund to establish a transfer to the Ballot-on-Demand Equipment Fund; and

**C)** Budget Amendment of \$279,960 in the Ballot-on-Demand Equipment Fund to provide sufficient budget for the FY 2008 payment to Runbeck.

**SUMMARY:** As mandated by the Florida Legislature, the SOE is currently in the process of converting from touch screen to optical scan voting equipment. The Sentio Ballot Printing System for ballot-on-demand printing is the only system certified by the State of Florida for printing paper ballots for early voting and absentee ballots used in conjunction with optical scan voting equipment. Through the negotiation process, a tri-party agreement was reached with the SOE and Runbeck for the use of 31 base printing systems, inclusive of early voting software, absentee voting software, integrated production software, security and audit functionality, and pricing for ballot paper and printer related consumables. The total equipment cost for the use of the Sentio Ballot Printing System is \$1,460,000 for a four (4) year period. The cost of the paper ballots and printer related consumables are charged per ballot in the form of a ballot service fee, will be billed based on actual usage, and is estimated for the four (4) year period to be approximately \$970,000. The County has the option to renew this agreement for four (4) additional one (1) year periods at the cost of approximately 25% of the original cost per unit. Countywide (DN)

2. **Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on June 17, 2008 at 9:30 a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Ordinance 2007-006, revoking the ad valorem tax exemption granted to Florida Turbine Technologies, Inc.; providing for title; providing for enactment authority; providing for revocation of exemption/recovery of funds; 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 Board adopted Ordinance 2007-006 Economic Development Ad Valorem Tax Exemption Ordinance with Florida Turbine Technologies, Inc. on May 15, 2007. The Ordinance provided a four (4) year exemption for 100% of the assessed value of all qualifying tangible personal property acquired and added improvements to real property, excluding land. While Florida Turbine Technologies, Inc. has successfully contracted for the design, development and manufacturing of missile aerospace technology, they were unable to create and retain the required number of jobs in 2007. They received a tax exemption of \$23,104.43 for 2007. Due to their failure to achieve the job creation/retention goals, they have submitted these funds in payment of the applicable tax. Countywide (DW)

5. REGULAR AGENDA

B. COUNTY ATTORNEY

1. **Staff recommends motion to adopt:** a Resolution authorizing amendments to the Indenture of Trust and Loan Agreement for the County's issuance of up to \$13,000,000 Variable Rate Demand Revenue bonds (The Palm Beach Jewish Community Campus Corporation Project), Series 1997 (the "Bonds"), authorizing a remarketing circular for the Bonds and providing for an effective date. **SUMMARY:** The Bonds were authorized by Resolution R1997-1060 on August 19, 1997 and issued on October 1, 1997. The proceeds were used by The Palm Beach Jewish Community Campus Corporation (the "Company") to build facilities at Jog Road and Gateway Boulevard and at North Military Trail and Community Boulevard. The Bonds are secured by bond insurance issued by Ambac and by a liquidity facility from The Northern Trust Company. Due to the rating downgrade of Ambac, the Bond documents are being amended to add a letter of credit to be provided by The Northern Trust Company. **The Bonds are payable solely from revenues derived from the Company, and 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.** Districts 2 & 5 (PFK)
  
2. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida declaring the intent of Palm Beach County to ensure that County funds be invested consistently with the "Protecting Florida's Investments Act" by identifying companies doing business with Iran's energy sector and with the Sudan, and divesting from those companies; and providing for an effective date. **SUMMARY:** This Resolution will implement, as to County investment funds, the provisions of the State's "Protecting Florida's Investments Act," Chapter 2007-88, Laws of Florida, by divesting from companies doing business with Iran's energy sector and the Sudan. The Investment Policy Committee recommends adopting this Resolution, which will not affect the County's investment strategy. Countywide (PFK)
  
3. **Staff recommends motion to adopt:** a Resolution approving the issuance of not-to-exceed \$31,500,000 Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Bonds (Courtney Lakes Apartments Project) in one or more series (the "Bonds") within the meaning of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and providing an effective date. **SUMMARY:** The Bonds are being issued by the Authority to finance the costs of acquisition, construction and equipping of up to an approximately 269 unit multifamily rental housing facility known as Courtney Lakes Apartments, to be built in one or more phases, located at the intersection of North Congress Avenue and Executive Center Drive, north of Interstate 95, in West Palm Beach, Florida, to be rented by qualified persons and families in Palm Beach County, Florida (the "County") as required by the Code. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** District 7 (PFK)

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: a Notice of Cancellation of the Grove Management Agreement with Lantana Farm Associates, Inc. (R2004-2539). **SUMMARY:** On December 21, 2004, the Board approved a Grove Management Agreement (R2004-2539) with Lantana Farm Associates, Inc. to lease approximately 530 acres of the Mecca Property, for continued cultivation and harvesting of citrus crops on a rent free basis. The initial term of the Agreement was for one (1) year ending on August 1, 2005. The First Amendment to Grove Management Agreement was approved by the Board on July 12, 2005 (R2005-1337) and extended the term of this Agreement for one (1) year, with three (3) automatic one (1) year extensions, unless either party elects not to extend this Agreement. The current extension will expire August 1, 2008. Lantana Farm Associates is no longer actively cultivating the citrus trees and staff recommends regaining control of the property to pursue leasing the property for row crop farming. This notice will terminate the Grove Management Agreement effective August 1, 2008. (PREM) District 1 (HJF)

D. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to:
  - A) adopt** a Resolution authorizing the County to obtain a line of credit in the principal amount of \$38,772,732 to support the issuance of letters of credit to satisfy the debt service reserve funding requirements for seven (7) of the County's outstanding bonds issues; approving the form of and authorizing the execution of a Loan Agreement with Bank of America, N.A.; and providing for an effective date; and
  - B) authorize** Office of Financial Management & Budget (OFMB) to prepare a transfer of \$47,100 from the General Fund Contingency and amend the seven (7) debt service funds.

**SUMMARY:** Seven (7) series of the County's outstanding bonds issued between 1990 and 2007 have debt service reserve funds that are funded by debt service reserve surety policy issued by a municipal bond insurance company that has had its AAA credit rating downgraded below a level specified in the bond resolutions. Staff and the County's financial advisor have determined that replacing the sureties with letters of credit from an AA rated bank is the most cost efficient way to satisfy the debt service reserve requirement. The term of the above line and letters of credit is one (1) year subject to renewal by the County and acceptance by the Bank. The County anticipates renewing the above letters of credit or replacing them in accordance with the bond resolutions. If the ratings of the municipal bond insurers are restored, the County will terminate the letters of credit. The fees are payable quarterly and will be approximately \$117,000 annually. The fees plus cost of issuance for FY 2008 will not exceed \$47,100 and will be paid from General Fund Contingency. The annual fees are included in the FY 2009 Budget. Countywide (PFK)

5. REGULAR AGENDA

E. WATER UTILITIES

1. Staff recommends motion to approve:

**A)** Reclaimed Water Agreement with Florida Power and Light (FP&L) to supply reclaimed water for the West County Energy Center;

**B)** Interlocal Agreement with East Central Regional Wastewater Treatment Facilities Operation Board (ECRWTFOB) and the City of West Palm Beach (WPB) related to the construction, operation, and maintenance of reclaimed water facilities;

**C)** Interlocal Agreement with WPB related to reclaimed water service;

**D)** Supplement No. 2 to Consultant Service Authorization No. 21 to the contract with Jordan Jones and Goulding, Inc. (R2005-0775) for design, permitting and bidding of the ECRWRF Reclaimed Water Facility in the lump sum amount of \$1,634,875;

**E)** Consultant Services Authorization No. 49 to the contract with Heller-Weaver & Sheremeta, Inc. (R2005-0778) for reclaimed water pipeline surveying and mapping services in the amount of \$ \$695,957; and

**F)** Consultant Services Authorization No. 73 to the contract with Mathews Consulting, Inc. (R2005-0777) for design, permitting and bidding of the FP&L on-site reclaimed water facilities in the amount of \$466,588.

**SUMMARY:** The Agreement with FP&L provides for reclaimed water to become the primary source of cooling water supply to the West County Energy Center in 2011 and for FP&L to construct a 27 MGD reclaimed water facility at the East Central Regional Wastewater Reclamation Facility (ECRWRF) with a pipeline to the West County Energy Center. FP&L will utilize reclaimed water for cooling instead of Floridan Aquifer water thereby conserving the Floridan Aquifer for future drinking water supply. FP&L will reimburse the County for consultant and in-house design services for the reclaimed water facilities and piping. The estimated \$70,000,000 construction cost will be amortized over 30 years and paid in full by FP&L. Bonds will be issued by the County prior to the start of construction. The Agreement with FP&L is for 30 years of reclaimed water supply beginning in 2011 with three additional ten-year options for renewal. The Agreement provides for FP&L to have the first right of service and that interruptible reclaimed water may be provided to other users if is not required by FP&L thereby providing a potential benefit to communities in the vicinity of the reclaimed water transmission main. The Interlocal Agreement with the ECRWTFOB and WPB provides for allocation of secondary effluent to the County and for the County to construct a 27 MGD reclaimed water facility at the ECRWRF site. The ECRWRF currently has a capacity to treat 70 MGD of wastewater and the average daily flow is 40 MGD. The FP&L reclaimed water facility will average 22 MGD and is anticipated to operate continuously throughout the year significantly reducing deep well injection at the ECRWRF thereby conserving water resources.

The Agreement with WPB provides for interruptible reclaimed water for three (3) developments within the city limits. WPB agrees to allow the pipeline to the West Coast Energy Center to be located to the south of the WPB catchment area berm, thereby minimizing wetland mitigation. In addition, WPB agrees to a step-in provision which allows an outside contractor to operate the reclaimed water facility to be built at the ECRWRF in certain emergency situations.

5. REGULAR AGENDA

E. WATER UTILITIES

1. **SUMMARY (Continued):** Supplement No. 2 to Consultant Services Authorization No. 23 with Jordan, Jones & Goulding, Inc. (JJG) provides engineering services for design, permitting and bidding of the ECRWRF 27 MGD reclaimed water facility to serve the West County Energy Center. The contract with JJG includes the small business (SBE) participation goal of 27%, which exceeds the 15% goal established by the Palm Beach County Ordinance (No. 2002-064). This Consultant Services Authorization includes 28.8% overall participation. The consultant's cumulative SBE participation, including this Authorization, is 27.44% overall.

Consultant Services Authorization No. 49 with Heller-Weaver & Sheremeta, Inc. (HW&S) provides surveying, and mapping services for approximately 20 miles of reclaimed water pipeline. The contract with HW&S includes the small business (SBE) participation goal of 51%, which exceeds the 15% goal established by the Palm Beach County Ordinance (No. 2002-064). This consultant services authorization includes 86.33% overall participation. The consultant's cumulative SBE participation, including this authorization, is 87.65% overall.

Consultant Services Authorization No. 73 with Mathews Consulting, Inc. provides for design, permitting and bidding of the FP&L on-site reclaimed water facilities, pipeline environmental permitting, value engineering, constructability review, project scheduling and facilitation of project management. The contract with Mathews Consulting, Inc. includes the small business (SBE) participation goal of 51%, which exceeds the 15% goal established by the Palm Beach County Ordinance (No. 2002-064). This consultant services authorization includes 84.50% overall participation. The consultant's cumulative SBE participation, including this authorization, is 52.62% overall. (WUD Project No. 08-031) Districts 2 & 6 (MJ)

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6. BOARD APPOINTMENTS

A. **CRIMINAL JUSTICE COMMISSION**  
**(Criminal Justice Commission)**

1. **Staff recommends motion to approve:** the recommendations of the Economic Council to the Criminal Justice Commission:

<b><u>Reappointment Nominees</u></b>	<b><u>Seat No.</u></b>	<b><u>Term to Expire</u></b>
Mr. George Elmore	20	12/31/10
Mr. James Barr	22	12/31/10
Ms. Barbara Chieves	23	12/31/10

**SUMMARY:** The Criminal Justice Commission (CJC) is comprised of 33 members, including elected officials and representatives from private and public sectors. The twelve (12) private sector members are nominated for three (3) year terms by the Economic Council of Palm Beach County, Inc. and appointed by the Board of County Commissioners. The Council has nominated Messrs. George Elmore and James Barr, and Ms. Barbara Chieves for reappointment. Countywide (DW)

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

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

**A)** appointment of Sarah Gavlak and Brian Cheguis; and

**B)** reappointment and a change in seat for Committee member Lucy Keshavarz to the Public Art Committee (Committee);

**SUMMARY:** The Committee received notice that Elizabeth Tennyson and David Miller wished to resign from the Public Art Committee, leaving two (2) vacant seats. The Committee recommends that Lucy Keshavarz (currently Alternate Public Art Committee seat) and Sarah Gavlak be appointed to the "PBC resident with significant visual art background" seats. The Committee further recommends that the Alternate Seat be filled by Brian Cheguis. The term for all three (3) Committee members will be through September 14, 2009 – the term end date of the other current Committee members. (FDO Admin) Countywide (MJ)

6. BOARD APPOINTMENTS

C. **PUBLIC SAFETY**  
**(Victim Coordinating Council)**

1. **Staff recommends motion to approve:** reappointment of one (1) at-large member to the Victim Coordinating Council for the terms indicated below:

<b><u>Nominee:</u></b>	<b><u>Representing</u></b> <b><u>/Seat No.:</u></b>	<b><u>Terms:</u></b>	<b><u>Nominated</u></b> <b><u>By:</u></b>
Robert (Bob) P. Savel	Victim of Crime/14	05/21/08- 05/20/2010	State of FL Attorney General's Office, WPB

**SUMMARY:** The Victim Coordinating Council is composed of 16 members consisting of a County Commissioner; State Attorney; Public Defender; Domestic Court Judge; President of the Chief's of Police Association; Sheriff; District Administrator of the Florida Department of Children & Families; Director of the Health Department; District Administrator of the Florida Department of Corrections; Director of the Health Care District; Office of Attorney General; a victim of a violent crime; a person from the public with an interest in victim services; and a person ordained for religious services. Mr. Savel has been actively participating on the Council since 2002 and has expressed a desire to continue. Countywide (DW)

D. **PLANNING, ZONING & BUILDING**  
**(Historic Resources Review Board)**

1. **Staff recommends motion to approve:** reappointment of two (2) members to Seats 4 and 6 on the Historic Resources Review Board (HRRB); for a three (3) year term from 2007 to 2010 in order for the County to continue to meet state guidelines as a Certified Local Government (CLG):

**Reappoint (1): CLG Requires Specific Professional Qualifications:**

<b><u>Nominee</u></b>	<b><u>Requirement</u></b>	<b><u>Seat</u></b>	<b><u>Nominated By</u></b>
Frederike Mittner	Historic Preservationist	4	Comm. Koons Comm. Marcus

**Reappoint (1): Requires No Specific Professional Qualifications**

<b><u>Nominee</u></b>	<b><u>Requirement</u></b>	<b><u>Seat</u></b>	<b><u>Nominated By</u></b>
Richard Procyk	No special requirement	6	Comm. Koons Comm. Marcus

**SUMMARY:** The Unified Land Development Code (ULDC) Article 17, Section 9 provides for the membership of the HRRB. Two (2) positions (Seats 4 and 6) need to be filled at this time due to term expirations. Both seats are at-large positions to be appointed by the Board of County Commissioners (BCC). Both can be reappointed. Ms. Friederike Mittner and Mr. Richard Procyk have expressed an interest in reappointment to the HRRB. Both positions will have three (3) year terms. Countywide (RB)

E. **COMMISSION DISTRICT APPOINTMENTS**

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**MAY 20, 2008**

**7. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**MAY 20, 2008**

**8. COMMISSIONER COMMENTS**

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

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

**C. District 3 - COMMISSIONER ROBERT J. KANJIAN**

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

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

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

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

**9. 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**

**MAY 20, 2008**

<u>PAGE</u>	<u>ITEM</u>	
10	3C-19	<b><u>DELETED:</u> Staff recommends motion to adopt:</b> a Resolution approving recordation and filing of a Specific Purpose Survey Maintenance Map with the Clerk of the Circuit Court of and for Palm Beach County (County), Florida, certifying that 60 <sup>th</sup> Street North, from the “M” Canal east to Seminole Pratt Whitney Road, was constructed by the County and has been maintained or repaired, continuously and uninterruptedly, by the County for over four (4) years and therefore all right, title, easement appurtenances in and to the road is vested in the County. (Engineering) (Further staff review)
21	3J-1	<b><u>DELETED:</u> Staff recommends motion to approve: A) adopt</b> resolutions of the Board of County Commissioners (BCC) of Palm Beach County, Florida, granting County tax exemptions for a total of four (4) historic properties located within the City of West Palm Beach; and....(PZ&B) (Further staff review)
21	3J-2	<b><u>DELETED:</u> Staff recommends motion to: A) adopt</b> resolutions of the Board of County Commissioners (BCC) of Palm Beach County, Florida, granting County tax exemptions for a total of two (2) historic properties located within the Town of Palm Beach; and... (PZ&B) (Further staff review)
26	3X-2	<b><u>REVISED TITLE:</u> Staff recommends motion to: A) ...B) receive and file</b> the grant award letter from the Florida E911 Board to receive <del>\$6,862,743</del> <u>\$6,562,743</u> in grant funding for a period of one (1) year;...(Public Safety)
28	3CC-1	<b><u>REVISED SUMMARY:</u></b> Florida Statute 932.7055 requires that no less than 15% of the LETF’s previous year’s revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO’s FY 2008 estimated donation requirement is \$122,726. The funds are requested to aid qualified organizations that meet the requirements set forth in F.S. 932.7055. The PBSO’s support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The current State LETF balance is <del>\$786,878</del> <u>\$1,847,082</u> . Approval of this request will reduce the State Law Enforcement Trust Fund balance to <del>\$579,824</del> <u>\$1,640,028</u> . The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective agency. No new positions are needed and no additional County funds are required. (PBSO)
28	3CC-2	<b><u>REVISED TITLE:</u> Staff recommends motion to: A) accept</b> on behalf of the Palm Beach County Sheriff’s Office an agreement with the City of Miramar, a municipal corporation of the State of Florida, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative (UASI) to provide \$412,745 in FY 2007 reimbursable funding for various direct law enforcement oriented domestic security activities effective until April 4 <del>0</del> <u>30</u> , 2010; and...(PBSO)
32	5A-3	<b><u>ADD-ON, TIME CERTAIN 9:30 A.M.:</u></b> Recognition and thank you to Representative Mary Brandenburg, Chair and Representative Shelley Vana, Vice Chair of the PBC Legislative Delegation. (Admin./Legislative Affairs)

- 33            5B-3            **DELETED: Staff recommends motion to adopt:** a Resolution approving the issuance of not-to-exceed \$31,500,000 Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Bonds (Courtney Lakes Apartments Project) in one or more series (the “Bonds”) within the meaning of Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), and providing an effective date. (County Attorney) (Further staff review)
- 34            5D-1\*            **REVISED TITLE: Staff recommends motion to: A) adopt** a Resolution authorizing the County to obtain a line of credit in the principal amount of ~~\$38,772,732~~ \$38,776,332 to support the issuance of letters of credit to satisfy the debt service reserve funding requirements for seven (7) of the County’s outstanding bonds issues; approving the form of and authorizing the execution of a Loan Agreement with Bank of America, N.A.; and providing for an effective date; and...(OFMB)
- 35-36        5E-1            **REVISED TITLE & SUMMARY: Staff recommends motion to approve:**
- A)... B)... C)... D)....E)** Consultant Services Authorization No. 49 to the contract with Heller-Weaver & Sheremeta, Inc. (R2005-0778) for reclaimed water pipeline surveying and mapping services in the amount of \$ ~~695,957~~ 685,957; and **F)...** **SUMMARY:** The Agreement with FP&L provides for reclaimed water to become the primary source of cooling water supply to the West County Energy Center in 2011 and for FP&L to construct a 27 MGD reclaimed water facility at the East Central Regional Wastewater Reclamation Facility (ECRWF) with a pipeline to the West County Energy Center. FP&L will utilize reclaimed water for cooling instead of Floridan Aquifer water thereby conserving the Floridan Aquifer for future drinking water supply. FP&L will reimburse the County for consultant and in-house design services for the reclaimed water facilities and piping. The estimated ~~\$70,000,000~~ \$62,000,000 construction cost will be amortized over 30 years and paid in full by FP&L....(WUD)
- 36            5F-1            **ADD-ON: Staff recommends motion to approve:** renewal of Oracle database software maintenance agreement for the period April 24, 2008, to April 23, 2009 in the amount of \$801,654. **SUMMARY:** This agreement provides software update license and support maintenance for the County’s Oracle database management software, and establishes coterminous end dates for all County Oracle software maintenance agreements. Prior to renewing this agreement, ISS researched the Oracle software maintenance fees paid by comparable organizations to assure that Palm Beach County is receiving favorable pricing on this software maintenance and to minimize the overall cost to the County. Through this effort and other negotiations with the vendor, Oracle agreed to waive their 3% annual increase for this year’s contract, resulting in a savings of \$26,074. The add-on status of this agenda item is due to Oracle’s requirement for immediate presentation for Board consideration in return for waiving the annual percentage increase. Countywide (PK) (ISS)

**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 (\*).