

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

JULY 22, 2008

**TUESDAY
9:30 A.M.**

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance
- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
- 3. CONSENT AGENDA (Pages 7 - 29)**
- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 30)**
- 5. PUBLIC HEARINGS - 9:30 A.M. (Pages 31 - 32)**
- 6. REGULAR AGENDA (Pages 33 - 38)**
- 7. BOARD OF COUNTY COMMISSIONERS SITTING AS THE ENVIRONMENTAL CONTROL BOARD (Page 39)**
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve:

A) an Agreement with Iglesia Bautista Independiente Emanuel, Inc. in an amount not-to-exceed \$2,200 for expenses related to the Overjoyed Landscaping Project;

B) an Agreement with NOAH Development Corporation in an amount not-to-exceed \$2,500 for expenses related to the NOAH Senior's Development Project;

C) an Agreement with Housing Partnership, Inc. in an amount not-to-exceed \$2,200 for expenses related to the Community Comp Project;

D) an Agreement with Kimberly Erickson, an individual representing the Canal Point Community Group, in an amount not-to-exceed \$1,700 for expenses related to the Something To Talk About Project;

E) an Agreement with The Urban League of Palm Beach County, Inc. in an amount not-to-exceed \$2,500 for expenses related to the UL Neighborhood Gardening & Beautification Project;

F) an Agreement with Demetrius Jacques, an individual representing the Gramercy Park Coalition, in an amount not-to-exceed \$2,500 for expenses related to the Trash Cans Beautification Project;

G) an Agreement with Housing Partnership, Inc. in an amount not-to-exceed \$2,500 for expenses related to the Community Circle Project;

H) an Agreement with Modern Villas Homeowner's Association, Inc. in an amount not-to-exceed \$2,000 for expenses related to the Neighborhood Watch and New Community Lights Project;

I) an Agreement with Paint Your Heart Out Palm Beach County, Inc. in an amount not-to-exceed \$2,500 for expenses related to the Paint Your Heart Out Project;

J) an Agreement with Lake Worth West Resident Planning Group, Inc. in an amount not-to-exceed \$2,500 for expenses related to the Lake Worth West Back to School Bash Project;

K) an Agreement with Ericka Gonder, an individual representing the Parson Heights Community Group, in an amount not-to-exceed \$2,500 for expenses related to the Shared Vision Project;

L) an Agreement with Rebuilding Together of the Palm Beaches, Inc. in an amount not-to-exceed \$2,500 for expenses related to the Rebuilding Together Project; and

M) an Agreement with Youth Empowerment Inc. in an amount not-to-exceed \$2,000 for expenses related to the G.R.O.W. Night Project.

SUMMARY: The Resident Education to Action Program (REAP) is a six (6) week session which provides organizational and technical support to residents and neighborhood organizations that are seeking to improve the quality of life within their communities. On December 18, 2007, the Board of County Commissioners (BCC) authorized the allocation of \$30,000 by the Office of Community Revitalization (OCR) for Fiscal Year 2007-2008 for the implementation of the REAP. The Agreements being submitted represent the REAP projects selected by the OCR Manager to receive grant funding. Countywide (AH)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

2. **Staff recommends motion to approve:** an Amendment to World Trade Center Association Palm Beach, Inc. Agreement R2007-1890 to modify the Scope of Work. **SUMMARY:** The modification of the World Trade Center Palm Beach (WTCPB) Scope of Work includes conducting a survey among the 200 World Trade Center Associations to obtain information about targeted industry clusters, scheduling three (3) outbound and two (2) inbound trade missions for FY 2009 with companies identified through the above survey, researching on and recommending best practices for local attraction of international finance, and conducting one (1) outbound trade mission to the Bahamas, targeting the real estate industry. This modification will allow Palm Beach County to adjust for the trend in international activities and targeted industry clusters development, and to create the groundwork for the implementation of new strategies for Fiscal Year 2009. Both the end date of September 30, 2008 and the budget of \$99,000 will not be modified. Countywide (DW)

3. **Staff recommends motion to adopt:** a Resolution in opposition to the privatization of Alligator Alley; opposing any State or federal legislation or administrative action that would have the effect of privatizing Alligator Alley; opposing foreign investors purchasing any portion of Alligator Alley; opposing any privatization agreement that pertains to Alligator Alley; supporting the requirement that any hearings in consideration of privatization of Alligator Alley be held in Broward and Collier Counties; and supporting the requirement that a portion of revenues generated from tolls continue to be funneled back into Broward and Collier Counties for projects within each county. **SUMMARY:** At the request of Commissioner Karen T. Marcus, the Board directed staff to draft this Resolution. Countywide (DW)

4. **Staff recommends motion to adopt:** a Resolution supporting the preservation and promotion of working waterfronts and public access to navigable waters of the State, and specifically the passage of Amendment 6 on the ballot in the November 2008 election. **SUMMARY:** At the request of Commissioner Karen T. Marcus, the Board directed staff to draft this Resolution. Countywide (DW)

5. **Staff recommends motion to:**
 - A) approve** Amendment No. 002 to Interlocal Agreement (R2007-1220) with the Cities of Delray Beach, Palm Beach Gardens and South Bay, authorizing the designation of a Regional Workforce Board as a One-Stop Operator and Direct Provider of certain services within Workforce Development Area (Region 21); and

 - B) authorize** the County Administrator, or his designee, to execute Amendment No. 002 upon receipt of signed Amendment No. 002 from the Cities of Delray Beach, Palm Beach Gardens and South Bay and the adoption by the Workforce Alliance Board of Directors.

SUMMARY: Workforce Alliance, Inc. (Alliance) currently operates as the County's administrative entity to provide policy guidance for implementing and exercising oversight with respect to job training activities under the Workforce Innovation Act of 2000 (Florida Statutes, Section 455) and the WIA. Interlocal Agreement (R2007-1220) designates Alliance as the fiscal agent, grant recipient and administrative entity to administer such funding sources as may be available to support workforce development activities for Region 21, Palm Beach County, Florida. Amendment No. 002 incorporates language that was signed by Governor Crist pursuant to Senate Bill 428, which authorizes the designation of a Regional Workforce Board as a One-Stop Operator and Direct Provider of certain services by agreement of the Chief Elected Official and the Governor. Districts 1, 4 & 6 (TKF)

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>
Regular	June 3, 2008

3. **Staff recommends motion to approve:** Contracts (regular & hurricane-related) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during May 2008. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to adopt:** a Resolution designating certain land owned by Palm Beach County (County) as Parcel 102 for right-of-way, Parcel 202 for an embankment easement and Parcels 302A, 302B and 302C for temporary construction easements, necessary for the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road (Project). **SUMMARY:** This action designates certain County-owned land as either right-of-way, an embankment easement and/or temporary construction easements necessary for the Project. District 5 (PK)
2. **Staff recommends motion to adopt:** a Resolution authorizing the immediate exchange of 54.17 acres of Donald Ross Road right-of-way that is no longer required, for 5.1782 acres of environmentally sensitive land within the Loxahatchee Slough Natural Area. This land is needed for the Jog Road, from Hood Road to Donald Ross Road project (Project). **SUMMARY:** This action authorizes the exchange of right-of-way for Donald Ross Road west of Jog Road for land classified as conservation land that is required for the Project. District 1 (PK)
3. **Staff recommends motion to approve:** a County Deed in favor of Lake Worth Drainage District (LWDD) for property along the south side of Hypoluxo Road, from Jog Road for about a mile east of Jog Road, identified as Parcels 103A and 103B, transfer of which is contingent upon Palm Beach County's (County) receipt of property from LWDD along Forest Hill Boulevard, identified as Parcel 100. **SUMMARY:** This action will approve a County Deed transferring property to LWDD. This transaction is contingent upon the County's receipt of a Deed from LWDD for property along Forest Hill Boulevard west of State Road 7, which is in process at LWDD. District 3 (PK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

4. Staff recommends motion to:

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

B) **approve** payment of a counter-offer in the amount of \$312,900.

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 \$312,900 for the purchase of the parcel of land, designated as Parcel 2. This parcel is required for the construction of improvements on Seminole Pratt Whitney Road from Seminole Ridge High School to Orange Boulevard. District 6 (PK)

5. Staff recommends motion to approve: Change Order No. 13 in the amount of \$88,906.23, together with a 30-day time extension, to Contract No. R2007-0010 with J.W. Cheatham, LLC for construction of Greenview Shores Boulevard from South Shore Boulevard to Wellington Trace. **SUMMARY:** Change Order No. 13 is for the removal of a concrete weir from within a concrete control structure and disposal offsite, including associated maintenance of traffic, and asphalt patching for installation and modifications of new and existing drainage systems necessary to provide the required roadway drainage. This Change Order is being brought to the Board of County Commissioners for approval due to the combined approvals of the Lead Department and the Committee exceeding the \$200,000 threshold pursuant to PPM-CWF-50. District 6 (MRE)

6. Staff recommends motion to approve:

A) a Contract with Rosso Paving & Drainage, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$370,291.75 for the construction of the Gun Club Road Pathway and the Australian Avenue Pathway Extension (Project); and

B) a Budget Transfer of \$21,861 in the Transportation Improvement Fund from Reserves-Road Program Sweeps to Gun Club Road Pathway from Jog Road to Melaleuca Elementary School.

SUMMARY: The Project consists of two (2) portions. The Gun Club Road portion consists of construction of an asphalt pathway on the north side of Gun Club Road from Jog Road to east of Melaleuca Elementary School. The Australian Avenue portion consists of construction of a concrete pathway on the west side of Australian Avenue across the bridge over Okeechobee Boulevard. The Small Business Assistance goal for the Project is 15%. The Small Business Enterprise participation committed for the Project by the Contractor is 64.14% overall. Districts 6 & 7 (MRE)

7. Staff recommends motion to approve:

A) finalization of the assessment roll for the Cooley Court Paving Improvement Project (Project) and hereby authorize the Tax Collector's Office to process and collect the assessment payments; and

B) transfer of Cooley Court to a County-owned and maintained roadway.

SUMMARY: Finalization of the assessment roll for the Project from the canal, north to Lake Worth Road, Section 25, Township 44 South, Range 42 east is needed so the assessment payments can be processed and collected by the Tax Collector's Office. Cooley Court will be transferred from being a County courtesy maintained roadway to being a County maintained roadway. District 3/ MSTU District C (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

8. [Staff recommends motion to adopt:](#) two (2) Resolutions declaring the acquisition of properties designated as Parcel 103 as a partial fee simple acquisition for road right-of-way and Parcel 303 as a temporary construction easement necessary for the widening and construction of improvements on Congress Avenue, from south of Lantana Road to Lantana Road. **SUMMARY:** Adoption of these two (2) Resolutions will authorize the filing of eminent domain proceedings against two (2) parcels with total appraised value of \$337,300. District 3 (PM)

9. [Staff recommends motion to approve:](#) a Financial Assistance Agreement with the Village of North Palm Beach (Village) to provide reimbursement funding not to exceed \$36,000. **SUMMARY:** This Agreement provides funding to reimburse the Village up to \$36,000, to the extent that costs are in excess of the initial \$500,000 provided by Florida Department of Transportation for the Northlake Boulevard improvements. Funding in the amount of \$36,000 established for an expired Financial Assistance Agreement with the Village is available to fund this Agreement. Therefore, there is no additional fiscal impact associated with this Agreement. The Village will be responsible for the perpetual maintenance of these improvements. District 1 (MRE)

10. [Staff recommends motion to adopt:](#) eight (8) Resolutions declaring the acquisition of properties designated as Parcels 306, 307, 308, 309, 312, and 313 as temporary construction easements necessary for the widening and construction of improvements on Congress Avenue, from Lantana Road to south of Melaleuca Lane. **SUMMARY:** This action will authorize the filing of eminent domain proceedings against eight (8) parcels with total appraised value of \$134,950. District 3 (PM)

11. **DELETED**

12. [Staff recommends motion to approve:](#)
 - A)** a \$60,276 Task Agreement to the Annual Civil Engineering Agreement R-2007-0460 with Keshavarz & Associates, Inc. (KAI) for engineering, surveying, permitting and printing services for design and construction plans of an additional 2,700 linear foot section of roadway on Pinto Drive, from Fargo Avenue to Lyons Road also called Frontier Drive; and

 - B)** a Budget Transfer of \$62,084 in the Municipal Service Taxing Unit (MSTU) District "C" Fund from Reserves to Rodeo Drive and Pinto Drive.

SUMMARY: The Budget Transfer will provide funds for KAI to perform engineering and surveying services for an additional 2,700 Linear Foot section of roadway on Pinto Drive, from Fargo Avenue to Lyons Road. District 6/MSTU District C (MRE)

13. [Staff recommends motion to approve:](#) an Agreement with Progressive Design & Engineering, Inc. to provide the necessary professional services for traffic signal design on a task order basis, for Countywide projects, as required. **SUMMARY:** This Agreement will provide the necessary professional services for traffic signal design throughout Palm Beach County (County) for all user departments. At the option of the County, this Agreement can be renewed annually for a period of one (1) year, with a maximum of two (2) renewals. Countywide (PK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

14. Staff recommends motion to approve: a Local Agency Participation Agreement with the Florida Department of Transportation to repair signal interconnect cable damaged from Hurricane Wilma. **SUMMARY:** This Agreement replaces the agreement the Board of County Commissioners approved August 21, 2007 (R2007-1251) and like the original agreement, provides up to \$3,480,900 for the repairs of damaged traffic signal interconnect cable. The cable was damaged during Hurricane Wilma in 2005. Countywide (MRE)

15. Staff recommends motion to approve: Change Order No. 8 in the amount of \$63,891, together with a 30-day time extension, to Contract No. R2006-2350 with J.W. Cheatham, LLC for construction of Persimmon Boulevard South Extension from 110th Avenue to Okeechobee Boulevard. **SUMMARY:** Change Order No. 8 is for installation of new Type A fence along the east right of way of 110th Avenue North from Station 327+00 to Station 380+00 and also includes plan revisions from Station 369+00 to Station 382+00 involving earthwork, clearing and drainage work. This Change Order is being brought to the Board of County Commissioners for approval due to the combined approvals of the Lead Department and the Committee exceeding the \$200,000 threshold pursuant to PPM-CWF-50. Districts 2 & 6 (MRE)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: Amendment No. 001 to the Consulting/Professional Services Contract with Caregivers Services, Inc. (R2007-1688), for the period of October 1, 2007, through September 30, 2008, to adjust work scope, clarify payment provisions, and increase funding by \$25,000 for a new total of \$55,000. **SUMMARY:** This Amendment clarifies the provisions in which payments are disbursed and adjusts the Scope of Work. A review of the program operations and costs reflected a need to increase funding. Caregivers Services, Inc. will now provide ongoing well baby and well child health services in accordance with the Head Start Act for both Head Start and Early Head Start programs. Funding consists of \$20,000 (80%) in Federal funds and \$5,000 (20%) in County funds. (Head Start) Countywide (TKF)

2. Staff recommends motion to approve: Amendment No. 1 to the Contract with the Center for Family Services of Palm Beach County (R2008-1928) for the period October 1, 2007, through September 30, 2008, increasing the contract by \$10,000 for a not-to-exceed amount of \$25,000, increasing the Traveler's Aid program by \$10,000 and a not-to-exceed total contract of \$408,655. **SUMMARY:** The Department of Community Services through the Financially Assisted Agencies program has been requested to provide \$10,000 in additional funds to the Center for Family Services, specifically in the Traveler's Aid program to maintain homeless relocation services. This program is currently funded at \$15,000 and will be raised to \$25,000. Through Traveler's Aid, qualified individuals are provided non-refundable bus tickets to transport them to temporary or permanent arranged housing, out of Palm Beach County. This agency is working closely with the County's Homeless Outreach Teams (HOT) under the direction of Human Services to make sure all individuals who qualify will receive this emergency assistance. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. **Staff recommends motion to approve:** Contract with Adoption by Shepherd Care in the amount of \$138,000, for the period July 1, 2008, through September 30, 2009; providing for expenditure of "Choose Life" license plate funds. **SUMMARY:** Adoption by Shepherd Care meets the intent of Section 320.08058(30), Florida Statutes, which requires counties to distribute annual use fees from the sale of "Choose Life" license plates. Services provided are limited by the statute and involve meeting the physical needs of pregnant women who are committed to placing their children up for adoption. The Contract funding recommended in this item reflects part of the total funds received from the "Choose Life" license plate funds for the 2006 - 2007 fiscal year. Countywide (TKF)

4. **Staff recommends motion to approve:** Agreement with Oakwood Center of the Palm Beaches, Inc. for the period of August 1, 2008, through July 31, 2009, in an amount of \$205,224, for 17 permanent housing beds for disabled, homeless individuals. **SUMMARY:** This Agreement with Oakwood Center of the Palm Beaches, Inc. is a collaborative with the Division of Human Services funded under a Housing and Urban Development (HUD) Shelter Plus Care Program Grant. The grant provides rental assistance for permanent housing beds for 17 homeless, disabled individuals. No local match is required by the County for this grant. (Human Services) Countywide (TKF)

5. **Staff recommends motion to approve:** Provider Head Start/Voluntary Pre-Kindergarten Enhancement Agreement with The Union Missionary Baptist Church, Inc. (Day Care Center), for the period of March 1, 2008, through August 19, 2008, in an amount of \$20,930 for services to Head Start children and families. **SUMMARY:** The Union Missionary Baptist Church, Inc. (Day Care Center) will extend hours and provide Head Start services to approximately 11 children currently not enrolled or receiving only limited hours and services funded through VPK subsidized child care or parent fees. This Agreement will enhance school readiness for four (4) year old children. The County enters into contracted service agreements with child care agencies to provide comprehensive Head Start services. Funding consists of \$20,930 in County funds only. (Head Start) Countywide (TKF)

F. AIRPORTS

1. **Staff recommends motion to approve:**
 - A) an Agreement to purchase the following property at a total cost of \$199,900. Said property is located West of Runway 9L at Palm Beach International Airport (PBIA); and

Cameron N. Bragg and Elizabeth Bragg
4967 Lynnwood Drive
West Palm Beach, FL 33415 Parcel W – 240
Sales Price \$185,000.00
Replacement Housing \$ 14,900.00

 - B) a short term Residential Lease Agreement with Cameron N. Bragg and Elizabeth Bragg for a period not to exceed 90 days.

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

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

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

A) Agreement to Terminate Hangar Lease Agreement with Charles R. Modica, Unit 12, Building 11220 at North County Airport, terminating R2004-0025 on July 31, 2008 (JB);

B) Consent to Sublease for Florida Airmotive, Inc. with A.E.C.O.A., Inc. commencing June 1, 2008 (JB);

C) Consent to Sublease for Galaxy Aviation of Palm Beach, Inc. with BreeMac Capital Corporation, commencing June 1, 2008 (JB);

D) Consent to Sublease for Galaxy Aviation of Palm Beach, Inc. with Hibou, LTD, commencing January 1, 2008 (JB);

E) Consent to Sublease for Galaxy Aviation of Palm Beach, Inc. with Hyperion Air, Inc. commencing on May 1, 2008 (JB);

F) Consent to Sublease for Galaxy Aviation of Palm Beach, Inc. with Joseph A. Bank Manufacturing Company, Inc. commencing March 1, 2008 (JB);

G) Federal Aviation Administration Grant Agreement Number 3-12-0060-002-2008 for "Taxiway Rehabilitation and Apron Improvements" at Palm Beach County Glades Airport (Pahokee) (AH);

H) Federal Aviation Administration Grant Agreement Number 3-12-0113-013-2008 for "Taxiway and Apron Rehabilitation; Airfield Lighting Improvements and Segmented Circle" at North Palm Beach County General Aviation Airport (AH);

I) Federal Aviation Administration Grant Agreement Number 3-12-0086-008-2008 for "Airfield Signage Improvements" at Palm Beach County Park Airport (Lantana) (AH); and

J) Federal Aviation Administration Grant Agreement Number 3-12-0085-048-2008 for "Airfield Signage Improvements" at Palm Beach International Airport (AH).

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the BCC in R93-801, R2004-1367 and R2006-2086. Countywide

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: the Interlocal Agreement for the Co-Utilization of the Palm Beach County Surplus Property Thrift Store with the Village of Wellington. **SUMMARY:** The Palm Beach County Thrift Store is a municipal investment recovery cooperative currently involving eleven (11) other area local governments, in addition to the County government. At present, these eleven (11) partner agencies already have similar Interlocal Agreements whereby they utilize the facilities and business systems in operation at the Thrift Store for the disposal of their surplus tangible personal property assets. In return, the County receives a sales commission fee for selling items belonging to these agencies. The Village of Wellington has expressed a desire to join the list of municipalities in the co-utilization of the Thrift Store for disposal of its surplus assets. Approval of the Interlocal Agreement, already executed by the Village, will permit the Village to participate in the same manner as the other agencies. Countywide (PK)

3. CONSENT AGENDA APPROVAL

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

2. **Staff recommends motion to approve:** a negotiated Settlement Offer in the amount of \$15,000 for the full satisfaction of two (2) Code Enforcement Liens that were entered against Freddy and Amalia C. Silvagnoli on February 4, 1999, and May 5, 1999 respectively. **SUMMARY:** The Code Enforcement Special Master (CESM) entered an Order on October 7, 1998 giving the Silvagnolis until October 17, 1998 to cease the operation of the auto repair shop on the property and to remove all of the inoperable/unregistered vehicles and heavy equipment from the property (Part "A") and until January 5, 1999 to obtain a proper building permit and inspections for an unpermitted shed or remove it from the property (Part "B"). Compliance with the CESM's Order was not achieved by the ordered compliance dates and fines in the amount of \$150 per day were imposed for Part "A" as of October 17, 1998 and \$50 per day as of January 5, 1999 for Part "B". The CESM then entered a claim of lien against the Silvagnolis on December 17, 1998 for Part "A" of the Order and on February 25, 1999 for Part "B" of the Order. The accumulated amount for both liens through March 15, 2007, the date settlement discussions resumed, totaled \$248,004, of which Ms. Silvagnoli (n/k/a Hernandez) has agreed to pay the County \$15,000 (6%) for full settlement of the two (2) outstanding Code Enforcement Liens. District 2 (PGE)

3. **Staff recommends motion to adopt:** a Resolution amending a Resolution entitled: "A Resolution authorizing the issuance of Public Improvement Revenue Bonds in the principal amount of not to exceed \$170 Million for the purpose of financing the costs of the acquisition, renovation, construction and equipping of additional criminal justice and public improvement facilities and all other costs necessary or incidental thereto; providing for the terms and payment of such bonds; authorizing the issuance of bond anticipation notes; providing for the rights, security and remedies of the holders thereof, making certain covenants and agreements in connection therewith; authorizing the proper officials of the County to do all other things deemed necessary or advisable in connection with the issuance of such bonds; and providing for an effective date," as amended by Resolution R2006-0046 to increase the not to exceed principal amount to \$180 Million, to clarify provisions relative to reserve account credit facilities and providing for an effective date. **SUMMARY:** The County is planning to fund the debt service reserve for this bond issue with cash from bond proceeds. The Bond Resolution gives the County the option in the future to satisfy the debt service reserve requirement with a Reserve Account Credit Facility with the necessary coverage. This Amendment makes the language with respect to the use of a Reserve Account Credit Facility less restrictive. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** an Interlocal Agreement with the City of Greenacres (City) allowing direct access to the County's 800 MHz Radio System. **SUMMARY:** This Interlocal Agreement provides the terms and conditions under which the City can directly access the County's 800MHz Radio System. The terms of this Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies where connection through an established municipal hub is not technically feasible. The Agreement requires that the City pay a one-time \$2,089/unit access or capacity charge as well as annual fees of \$211.42/unit towards the renewal and replacement fund and \$154/unit towards maintenance and operation of the system infrastructure. The City may permanently transfer the City's 800 MHZ frequency with a value of \$130,000 to the County to offset a portion of the amount owed by the City for the one-time access charges under this Agreement. The City is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The City will be a member of the Law Enforcement User Committee which reviews and recommends policies and practices for the operation of the System. The term of the Agreement is five (5) years and has two (2) – four (4) year renewals and effectively terminates the temporary direct connect agreement (R2005-2406). The Agreement may be terminated by either party, with or without cause, on October 1st of any year, with a minimum of six (6) months notice. (FDO Admin) Countywide (JM)

2. **Staff recommends motion to approve:** JOC Work Order No. 08-108 with Robling Architecture Construction, Inc. (R2007-1099) in the amount of \$598,707.70 to provide exterior repairs and painting of the South Tower at the Main Jail. **SUMMARY:** The work consists of masonry repairs to the building skin; pressure cleaning of the tower; caulking, sealing and painting of the tower, including surface rust removal on window frames and all metal framing; the replacement of storefront impact windows and frames; and the replacement of certain detention impact windows and frames. The entire scope of work is a scheduled, budget renewal/replacement project required to maintain the integrity of the building envelop and value of asset. When the participation for this work is added to Robling's total participation-to-date, the resulting values are 100%. The SBE goals are 15%. The total construction duration is 180 days. (FDO Admin) Countywide/District 2 (JM)

3. **Staff recommends motion to approve:** JOC Work Order No. 08-111 with M.A.C. Construction, Inc. (R2007-0949) in the amount of \$445,063.70 to provide emergency HVAC back-up for critical areas of the Main Jail. **SUMMARY:** The work consists of design and installation of new HVAC equipment which can be isolated for connection and support by the existing emergency generator determined to be critical to maintaining jail operations while commercial power is not available. This project is funded from the hurricane hardening account established in 2007 to project critical areas at the Criminal Justice complex allowing, in large part, for the FY '08 cancellation of a future \$20,000,000 EOC Expansion Project. In addition, in FY '08, \$8,000,000 was swept from the Hurricane Hardening account to the General Fund. The SBE participation in this Work Order is 8.27%. When the participation for this Work Order is added to M.A.C.'s total participation-to-date, the resulting values are 16.5%. The SBE goals are 15%. The total construction duration is 180 days. This work will comply with all applicable local, state, and federal codes and regulations. (FD&O Admin) Countywide/District 2 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve: Contract with Gartek Engineering Corporation for professional mechanical, electrical, plumbing engineering (MEP) and heating, ventilation and air conditioning (HVAC) consulting services on a continuing contract basis. **SUMMARY:** The County requires engineering services associated with evaluating MEP and HVAC systems in existing facilities, performing feasibility analyses and design of system upgrades, as well as services for new projects. The term of the Contract is for one (1) year with two (2) – one (1) year renewal options exercised at the discretion of the County. The SBE participation goal for this Contract is 15%. Gartek Engineering Corporation anticipates achieving 100% SBE participation. (Capital Improvements Division) Countywide (JM)

5. Staff recommends motion to approve: Contract with BRPH Architect-Engineers, Inc. for professional mechanical, electrical, plumbing engineering (MEP) and heating, ventilation and air conditioning (HVAC) consulting services on a continuing contract basis. **SUMMARY:** The County requires engineering services associated with evaluating MEP and HVAC systems in existing facilities, performing feasibility analyses and design of system upgrades, as well as services for new projects. The term of the Contract is for one (1) year with two (2) – one (1) year renewal options exercised at the discretion of the County. The SBE participation goal for this Contract is 15%. BRPH Architects-Engineers, Inc. anticipates achieving 20% SBE participation. (Capital Improvements Division) Countywide (JM)

6. Staff recommends motion to approve:
 - A) Budget Transfers of \$679,746 within the \$30.5M GO 2003 Library Improvement Bond Fund from remaining balances in various projects to the Royal Palm Beach Branch Library project to fund \$679,746 of the total construction cost;

 - B) Budget Transfers of \$1,469,818 within the Library Impact Fee Funds from Reserves for Improvement Program and remaining balances in various projects to the Royal Palm Beach Branch Library project to fund \$1,469,818 of the total construction cost; and

 - C) Amendment No. 17 to the Contract with Catalfumo Construction, Ltd. (R2003-1543) in the amount of \$6,695,652 for construction management services for the Royal Palm Beach Library establishing a Guaranteed Maximum Price (GMP) for construction of an 12,000 sq. ft. addition and renovation of the existing 8,000 sq. ft. library.

SUMMARY: Amendment No. 17 establishes a GMP of \$6,695,652 and 392 calendar days to complete the building construction and site work at the Royal Palm Beach Branch Library. The GMP includes the cost of work, the construction manager's fee associated with the work, and a contingency. The SBE goal for this Contract is 15% and this project participation is 26.5%. (Capital Improvements Division) District 6 (JM)

7. **DELETED**

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

8. Staff recommends motion to approve: a Utility Easement Agreement in favor of Florida Power & Light Company (FPL) for electrical service to the County's new West Boca Library located in western Boca Raton. **SUMMARY:** The County is developing the new West Boca Library on the west side of State Road 7, approximately one half mile north of Yamato Road in western Boca Raton. FPL requires a Utility Easement for the installation of power lines and a pad mounted transformer to provide primary power to the new Library. The easement area is 10' wide by 395' long, and contains 3,950 sq. ft. This is a perpetual non-exclusive easement and is being granted to FPL at no charge, as it will provide electrical services to County facilities. (PREM) District 5 (JMB)

9. Staff recommends motion to approve:
 - A) a First Amendment to Agreement (R99-258D) with the Connemara Association, Inc. allowing for additional antenna and equipment space on the Connemara Condominium rooftop and increasing the current annual rent by \$4,000; and

 - B) a Use Agreement between Palm Beach County and the Palm Beach County Sheriff's Office (PBSO) establishing PBSO's financial responsibility for this equipment and additional rent.

SUMMARY: Since 1999, the County has leased a portion of the rooftop on the Connemara Condominium building located at 5420 N. Ocean Drive for the operation of a County communication antenna and equipment shelter supporting the 800MHz system. This First Amendment: i) modifies Exhibit "A" (Communication Equipment), Exhibit "B" (Floor Plans), and Exhibit "C" (Frequency List) to allow for the installation of additional communication equipment at the site on behalf of PBSO; ii) increases the annual rent by \$4,000 per year; and iii) updates the Notice Provisions for the County. The annual rent will be increased from \$28,079.63 to \$32,079.63, with annual CPI increases. All other terms of the Agreement remain unchanged. The Use Agreement between the County and PBSO provides that PBSO will pay the \$4,000 increase in rental expense and that the County will cover any additional utility expenses for the new equipment installed by PBSO. (PREM) District 1 (JMB)

10. Staff recommends motion to approve: Amendment No. 4 to the Contract with Moss & Associates, LLC (R2007-0031) for construction management services for the out buildings at the West County Detention Facility for a Guaranteed Maximum Price (GMP) in the amount of \$18,819,142, subject to the issuance of the County's Public Improvement Revenue Bonds, Series 2008 on August 18, 2008. **SUMMARY:** In November 2007 (Resolution No. R2007-1973) and February 2008 (Resolution No. R2008-0199), the Board approved Amendments which authorized the demucking and installation of site utilities for the first phase of the Jail Expansion Program 2 – West County Detention Facility. This work is underway. Amendment No. 4 will provide for the construction of a new Eagle Academy building, fuel station, impound building and renovations to the existing Eagle Academy building for its intended inmate population. This work needs to start prior to the primary detention center building to allow for relocation of existing programs and demo of buildings in the footprint of the expanded detention center. Associated site work is included such as paving, landscaping, irrigation, site lighting, and utility connections. The SBE goal for this project is 15%. Moss & Associates will be providing 19.2% SBE participation in this Amendment. The duration of this work is 352 calendar days. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

11. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 2 to Contract with Heery International, Inc. (R2006-2219), for program management services for the Jail Expansion Program 2 in the amount of \$3,311,688 subject to the issuance of the County's Public Improvement Revenue Bonds, Series 2008 on August 18, 2008. **SUMMARY:** CSA No. 2 will provide program management services for the portion of West County Detention Facility phase of the Jail Expansion Program from March 1, 2008, to February 28, 2010. The Program Manager will continue to act as an extension of staff assisting in all aspects of the project including managing the design and construction phases. This CSA will complete the services required for the West County Detention Facility phase. The SBE Goal for this project is 15%. Heery International's SBE participation for this work is 12.3%. The overall SBE participation is 15.7%. (Capital Improvements Division) Countywide (JM)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to:

A) receive and file the federally funded 2005 Supplemental Disaster Recovery Subgrant Agreement for the Community Development Block Grant (CDBG) Program Contract (No.08DB-D3-10-60-01-A07) with the State of Florida Department of Community Affairs (DCA), for the period of April 23, 2008, to April 22, 2010, to provide a total of \$19,568,569 under the 2005 Disaster Recovery Program (DRI 3) – Wilma Supplemental; and

B) approve Budget Amendment of \$2,310,290 in the Disaster Recovery Initiative Fund.

SUMMARY: In early 2007, DCA announced the availability of \$100,066,518 in Community Development Block Grant Disaster Recovery Funding that was made available to the State by the U.S. Department of Housing and Urban Development. These DRI funds are to be distributed to counties and municipalities throughout the State to assist in recovery from Hurricane Wilma, which struck on October 25, 2005. Palm Beach County is eligible to receive up to \$17,258,279 of this funding. Subsequently, additional funds were made available to DCA to distribute among the counties and municipalities throughout the State to further assist in recovery from Hurricane Wilma. As a result, Palm Beach County is eligible to receive up to an additional \$2,310,290 bringing the total allocation of funding to \$19,568,569. The funds will be utilized to assist local governments in satisfying disaster recovery needs in the areas of housing and infrastructure repair/improvement, specifically addressing the needs of low- and moderate-income households. On February 29, 2008, the County Administrator executed the Agreement between the County and the State and on April 23, 2008, DCA counter executed the Agreement which provided CDBG grant funding to undertake twenty-three (23) activities associated with Hurricane Wilma. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. **Staff recommends motion to approve:** Amendment No. 001 to Agreement (R2007-1819) with Housing Partnership, Inc. revising the work program narrative and amending the contract's effective date to run July 1, 2007, through June 30, 2009. **SUMMARY:** On October 16, 2007, the BCC approved Agreement (R2007-1819) with Housing Partnership, Inc. in the amount of \$365,000 for the development of affordable housing and operating expenses as a Community Housing Development Organization. Under the Agreement, the funds were to be used to construct at least eight (8) affordable housing units. Approval of this amendment will provide Housing Partnership, Inc. with the option of either constructing or purchasing eight (8) affordable housing units for eligible first-time homebuyers; establish a new effective date and extend the agreement by one (1) year; and allow Housing Partnership, Inc. to use the CHDO set-aside funds as down-payment assistance for eligible homebuyers. Due to the downturn in the housing market and the increase of existing housing inventory on the market, it may be more cost effective and feasible for Housing Partnership, Inc. to purchase existing single family houses at a cost below what it would cost to construct similar housing units. **The Agreement provides Federal HOME funds whose local matching requirements are achieved through State Housing Initiative Program funds. Countywide (TKF)**

3. **Staff recommends motion to approve:** Amendment No. 001 to Agreement (R2007-1332) with Northwest Riviera Beach Redevelopment Corporation provide for a six (6) month extension to the contract completion date from July 1, 2007, through February 28, 2009. **SUMMARY:** On August 21, 2007, the BCC approved Agreement (R2007-1332) with Northwest Riviera Beach Community Redevelopment Corp. in the amount of \$420,000 for the development of affordable housing and operating expenses, as a Community Housing Development Organization (CHDO). **The Agreement provides Federal HOME funds whose local matching requirements are addressed through State Housing Initiative Program funds. District 7 (TKF)**

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

4. Staff recommends motion to receive and file: the federally funded 2005 Supplemental Disaster Recovery Community Development Block Grant (CDBG) Program Contract Modification (No. 07-DB-3V-10-60-01-Z07) with the Department of Community Affairs, for the period of July 18, 2006, to September 30, 2009. **SUMMARY:** On March 12, 2008, the County Administrator executed the modification to the Agreement (No. 07-DB-3V-10-60-01-Z07) between the County and the Florida Department of Community Affairs (DCA). On May 14, 2008, DCA countered executed the Agreement approving the reallocation of funds. In an effort to utilize the funds in accordance to the terms of the Agreement and DCA, Palm Beach County has elected to modify Agreement No. 07-DB-3V-10-60-01-Z07 to reflect the following: (1) Activity No.1b: The City of Belle Glade has requested that \$2,000 of their total allocation (\$400,000) be reprogrammed for temporary relocation costs associated with the repair of 20 roofs damaged by Hurricane Wilma; (2) Activity No.15b: The City of West Palm Beach has requested that \$212,850 of their total allocation (\$2,990,345) be reprogrammed for temporary relocation costs associated with the rehabilitation/reconstruction of sixty four (64) single family units; (3) Activity No. 8b: The City of Delray Beach has requested \$5,000 of their total allocation (\$980,000) be reprogrammed for Temporary Relocation costs associated with the rehabilitation and mitigation of twenty four (24) single family units; (4) Activity No. 14: We Help CDC has requested that \$55,000 of their allocation (\$668,500) be reprogrammed for activity delivery cost associated with the salary of a construction manager; (5) To delete Activity No. 10: Housing Trust Group of Florida, LLC – Westgate Workforce Housing, which was unable to move forward; (6) to delete Activity No. 12: NOAH Development Corporation, Inc. – the replacement of 22 multi-family affordable housing units, which was unable to move forward; (7) to add a new Activity No. 23: Village of Palm Springs – installation of fencing around the perimeter of two (2) water treatment plants and 13 sewage pump stations located in the Village of Palm Springs; (8) to add a new Activity No. 22: Delray Beach Housing Authority and The Auburn Group - infrastructure cost related to the construction of 264 rental units located in the Villages of Delray workforce housing community; (9) to add new activities No. 24a & No. 24b: NOAH Development Corporation, Inc. – hardening of 65 rental units at South Bay Villas (No.24a); NOAH Development Corporation, Inc. – hardening of 144 rental units at Covenant Villas (No. 24b). Countywide (TKF)

K. WATER UTILITIES

1. Staff recommends motion to approve: Consultant Services Authorization No. 1 to the Contract with Mathews Consulting, Inc. (R2008-0529) for a Water, Wastewater and Reclaimed Water Rate Re-Design Study in the amount of \$180,840. **SUMMARY:** Consultant Services Authorization No. 1 with Mathews Consulting, Inc. provides for the completion of a Water, Wastewater and Reclaimed Water Rate Re-Design Study by the firm's sub-consultants, Environmental Financial Group and Howard Osterman. The current economic downturn coupled with recent water restrictions have resulted in a severe decrease in revenue for the Water Utilities Department. In April 2008, the Board authorized a Water Restriction Surcharge be assessed to on-line services for the period of one (1) year to allow time to develop a plan for restructuring of rates to respond to the changed conditions. This rate study is necessary to develop a recommendation for the restructuring of user rates and charges which will provide sufficient revenue to adequately fund utility expenses. The contract with Mathews Consulting, Inc. includes the Small Business Enterprises (SBE) participation goal of 55%, which exceeds the 15% goal established by Palm Beach County Ordinance (No. 2002-064). This Consultant Services Authorization includes 9.09% overall participation. The consultant's cumulative SBE participation, including this Authorization is 9.09% overall. (WUD Project No. 08-061) Districts 1, 2, 3, 5 & 6 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. Staff recommends motion to:

A) approve the Third Amendment to the Palm Beach County/Beeline Community Development District Water and Wastewater Utility Acquisition, Service, and Service Area Agreement (Agreement); and

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

SUMMARY: The Beeline Community Development District (District) owns and operates the potable water and wastewater utility that was constructed by United Technologies Corporation to serve the Pratt & Whitney site. The District entered into a Water and Wastewater Utility Acquisition, Service, and Service Area Agreement with the County on February 15, 2005 (R2005-0366). A First Amendment was approved by the Board on January 9, 2007 (R2007-0041), and a Second Amendment was approved by the Board on January 15, 2008 (R2008-0071). Under the amended Agreement, the County is to acquire the District's exclusive utility service area, utility system assets (exclusive of the District's potable water and wastewater plants, which will be decommissioned) and customer base, and assume the exclusive authority, duty, and obligation to provide retail and wholesale potable water, wastewater, and reclaimed water service within the District's utility service area. At the time of closing (on or before July 31, 2008), the District shall pay the County \$3,800,000 for the pro-rata cost to install off-site pipelines which extend from the County's Mecca property to the District. In addition, the District shall pay the County \$1,727,290.50 in standard Connection Fees and Guaranteed Revenue Fees to serve existing customers pursuant to the Water Utilities Department's Uniform Policies and Procedures Manual. The Third Amendment provides for adjustment of the Bill of Sale and utility easements to properly designate the utility assets and utility easements being transferred from the District to the County, clarifies the locations at which the County is to meet required water quality and pressure requirements, provides for the construction, funding, and operation of a pumping and chemical treatment facility to provide an increased level of service to certain utility customers, acknowledges environmental restrictions imposed by the FDEP on certain easements, and clarifies responsibility for construction within the restricted easements. District 1 (MJ)

3. Staff recommends motion to receive and file: two (2) Standard Development Agreements and two (2) Standard Development Renewal Agreements, complete with executed documents received during the months of May and June 2008:

Standard Development Agreements

A) Lantana Charter, LLC	(District 3)	05-01097-000
B) Jewish Community Facilities Corp.	(District 5)	11-01009-000

Standard Development Renewal Agreement

C) Palm Beach Realvestors, Inc.	(District 6)	01-01100-R02
D) Toll FL III Limited Partnership	(District 6)	01-01105-R01

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

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to approve:

A) Agreement with City of Riviera Beach for the period July 22, 2008, through December 31, 2008, in an amount not-to-exceed \$50,000 for funding of the 8th Annual Riviera Beach Music Festival on the Beach;

B) a Budget Transfer of \$25,000 in the Transportation Improvement Fund from Reserve for District 7 to the County Transportation Trust Fund;

C) a Budget Transfer of \$25,000 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 \$25,000 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 \$25,000 in the Park Improvement Fund increasing the annual transfer from the General Fund and increasing the appropriation to the District 7 Recreation Assistance Program.

SUMMARY: This funding in the amount of \$50,000 is to assist the City of Riviera Beach with costs incurred for their 8th Annual Music Festival on the Beach, which was held from April 11 through April 14, 2008. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to October 1, 2007. 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 \$25,000 from 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 \$165,000. The additional \$25,000 in funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

2. Staff recommends motion to approve:

A) Agreement with The Norton Gallery and School of Art, Inc. for the period July 22, 2008, through October 31, 2008, in an amount not-to-exceed \$25,000 for funding of a museum exhibit and educational programming;

B) a Budget Transfer of \$25,000 in the Transportation Improvement Fund from Reserve for District 7 to the County Transportation Trust Fund;

C) a Budget Transfer of \$25,000 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 \$25,000 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 \$25,000 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 assist The Norton Gallery and School of Art, Inc. with costs for the "In the Hands of African American Collectors: The Personal Treasures of Bernard and Shirley Kinsey" Exhibit (the "Exhibit") and associated educational programming currently being offered at the Norton Museum of Art. Approximately 30,000 visitors including many school groups and youth will view the Exhibit and participate in educational programs relating to the Exhibit. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to April 1, 2008. The budget transfers and budget amendment increase the gas tax support and decrease the ad valorem support of the County Transportation Trust Fund, thereby allowing for the allocation of \$25,000 from 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 annually per District was approved for this purpose. With the approval of this project, the remaining balance available in transfers for District 7 for FY 2008 is \$140,000. District 7 (AH)

3. Staff recommends motion to approve: Third Amendment to Agreement (R2004-1761, R2007-1151, R2008-0081) with the City of Boynton Beach for funding of the Recreation Center at Wilson Park. **SUMMARY:** This Third Amendment to Agreement, as amended, extends the completion date from March 31, 2008, to September 30, 2008, in order to allow additional time to process the required reimbursement documentation for this completed project. Funding is from the 2002 \$50 Million Recreation and Cultural Facilities Bond referendum. District 7 (PK)

4. Staff recommends motion to approve: Agreement with Museum of Lifestyle and Fashion History, Inc. for the period July 22, 2008, through December 30, 2008, in an amount not-to-exceed \$7,000 for funding of Children and Parents' Day Winter Wonderland 2008 and narrated bus tours of historic Delray Beach. **SUMMARY:** This funding is to help offset costs for the Children and Parents' Day Winter Wonderland (the "Event") and narrated bus tours of historic Delray Beach offered by the Museum of Lifestyle and Fashion History, Inc. Approximately 1,850 people participated in the Event and the bus tours. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to September 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

5. **Staff recommends motion to approve:** Agreement with the City of Riviera Beach for the period July 22, 2008, through September 30, 2008, in an amount not-to-exceed \$5,000 for funding of the Winter Wonderland Toy Give-A-Way event. **SUMMARY:** This funding is to help offset costs for the Winter Wonderland event, which was a special event hosted in December of 2007 by the City of Riviera Beach's Civil Drug Court. Over 500 children participated in the event. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to October 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

6. **Staff recommends motion to approve:** Agreement with the Town of South Palm Beach for the period July 22, 2008, through October 31, 2008, in an amount not-to-exceed \$10,000 for funding of 2007-2008 Senior Citizen Programs. **SUMMARY:** This funding is to help offset costs for Senior Citizen Programs offered by the Town of South Palm Beach. The programs serve approximately 700 senior citizens. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to October 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 4 Funds. District 4 (AH)

7. **Staff recommends motion to approve:**
 - A) an increase in the change fund for the Coconut Cove Waterpark from \$4,100 to \$5,000; and
 - B) an increase in the change fund for the Calypso Bay Waterpark from \$4,150 to \$5,000.

SUMMARY: The Coconut Cove Waterpark and the Calypso Bay Waterpark currently have \$4,100 and \$4,150 respectively in each of their change funds. These amounts are not sufficient to run the waterparks smoothly on a day to day basis. The increase for each change fund will result in more efficient admission and concession operations by reducing the frequency of exchanging coins and currency for lower denominations. Districts 5 & 6 (AH)

8. **Staff recommends motion to receive and file:** executed Independent Contractor Agreement received during the month of June: Tracy Rosof-Petersen, Pottery Workshop, Therapeutic Recreation Center. **SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Independent Contractor Agreement has 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. District 3 (AH)

9. **Staff recommends motion to approve:** Budget Transfer of \$10,000 in Park Improvement Fund from Reserves to Westgate Recreation Center improvements. **SUMMARY:** This Budget Transfer will provide the funding necessary to complete improvements to the Westgate Recreation Park in order to meet the after-school licensing requirements, as well as to provide security for safe money handling in the registration area. Funding is from the Park Improvement Fund reserve. District 2 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

10. Staff recommends motion to approve: Budget Transfer of \$150,000 in Park Improvement Fund from CCRT Neighborhood Parks Unallocated to Westgate Recreation Center Splashpad. **SUMMARY:** This Budget Transfer will provide the additional funding necessary to construct the Westgate Recreation Center splash playground project. The splash playground will be an interactive facility which will be open year round with no admission charge. The splash playground will serve residents of Westgate and Belvedere Homes, as well as children attending the Head Start facility and summer camp on site. Funding is from the Park Improvement Fund. District 2 (AH)

11. Staff recommends motion to approve:
 - A) the first extension to the Concessionaire Service Agreement (R2007-1153) with Vending Americas, Inc., to provide vending machine services at Parks and Recreation facilities located in the north and west regions for the period July 11, 2008, through July 10, 2009; and

 - B) the first extension to the Concessionaire Service Agreement (R2007-1154) with Sunshine Beverage and Snack, LLC to provide vending machine services at Parks and Recreation facilities located in the south region for the period July 11, 2008, through July 10, 2009.

SUMMARY: On July 10, 2007, the Board approved Concessionaire Service Agreements with Vending Americas, Inc. and Sunshine Beverage and Snack, LLC. The original Agreements provided for an initial one (1) year term, which expired on July 10, 2008, with four (4) one (1) year renewal options. This Amendment renews the agreements for the first option period of July 11, 2008, through June 10, 2009, and increases the machine fee amounts by 4% that the vendors will pay to the County for the period July 11, 2008, through July 10, 2009. All other terms of the contract remain the same. Countywide (AH)

12. Staff recommends motion to approve: Budget Transfer of \$105,000 in Park Improvement Fund from Reserves to West Jupiter Community Center improvements. **SUMMARY:** This Budget Transfer will provide the funding necessary to replace the gymnasium flooring at the West Jupiter Recreation Center. The manufacturer's warranty has expired and despite three separate attempts to repair the damaged areas, the floor continues to deteriorate. Funding is from the Park Improvement Fund reserve. District 1 (AH)

13. Staff recommends motion to approve: Second Amendment to the Contract with The ICEE Company (R2004-1360), as amended (R2007-0901), for the provision of frozen carbonated beverage drinks and dispensing equipment to County waterparks for the period June 8, 2008, through June 7, 2009. **SUMMARY:** On June 8, 2004, the Board of County Commissioners approved a Contract with The ICEE Company (R2004-1360) to provide frozen carbonated beverage drinks and dispensing equipment to County waterparks. The original Agreement provided for an initial three (3) year term, which expired on June 7, 2007, with two (2) one (1) year renewal options. This Amendment renews the Contract for the second and final option period of June 8, 2008, through June 7, 2009, and increases the per item amount the County will pay to The ICEE Company for frozen carbonated beverages (FCB) for the period June 8, 2008, through February 29, 2009, by replacing Exhibit A of the original Contract with Exhibit A-2. All other terms of the Contract remain the same. Districts 5 & 6 (AH)

3. CONSENT AGENDA APPROVAL

N. LIBRARY

1. Staff recommends motion to:

A) approve a PBC Literacy Coalition Site Application for the County Library's participation in the Literacy*AmeriCorps PBC Program for the period August 25, 2008, through August 28, 2009; and

B) authorize the Chairperson to execute the agreement and any other necessary forms and certifications.

SUMMARY: This site application, if approved, will provide the County Library with one (1) full-time Literacy*AmeriCorps member for one (1) year. This member will contribute 32 hours per week offering conversational English programs and overseeing the literacy computer learning lab. The Library will pay a service fee of \$4,750 to the Coalition and business-related mileage to the member up to \$2,250. AmeriCorps, with supplemental funds from the Coalition, will cover all other expenses including Workers' Compensation, liability, and health care coverage. Funds will be provided through the Library's FY '08 and '09 operating budgets and will have minimal fiscal impact. Countywide (TKF)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

A) approve the submittal of two (2) grant proposals to the Florida Department of Law Enforcement (FDLE) for the FY 2008 Byrne Formula Grant Program for the period of October 1, 2008, through September 30, 2009, totaling \$186,774 in federal funds as follows:

1) Palm Beach County Public Safety for Drug Court treatment services in the amount of \$6,774; and

2) State Attorney's Office, 15th Judicial Circuit for COMBAT program positions in the amount of \$180,000;

B) authorize the CJC Executive Director through the County Administrator to execute electronically all related documents for the FY 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program and to execute all necessary forms, documents and the resulting grant agreement as required by the FDLE for FY 2009.

SUMMARY: The Criminal Justice Commission met on February 25, 2008 and voted on the recommendations made by staff for FY 2009 funds totaling \$186,774. **Match is not required for the JAG program.** Countywide (DW)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

2. Staff recommends motion to approve: the transfer of the following assets to the Palm Beach County Sheriff's Office (PBSO) – Assets Nos. 10151608, 10151641, 19151647 & 10151669. All four (4) assets are 2003 Dell Optiplex desktop computers. **SUMMARY:** The Westgate Community Justice Service Center (W/CJSC), located at 4215 Cherry Road, has become an entity of the PBSO, which is now responsible for its staff, building maintenance, and administration. The above assets were transferred originally to the Criminal Justice Commission (CJC) by the State Attorney's Office in 2006, and subsequently placed at W/CJSC by the Criminal Justice Commission (CJC) for use by clients in job searches. At the time of this placement, the W/CJSC was part of the CJC. The CJC now wishes to transfer these assets to PBSO for re-use, rather than disposing of or reclaiming them. Countywide (DW)

3. Staff recommends motion to approve: a no-cost extension for the Edward Byrne Memorial JAG Program grant for Forensic Accountant from September 30, 2008, until December 31, 2008. **SUMMARY:** The Criminal Justice Commission received notification on June 6, 2008 from the Florida Department of Law Enforcement that the grant period be extended through December 31, 2008. **Match is not required for the JAG program.** Countywide (DW)

U. INFORMATION SYSTEM SERVICES

1. Staff recommends motion to approve:
 - A) Schedule 3001242400 v.2.0 to the Recovery Services Agreement with Sungard, Inc., (R2003-1256; R2005-0349), extending the term of the Agreement to December 31, 2008 and modifying the equipment schedule;

 - B) Addendum to Schedule 3001242400 v.2.0 regarding adjustments to the usage fees for Mobile Workgroup 1; and

 - C) Increase of spending authority by \$46,218 for a total contract amount of \$938,248.

SUMMARY: The original Recovery Service Agreement with Sungard, Inc. (R2003-1256) had a term of sixty-one (61) months, ending on September 30, 2008. As determined during an update of the ISS Business Recovery Plan, an extension of three (3) months is necessary to continue the services provided by Sungard, Inc. through the end of hurricane season. Additionally, the schedule of IT equipment covered under this Agreement was modified to reflect current needs and capabilities. Countywide (PK)

Z. RISK MANAGEMENT

1. Staff recommends motion to approve: a Contract with Island Medical Care, LLC., (Dr. Earl Campazzi, M.D.) to provide twenty (20) hours per week of on-site physician services for the County's occupational health clinic for the term September 1, 2008, through August 31, 2010 in an amount not-to-exceed \$281,666.75. **SUMMARY:** Dr. Campazzi (Island Medical Care, LLC) has served as the contracted physician for the County's occupational health clinic since August 7, 2006. His current contract (R2006-1327) expires August 31, 2008 and contains no options for renewal. Dr. Campazzi is a local occupational health physician, and a provider of physician services that are essential to the continued operation of the occupational health clinic and its efforts to control costs in the County's self-insured and self-administered workers' compensation program. The contract provides for twenty (20) hours per week of on-site physician services for an amount not-to-exceed \$281,666.75 for the term of September 1, 2008, to August 31, 2010. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. Staff recommends motion to approve:

A) Interlocal Agreement for the funding and provision of transportation services with Hendry County, Florida;

B) Budget Transfer of \$70,000 from the General Fund Contingency to the Palm Tran Grants Fund; and

C) Budget Amendment of \$136,344 in the Palm Tran Grants fund to recognize the transfer from the General Fund (\$70,000) and funds from Hendry County (\$66,344).

SUMMARY: On December 4, 2007, staff presented to the Board background on the Lake Region Commuter Route (LRCR/Clewiston Shuttle) and sought direction from the Board as to the continued funding and operation of the service (Agenda Item 5E1 presented on December 4, 2007). Florida Department of Transportation (FDOT) had been providing 100% of the funding for this service through December 2007. FDOT has agreed to provide \$70,000 in funds (Resolution 2008-0679) for a portion of one (1) additional year of service. The Board has agreed to provide \$70,000 in funding if Hendry County also contributed funds to continue the service. The funding agreement with Hendry County has been secured and is presented to the Board for its consideration and action. District 6 (DR)

2. Staff recommends motion to approve: an extension of time until August 30, 2010 of the Joint Participation Agreement (JPA) 420488-1-84-01 (R2006-1501) with the Florida Department of Transportation (FDOT) that provides funding to establish a Pilot Deviation Shuttle Service Program. **SUMMARY:** FDOT provided funding from the Public Transit Service Development Program to establish a Pilot Deviation Shuttle Service Program, The Link. This was designed to offer greater mobility to people living in residential neighborhoods where fixed route service is not readily accessible. The test routes are designed to connect with Palm Tran fixed route. The Link has been in service since February 6, 2008; and the current JPA will expire on August 31, 2008. Countywide (DR)

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4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A.** Certificate of Appreciation to Representative Susan Bucher in recognition of 8+ years of service in the Florida House of Representatives and support for Palm Beach County legislative priorities, including transportation initiatives.

- B.** Certificate of Appreciation to Representative Richard Machek in recognition of 8 years of service in the Florida House of Representatives and support for Palm Beach County legislative priorities, including water project and natural resources funding.

- C.** Certificate of Appreciation to Senator Mandy Dawson in recognition of 6 years of service in the Florida House of Representatives and 10 years in the Florida Senate, and her commitment to the health care needs of Floridians.

- D.** Presentation from Representative Mary Brandenburg to the Board of County Commissioners of \$500,000 towards the Lake Worth Lagoon Restoration.

- E.** Presentation from Representative Mary Brandenburg to the Board of County Commissioners of \$200,000 for the Chain of Lakes Restoration.

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

A. Staff recommends motion to:

A) conduct a Public Hearing for approval of the use of the Uniform Method of collecting non-ad valorem special assessments provided for in Chapter 197, Florida Statutes, pursuant to the Notice of Intent adopted by Resolution No. R97-2152; and

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

SUMMARY: On December 16, 1997, the Board approved Resolution No. R97-2152 expressing the intent of Palm Beach County to use the Uniform Method of collecting non-ad valorem special assessments. The Uniform Method provides for inclusion of water and street improvement project special assessments on the tax bill. This method has been utilized successfully since 1998. A Public Hearing is required to implement this collection method for new special assessment projects to be included on the 2008 tax bill. Countywide (PK)

B. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the Palm Beach County Action Plan (AP) for FY 2008

- 2009; and authorizing the Chairperson to execute Standard Forms 424 and Certifications for submission to the U.S. Department of Housing and Urban Development (HUD) to receive FY 2008-2009 formula grant funding through the Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), and HOME Investment Partnerships (HOME) Programs. **SUMMARY:** Federal Regulations 24 CFR Part 91 requires Palm Beach County to submit an Action Plan (AP) to HUD no later than August 15, 2008, in order to receive CDBG, ESG, and HOME annual entitlement grant allocations. Failure to meet the above deadline will automatically result in the loss of CDBG funds for the upcoming fiscal year. The Palm Beach County Action Plan outlines the recommended expenditures of FY 2008-2009 entitlement grants as follows: CDBG - \$6,799,338; ESG - \$304,558; and HOME - \$2,534,202, including American Dream Downpayment Initiative (ADDI) funds of \$21,563. The draft FY 2008-2009 Action Plan was approved by the BCC, with direction for certain revisions, on June 17, 2008 (Agenda Item No. 6D-1). A summary of the draft Plan and a Notice of Public Hearing was published on June 1, 2008 to receive public input, to provide public notice of meetings, and to provide a thirty (30) day public comment period. Public comments received as a result of the advertisement and meetings will be summarized and added to the plans, as required by HUD regulations. These are Federal funds which do not require a local match. Countywide (TKF)

C. Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Sections 14-242 through 14-248 of the Palm Beach County Code, codifying Palm Beach County Ordinance No. 93-8, as amended by Ordinances No. 94-1, 94-24, 95-22, 01-026, and 03-026, known as the Palm Beach County Affordable Housing Ordinance, providing for policy and purpose; providing for definitions; providing for use of funds; providing for the Commission on Affordable Housing (CAH); providing for roles and responsibilities; providing for distribution of monies; providing for maximum administrative expenses; providing for implementation of programs; providing for repeal of laws in conflict; providing for savings clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for enforcement; providing for penalties; providing for captions; and providing for an effective date. **SUMMARY:** On June 17, 2008, the Board of County Commissioners held preliminary reading of this ordinance and authorized advertising for public hearing. Changes to the CAH Ordinance are recommended to meet the requirements of Ch. 2007-198, Laws of Florida, Section 420.9076, Florida Statutes. Countywide (TKF)

5. PUBLIC HEARINGS CONTINUED

D. Staff recommends motion to:

A) conduct a TEFRA public hearing concerning the issuance of not-to-exceed \$75,000,000 of Revenue and Refunding Revenue Bonds (Pine Crest Preparatory School, Inc. Project), Series 2008 (the "Bonds") in order to fund a loan to Pine Crest Preparatory School, Inc. (the "School"), a Florida non-profit corporation which is exempt for taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and

B) adopt a Resolution authorizing the issuance of the Bonds.

SUMMARY: On July 8, 2008, the Board approved the application of the School for the issuance of Bonds by the County in an amount not to exceed \$75,000,000. Proceeds of the Bonds will be used to finance the costs of: (i) the acquisition, construction, reconstruction and equipping of educational facilities of Pine Crest School at (a) its Boca Raton campus located at 2700 St. Andrews Boulevard, Boca Raton, Florida 33434, and (b) its Fort Lauderdale campus located at 1501 N. E. 62nd Street, Fort Lauderdale, Florida 33334; and (ii) current refunding the \$25,500,000 principal amount of outstanding City of Fort Lauderdale, Florida Revenue Bonds (Pine Crest Preparatory School Inc. Project) Series 2002 (the "Prior Bonds"), which Prior Bonds financed the costs of certain educational facilities at the School's Boca Raton and Fort Lauderdale campuses. Since part of the educational facilities are located in the City of Boca Raton, Florida, a municipal corporation located in the County, and part are located in the City of Fort Lauderdale, Florida, the County will be authorized pursuant to an interlocal agreement with the City of Fort Lauderdale, Florida to issue the Bonds for such educational facilities. The Bonds will be payable solely from revenues derived from the School and further secured by a letter of credit from Bank of America, N.A. **Neither the taxing power nor the faith and credit of the County, nor any County funds shall be pledged to pay principal or redemption premium, if any, or interest on the Bonds.** District 4 (PFK)

E. Staff recommends motion to adopt: a Resolution abandoning an unimproved road described as the west fifteen (15) feet of a portion of Tracts 48 and 49, Block 7, Palm Beach Farms Company Plat No. 1, as recorded in Plat Book 2, Pages 26-28, Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located approximately 1.5 miles north of Atlantic Avenue, on the east side of State Road 7. The petitioner is requesting the abandonment to utilize the unimproved road. District 5 (PK)

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6. REGULAR AGENDA

B. ENGINEERING & PUBLIC WORKS

1. **Staff requests Board direction:** regarding the degree of the County's financial exposure in obtaining equipment and professional services as part of the Request for Proposal for choosing a vendor to implement the Red Light Camera Program. **SUMMARY:** At one end of the spectrum, the County could run the entire program in-house, purchase the equipment, buy software, maintain the hardware and software and staff would do the billing and collection of fines. At the other end of the spectrum, the County could contract with an outside vendor to do most or all of the above. If an outside vendor is desired, additional direction is requested relating to vendor compensation-monthly fee vs. percentage of collected fines. Countywide (MRE)

2. **Staff requests Board direction:** regarding the use of Palm Beach County (County) road rights-of-way (ROW) by Florida Power and Light Company (FPL) to provide underground electric utility service (Underground Facilities) to communities on a case-by-case basis, when the community will be responsible for any future relocation costs, if and when, relocation is requested by the County.

If the Board supports the above:

Staff recommends motion to approve: a Right-of-Way Agreement for Underground Extensions with FPL and Frenchman's Creek, Inc. (Frenchman's) regarding: 1) the use of County ROW for the purposes of installing and operating Underground Facilities without the usual obligation for FPL to pay for any future relocation costs, if and when, the County requests the relocation of the Underground Facilities; and 2) reimbursement by Frenchman's for relocating the Underground Facilities, if and when, requested by the County.

SUMMARY: Staff is requesting direction regarding this matter because it is a departure from County policy. Under current practice, public utilities permitted to locate in County ROW are responsible to pay for any relocation costs. In what Staff anticipates is the first of its kind in unincorporated Palm Beach County, Frenchman's has requested and will pay FPL to provide Underground Facilities to serve their community. This will require locating the Underground Facilities within County ROW, with the FPL requirement that they would not be responsible for relocation costs if the County ever requires FPL to relocate some or all of the Underground Facilities. Instead, Palm Beach County would be responsible for those costs. As part of this agreement, Frenchman's has agreed to reimburse the County for costs associated with relocating the Underground Facilities, if the County ever directs FPL to do so. Countywide (MRE)

6. REGULAR AGENDA

B. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff requests the Board to:

A) consider options and provide direction regarding various policy issues for the Municipal Services Taxing Unit (MSTU) Program (future funding, CCRT funding, new projects, etc.);

B) receive an update of repitioned MSTU projects as of December 19, 2006; and

C) remove the West Boynton Estates, Coco Plumosus Road, Seagrape Road, Ohio Road, Canton Road, Broadway Street, Len Drive, Wilson Road and Rigger Road, previously petitioned MSTU projects from further consideration.

SUMMARY: Based on the current estimates, the MSTU Program can fund the remaining projects over the next three (3) years. However, the program will need additional funds in order to process any new projects. Given the budget pressures, staff recommends no new projects be accepted into the program during the next twelve months. As the Countywide Community Revitalization Team (CCRT) Program also lacks sufficient funds, some of the options to consider would be: discontinue the projects in the CCRT areas; continue the CCRT projects that have been petitioned, (A Street, Coconut Road and Patio Court), at the subsidized level, or repetition the CCRT projects that have been previously petitioned and require the full matching amount. This approach would more than double their repayment requirements. Countywide (MRE)

4. Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on August 19, 2008 at 9:30 a.m.: an Ordinance amending Chapter 23, Article V, known as the Roadside Vendors Ordinance (Ordinance 97-40); amending Section 98, permit required for commercial use of County rights-of-way; amending Section 100, criteria for vending locations; amending Section 102, application for permit; amending Section 103, fees; amending Section 104, conditions of permit; amending Section 108, voluntary relocation; amending Section 109, renewal of permit; amending Section 110, revocation of permits; amending Section 112, limited exception; amending Section 115, applicability. **SUMMARY:** The proposed Ordinance will amend Chapter 23, Article V, known as the Roadside Vendors Ordinance (Ordinance 97-40), and designate an area to accommodate large vending locations; increase the size of vending locations in the designated area, increase fees associated with commercial use of County Rights-of-Way by vendors; restrict use of rights-of-way when it is used for park access and parking; provide for other changes to provide clarity, correct spelling, address, name, and title changes. Countywide (MRE)

6. REGULAR AGENDA

C. PLANNING, ZONING & BUILDING

1. **Staff recommends motion to approve:** an Interlocal Agreement with the Treasure Coast Regional Planning Council (TCRPC) to provide technical assistance to the Zoning Division for amendments to the Unified Land Development Code (ULDC), which include the creation of the Infill Redevelopment Overlay (IR-O); revisions to Article 1.F, Non-conformities, and other related articles of the ULDC. **SUMMARY:** The Zoning Division has requested TCRPC to provide technical assistance in drafting and truthing amendments to address the need for infill and redevelopment in the commercial corridors of the Urban Suburban Tier of Palm Beach County. The amendments shall address non-conforming regulations and include the creation of an IR-O, amongst other related tasks. It is the intent that the Interlocal Agreement shall be in effect until August 30, 2009, unless there is a need for an extension due to postponements or rescheduling by the County. The agreement is not to exceed \$50,000. Should either party desire to terminate all or part of this Agreement, written notification shall be required. Countywide (RB)

2. **Staff recommends motion to adopt:** Resolution of the Board of County Commissioners of Palm Beach County, Florida, changing the street name of Fairgrounds Road to Process Drive, located in Section 31, Township 43, Range 42, West Palm Beach. **SUMMARY:** Planning, Zoning & Building Department (PZ&B), along with Facilities, Development & Operations requests a street name change for the east/west segment of Fairgrounds Road, to eliminate and/or reduce confusion with another street in the unincorporated area with the same name. This duplication could result in a delay of emergency services to the area. Upon receiving a copy of the approved resolution, PZ&B staff will implement the name change by notifying appropriate parties and agencies. District 6 (RB)

6. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of the County's interest in a 142 square foot parcel of County-owned land in Boynton Beach to Southern Homes of Palm Beach, LLC for \$3,703.36 with reservation of mineral and petroleum rights, but without rights of entry and exploration; and

B) approve a County Deed in favor of Southern Homes of Palm Beach, LLC.

SUMMARY: The County acquired a 2.94 acre parcel of submerged land underlying Three Finger Canals in unincorporated Boynton Beach by Tax Deed in May 1971. The canals are located along the Intracoastal Waterway in Boynton Beach between Turner Road and Bamboo Lane. The assessed value of the County's entire parcel is \$891. The County has previously sold 115 square feet to the Anya Group in August of 2005 for \$3,000 (26.08/sf) (R2005-1333) and a 414 square foot parcel to Patricia H. Mikulec in March of 2008 for \$10,797.12 (\$26.08/sf) (R2008-0464). This property is being sold to the Southern Homes of Palm Beach, LLC for \$3,703.36 (\$26.08/sf) without competitive bidding under the alternative disposition procedures established by Ordinance No. 2002-067. This requires a finding by the Board that Southern Homes of Palm Beach, LLC is "the only person capable of reasonably utilizing the property for the use which the Board has determined to be the highest and best use of the property." Staff recommends this finding to ensure that Southern Homes of Palm Beach, LLC as the adjacent upland riparian lot owner, retains access to the canal immediately behind its lots. The County will retain mineral rights in accordance with Florida Statutes Section 270.11, but will not retain rights of entry and exploration. (PREM) District 4 (HJF)

E. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to approve: 2008 Strategic Plan for the Tourist Development Council (TDC). **SUMMARY:** The BCC approved a contract (R2007-2151) with Zeitgeist Consulting Firm, a strategic planning firm who specializes in destination management. Over 50 individuals were interviewed by Mr. Bill Geist, of Zeitgeist Consulting Firm, including the Board of County Commissioners, TDC members, TDC agency directors, County Administration, County Attorney and tourism industry representatives. The following are the five (5) goals adopted by the TDC at their February 2008 meeting.

1. Enhance agency contract compliance process to ensure the highest possible economic impact from tourist development tax revenues;
2. Facilitate increased collaboration and joint marketing efforts among TDC agencies and other economic development organizations, this includes brand assessment initiative;
3. Increase awareness, appreciation and support of the TDC, its affiliated agencies and the County's tourism industry;
4. Advocate for destination defining enhancements; and
5. Increase TDC agencies competitiveness.

In addition, a separate document called, "Organizational Analysis and Recommendations" was produced for the TDC. The document makes recommendations relating to contract compliance; destination leadership; destination enhancement; inter-agency cooperation and collaboration; board governance and other operational activities. Countywide (MC)

6. REGULAR AGENDA

F. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to:

A) authorize staff to submit proposed millage rates for the FY 2009 budget to the Property Appraiser as follows:

	<u>Proposed</u>		<u>Over/(Under) Rollback</u>	
	<u>Millage</u>	<u>Taxes</u>	<u>Amount</u>	<u>Percent</u>
Countywide Non-Voted	3.7811	\$605,453,996	(\$54,820,315)	(7.47%)
Library	0.4970	43,136,980	(4,522,006)	(9.50%)
Fire Rescue				
Fire Rescue MSTU	2.9500	187,727,651	(7,706,379)	(3.94%)
Jupiter Fire Rescue MSTU	2.3176	19,721,885	5,869,082	42.37%
Aggregate-Excluding Voted Debt	<u>5.3460</u>	<u>\$856,040,512</u>	<u>(\$61,179,618)</u>	<u>(6.67%)</u>
Countywide Voted-Debt	0.1845	\$29,559,082	N/A	N/A
County Library Voted Debt	0.0457	\$3,966,519	N/A	N/A

B) authorize staff to submit to the Property Appraiser public hearing dates of Monday, September 8 at 6 p.m. and Monday, September 22 at 6 p.m. in the Commission Chambers, 6th Floor of the Governmental Center for FY 2009;

C) authorize administrative adjustments to establish funding in the FY 2009 budget for capital projects approved and established in the current fiscal year. These projects were approved in the current fiscal year (FY 2008) after the preparation of the proposed budget and are therefore not currently included in the FY 2009 budget. These adjustments will have no impact on proposed ad valorem taxes and will be incorporated into the tentative budget to be presented at the first public hearing; and

D) authorize administrative adjustments to establish funding in the FY 2009 budget for designated fund balances for contingency and other projects and carryover for encumbrances. These balances and encumbrances were approved in the current fiscal year (FY 2008) after the preparation of the proposed budget and are therefore not currently included in the FY 2009 budget. These adjustments will have no impact on proposed ad valorem taxes and will be incorporated into the tentative budget to be presented at the first public hearing.

SUMMARY: Proposed millage rates are below roll-back for Countywide purposes, County Library, and Fire Rescue MSTU. The proposed millage rate is above roll-back for Jupiter Fire Rescue MSTU. Board decisions made during the July 14th workshop are also reflected in the proposed budget. The proposed millage rate for the Jupiter MSTU will require unanimous (7-0) approval of the Board at the September 22, 2008 Public Hearing. Countywide (PFK)

6. REGULAR AGENDA

G. PUBLIC SAFETY

1. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on August 19, 2008 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 16 of the Palm Beach County Code, Article III, (Ordinance No. 2002-13), pertaining to alarms; providing for short title; providing for purpose; amending Section 3, definitions; amending Section 4, providing for alarm permits required; application fee, renewal and duration; amending Section 5, providing for alarm permit applications; providing emergency notification and reporting service; amending Section 6, providing for technical requirements of alarm systems; amending Section 7, providing for response to alarm, determination of false alarms, alarm verification; amending Section 8, providing a procedure to appeal false alarm determination and providing for a false alarm appeals board; amending Section 9, providing for fines for false alarms; providing for maintenance of records; providing that automatic telephone dialing systems are prohibited and no response for mobile alarm systems; providing for applicability of Ordinance; providing for limitation of liability; amending Section 14, providing for prohibitions and penalties; 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:** This Amendment to the existing Burglar Alarm Ordinance is intended to enhance the current Ordinance by eliminating the current Special Master appeal process and establishing a three (3) member False Alarm Appeals Board which will be knowledgeable of the alarm industry standards and be beneficial to the burglar alarm user. All members of this Board will be volunteers and will not receive any compensation. The Amendment also increases the new application fee from \$18 to \$25 and the renewal application fees from \$5 to \$25. The proposed increases will help offset the cost associated with processing these applications. The current estimated cost for the Sheriff's Office to process a new application and review a renewal application is approximately \$22.50 per application. The Sheriff's Office has worked closely with the alarm industry and they support the proposed changes. Currently, the Sheriff's Office processes approximately 1,500 new applications and issues approximately 89,000 renewal applications annually. A survey indicates (based on those who responded to our survey request) what several jurisdictions charge to process new and renewal applications. Countywide (DW)

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RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE ENVIRONMENTAL CONTROL BOARD

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

A. HEALTH DEPARTMENT

1. Staff recommends motion to approve: reappointment of the following members to the Environmental Appeal Board for a term of three (3) years:

<u>Name</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Recommended By</u>
Brian LaMotte	1	Professional Engineer	American Society of Civil Engineers-PB Branch
Brian Joslyn	5	Attorney	PBC Bar Association

SUMMARY: The Board is composed of five (5) members. Membership must consist of one (1) lawyer recommended by the Palm Beach County Bar Association; one (1) person recommended by the Gold Coast Builders Association (formerly known as Home Builders and Contractors Association); one (1) professional engineer recommended by the Palm Beach Branch of the American Society of Civil Engineers; one (1) water resource professional employed by the South Florida Water Management District; and one (1) drinking water engineer employed by the Department of Environmental Protection. Countywide (GB)

ADJOURN AS THE ENVIRONMENTAL CONTROL BOARD

RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

8. BOARD APPOINTMENTS

A. ADMINISTRATION
(Treasure Coast Regional Planning Council)

1. [Staff recommends motion to ratify:](#) the appointment of the following member from the Palm Beach County League of Cities to replace Councilman John Workman as an Alternate on the Treasure Coast Regional Planning Council (TCRPC):

<u>Nominee</u>	<u>Seat No.</u>	<u>Requirement</u>
Councilwoman Martha Webster	6A	Palm Beach County Official

SUMMARY: The TCRPC consists of a total of 47 members: 19 regular and 19 alternates, which are elected officials; and nine (9) members which are appointed by the Governor. Palm Beach County is represented as follows: three (3) regular members and three (3) alternates must be members of the Palm Beach County Board of County Commissioners (BCC); as well as, five (5) regular members and five (5) alternates, which are appointed by the Palm Beach County League of Cities (League of Cities) who must be elected officials. In accordance with the TCRPC policy, the BCC is required to ratify the League of Cities appointments. At its regular meeting on June 25, 2008, the League of Cities nominated Councilwoman Martha Webster from the Village of Royal Palm Beach to replace Palm Beach Shores Councilman John Workman on the TCRPC. Countywide (RPB)

8. BOARD APPOINTMENTS

B. HOUSING & COMMUNITY DEVELOPMENT
(Commission on Affordable Housing)

1. Staff recommends motion to adopt: a Resolution to appoint the following appointments to the Commission on Affordable Housing (CAH) for a term of three (3) years beginning on July 22, 2008, through July 21, 2011:

<u>Nominee/ Appointment</u>	<u>Area of Representation</u>	<u>Nominated By</u>
Suzanne Cabrera	Representing Employees	Comm. Jeff Koons
Wendy Tippett	Not-for-Profit Provider of Affordable Housing	Comm. Jeff Koons
Patrick J. McNamara	Representing Essential Service Personnel	Comm. Jeff Koons
Joseph Grey	Advocate for Low Income Persons	Comm. Mary McCarty
Paula Ryan	Member of Local Planning Agency	Comm. Jeff Koons Comm. Mary McCarty
Vince Larkin	Representing Fair Housing	Comm. Jeff Koons Comm. Mary McCarty
Thomas Hinnens	For-Profit Provider of Affordable Housing	Comm. Jeff Koons Comm. Mary McCarty
<u>Appoint One:</u>		
Christine Oberlink	Resides within Jurisdiction	Comm. Jeff Koons Comm. Mary McCarty
or		
Christopher Plummer	Resides within Jurisdiction	Comm. Addie Greene

SUMMARY: The Commission on Affordable Housing consists of thirteen (13) members nominated by the Board of County Commissioners. All must be residents of Palm Beach County. The Commission on Affordable Housing members serve three (3) year terms. The primary objective of the Commission on Affordable Housing is to make program and funding recommendations to the BCC for its Local Housing Assistance Plan (LHAP). Countywide (TKF)

C. COMMISSION DISTRICT APPOINTMENTS

JULY 22, 2008

9. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

JULY 22, 2008

10. 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

11. ADJOURNMENT

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

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

JULY 22, 2008

<u>PAGE</u>	<u>ITEM</u>	
8	3A-4	<u>DELETED:</u> Staff recommends motion to adopt: a Resolution supporting the preservation and promotion of working waterfronts and public access to navigable waters..(Admin/Legislative Affairs) (Moved to August 19, 2008)
11	3C-10	<u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to adopt: eight (8) <u>six (6)</u> Resolutions declaring the acquisition of properties designated as Parcels 306, 307, 308, 309, 312, and 313 as temporary construction easements necessary for the widening and construction of improvements on Congress Avenue, from Lantana Road to south of Melaleuca Lane. SUMMARY: This action will authorize the filing of eminent domain proceedings against eight (8) <u>six (6)</u> parcels with total appraised value of \$134,950. (Engineering)
18	3H-10	<u>REVISED TITLE:</u> Staff recommends motion to approve: Amendment No. 4 to the Contract with Moss & Associates, LLC (R2007-0031) for construction management services for the out buildings at the West County Detention Facility....in the amount of \$18,819,142 <u>\$18,819,143</u> , subject to the issuance of closing on the County's Criminal Justice and <u>Public Improvement Revenue Bonds, Series 2008 on August 27, 2008.</u> (FD&O)
19	3H-11	<u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 2 to Contract with Heery International, Inc. (R2006-2219), for program management services for the Jail Expansion Program 2 in the amount of \$3,311,688 subject to the issuance of closing on the County's Criminal Justice and <u>Public Improvement Revenue Bonds, Series 2008 on August 27, 2008.</u> SUMMARY: CSA No. 2 will provide program management services for the portion of West County Detention Facility phase of the Jail Expansion Program from March 1, 2008 to February 28, 2010...Heery International's SBE participation for this work is 12.3 <u>13.7</u> %. The overall SBE participation is 15.7 <u>16.7</u> %. (Capital Improvements Division) <u>Countywide</u> (JM) (FD&O)
20	3I-2	<u>REVISED SUMMARY:</u> On October 16, 2007, the BCC approved Agreement (R2007-1819) with Housing Partnership, Inc. in the amount of \$365,000 for the development of affordable housing and operating expenses as a Community Housing Development Organization. Under the Agreement, the funds were to be used to construct at least eight (8) affordable housing units. Approval of this amendment will provide Housing Partnership, Inc. with the option of either constructing or purchasing eight (8) affordable housing units for eligible first-time homebuyers; establish a new effective date and extend the agreement by one (1) year <u>eight (8) months</u> ; ...(HCD)
20	3I-3	<u>DELETED:</u> Staff recommends motion to approve: Amendment No. 001 to Agreement (R2007-1332) with Northwest Riviera Beach Redevelopment Corporation...(HCD) (Further staff review)
22	3K-2	<u>DELETED:</u> Staff recommends motion to: A) approve the Third Amendment to the Palm Beach County/Beeline Community Development District Water and Wastewater Utility Acquisition...(WUD) (Further staff review)
28	3Z-1	<u>REVISED TITLE:</u> Staff recommends motion to approve: a Contract with Island Medical Care, LLC., (Dr. Earl Campazzi, M.D.) to provide twenty (20) hours per week of on-site physician services for the County's occupational health clinic for the term September 1, 2008, through August 31, 2010 in an amount not-to-exceed \$281,666.75 <u>\$270,400</u> . (Risk Management)

ADD-ON: Staff recommends motion to approve: a Grant Agreement with Max Planck Florida Corporation (MPFC) providing for \$86,926,000 million to construct and operate a Biomedical Research Facility in Palm Beach County.

SUMMARY: On September 11, 2007, the Board of County Commissioners adopted Resolution (R2007-1588): **A)** conceptually approving a grant in the amount of \$86.9 million to the Max Planck Society for the purposes of seeking matching funds from the State of Florida; **B)** authorizing the Business Development Board to facilitate the application for matching funding from the State of Florida Innovation Incentive Fund; **C)** authorizing staff to commence negotiations with the Max Planck Society to establish the terms and conditions of the Grant Agreement; **D)** authorizing staff to commence negotiations with Florida Atlantic University and Scripps Florida for temporary facilities for Max Planck Florida Corporation; **E)** authorize staff to commence negotiations with Florida Atlantic University for six (6) acres of land upon which the MPFC will be located. Max Planck Florida Corporation entered into an Agreement with the State of Florida to provide approximately \$94 million for operational expenses on March 12, 2008 and has received its first \$10 million distribution. Negotiations are currently underway between the County, the Max Planck Society and Florida Atlantic University to obtain a fifty (50) year sublease for six (6) acres on the Jupiter Campus of Florida Atlantic University. The execution of the FAU Sublease is a condition to the disbursement of Grant Funds. The County has agreed to the following key Terms and Conditions under the Grant Agreement; **A)** provide a maximum of \$86,926,000 million to reimburse the MPFC for the construction and operation of an approximate 100,000 sq. ft. Biomedical Research Facility in Palm Beach County; of which a maximum of \$60 million will be spent towards the reimbursement of construction costs for the Permanent Facility; and \$26,926,000 million will be spent towards the reimbursement of operational costs; **B)** allow for a 50% - 50% cost share of any unused costs for construction; **C)** distribute up to \$4.1 million in operating funds for equipment procurement prior to receipt of Certificate of Occupancy for the permanent facilities; **D)** allow for the expenditure of up-to \$270,000 for due diligence and professional service investigations which is at the County's risk. MPFC has agreed to the following key Terms and Conditions: **A)** construct and operate a Biomedical Research Facility in Palm Beach County for fifteen (15) years; **B)** cause its primary operations, 70% of MPFC employees, to be in Palm Beach County for ten (10) years; **C)** create 135 MPFC new jobs at an average salary of at least 130% of the current annual Palm Beach County countywide salary average; **D)** implement hiring policies that will strive to give low-income residents of Palm Beach County opportunities for training and employment at MPFC; **E)** develop and implement hiring policies that grant Palm Beach County Residents preference; **F)** give preference in the award of all contracts, where economically practical, in connection with the design and construction of the Permanent Facilities; **G)** establish policies and procedures with the goal of investing up to fifteen (15%) of the construction costs in goods and services provided by SBE's; **H)** establish policies and procedures with the goal of investing up to fifteen (15%) of the total operating funds toward equipment and supplies provided by SBE's; **I)** implement a Science lecture or workshop series in Palm Beach County; **J)** develop a voluntary mentorship program for students in grades K-12 within Palm Beach County; **K)** establish a Speakers Bureau to reach Palm Beach County public and private schools and community colleges; **L)** establish an Internship Program for Palm Beach County high school or community college science teachers; **M)** hold an annual one-day "Career Fair" for middle and high school students; **N)** commit three percent (3%) of its net royalty revenues towards funding science-related educational purposes in Palm Beach County commencing in 2018 and ending on November 1, 2028; such purposes may include, the funding of science-related student scholarships for students at high schools, community colleges and universities in Palm Beach County or in cooperation with Palm Beach County Conference of Black Elected officials; **O)** arrange the display of the "Max Planck Science Tunnel" in Palm Beach County, between mid-January and mid-March of 2009; **P)** assist with the recruitment of research institutes, biomedical or pharmaceutical companies to Palm Beach County; **Q)** develop a website of MPFC highlighting its activities in Palm Beach County; and **R)** re-invest all net royalty revenues in MPFC commencing upon execution of the Agreement through November 1, 2028. Countywide (JM and HF) (Admin)

- 34 6B-3 **REVISED SUMMARY:** Based on the current estimates, the MSTU Program can fund the repeted remaining projects over the next three (3) years. However, the program will need additional funds in order to process any new projects. Given the budget pressures, staff recommends no new projects be accepted into the program during the next twelve (12) months. As the Countywide Community Revitalization Team (CCRT) Program also lacks ~~sufficient funds~~ has potential future funding issues some of the options to consider would be: 1) discontinue the projects in CCRT areas; 2) continue the CCRT projects that have been petitioned, (A Street, Coconut Road and Patio Court), at the subsidized level, or 3) repetition the CCRT projects that have been previously petitioned and require the full 50% matching amount. This last approach (3) would more than double their repayment requirements. (Engineering)
- 34 6B-4 **REVISED TITLE & SUMMARY:** **Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on August 19, 2008 at 9:30 a.m.:** an Ordinance amending Palm Beach County Code Chapter 23, Article V, known as the Roadside Vendors Ordinance (Ordinance 97-40); amending Section 98, permit required for commercial use of County rights-of-way; amending Section 100, criteria for vending locations; amending Section 102, application for permit; amending Section 103, fees; amending Section 104, conditions of permit; amending Section 108, voluntary relocation; amending Section 109, renewal of permit; amending Section 110, revocation of permits; amending Section 111, appeal; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for an effective date 112, limited exception; amending Section 115, applicability. **SUMMARY:** The proposed Ordinance will amend Chapter 23, Article V, known as the Roadside Vendors Ordinance (Ordinance 97-40), and designate an area to accommodate large vending locations; increase the size of vending locations in the designated area, increase fees, insurance and bond amounts associated with commercial use of County rights-of-way by vendors; restrict use of rights-of-way when it is used for park access and parking; provide for other changes to provide clarity, ~~correct spelling, address, name, and title changes~~ accommodate agency changes and update the appeal process. Countywide (MRE) (Engineering)

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 (*).