

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

SEPTEMBER 9, 2008

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

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance

- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption

- 3. CONSENT AGENDA (Pages 10 - 60)**

- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 61)**

- 5. PUBLIC HEARINGS - 9:30 A.M. (Pages 62 - 64)**

- 6. REGULAR AGENDA (Pages 65 - 72)**
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. 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)

2. Staff recommends motion to approve:

A) Agreement with Palm Beach County Sheriff's Office (PBSO) in an amount not to exceed \$50,000 for Putting Kids First;

B) Budget Transfer of \$50,000 from the Capital Outlay Fund from CCRT to the Sheriff's Grant Fund; and

C) Budget Amendment of \$50,000 in the Sheriff's Grant Fund to recognize and appropriate the transfer from the Capital Outlay Fund.

SUMMARY: This Agreement provides for the County to reimburse PBSO an amount not to exceed \$50,000 for the costs of purchasing book bags, school supplies, food, and other miscellaneous expenses associated with the implementation of "Putting Kids First" Program. The above project was reviewed and recommended for funding by the Countywide Community Revitalization Team (CCRT) Committee and approved by the Board of County Commissioners (BCC) on December 18, 2007. The individual project funding agreement is now being submitted to the BCC for approval. The budget transfer and amendment are needed to allocate funds to PBSO. Countywide (AH)

3. Staff recommends motion to approve:

A) Budget Transfer from the Capital Outlay Fund to 1) Cabana Colony/Lone Pine Road Street Lighting Project account in the amount of \$40,000 for the installation of 20 cobra head street lights and 2) Royal Palm Estates Street Lighting Project account in the amount of \$36,000 for the installation of 18 cobra head street lights;

B) Budget Transfer from the Capital Outlay Fund to the CCRT Street Lighting Maintenance Fund for: 1) Cabana Colony/Lone Pine Area Street Lighting Project in the amount of \$40,000 for ten (10) years of maintenance; and 2) Royal Palm Estates Lighting Project in the amount \$72,000 for 20 years of maintenance; and

C) Budget Amendments totaling \$112,000 in the CCRT Street Lighting Maintenance Fund to recognize and appropriate the transfers from the Capital Outlay Fund of \$40,000 for maintenance of the Cabana Colony/Lone Pine Area Street Lighting Project and \$72,000 for the Royal Palm Estates Street Lighting Project.

SUMMARY: The street lighting projects being submitted for approval were initiated by members of the Cabana Colony Residents League, Inc. and the Royal Palm Estates Neighborhood Association. Based on review of each application by the Office of Community Revitalization (OCR) staff as well as Palm Beach County Sheriffs Office staff, it was determined that the installation of these streetlights would help reduce area crime as well as enhance pedestrian safety. The total amount of funding provided for these projects is \$188,000. Districts 1 & 6 (AH)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

4. Staff recommends motion to approve: Amendment No. 1 to Agreement R2007-0447 with the Lake Okeechobee Regional Economic (LORE) Alliance, Inc. to revise Exhibit A to the Agreement. **SUMMARY:** This Amendment will allow for small business/property owners to access funds less than \$5,000 in the Façade/Exterior Grant Program administered by LORE. Funds for improvements will be 100% matched or better by the business/property owners. Countywide (DW)

5. Staff recommends motion to receive and file:
 - A) Resolution 76-08 of the Town of Jupiter, Florida related to the County and Lester Family's proposal for development of the Briger Tract; urging the Treasure Coast Regional Planning Commission, Palm Beach County, Palm Beach Gardens, and the Lester Family to evaluate and address the impacts on surrounding commercial uses created by the proposed development;

 - B) Resolution 2008-2686 of the City of Belle Glade, Florida, urging the Solid Waste Authority to locate the proposed new landfill at its current western site rather than any alternative site; and

 - C) Resolution R-787-08 of the Miami-Dade County Board of County Commissioners, urging the Florida Legislature to equalize funding based on population to provide each region of Florida, including South Florida, its fair share of State funding.

6. Staff recommends motion to approve: First Amendment to the Interlocal Agreement with the City of South Bay (South Bay) dated June 19, 2007 (R2007-0910). **SUMMARY:** On June 19, 2007, the Board of County Commissioners (BCC) approved an Agreement with South Bay in the amount not to exceed \$400,000 for street improvements. This First Amendment to the Agreement with South Bay allows the County to make reimbursement payments directly to vendors hired by South Bay to perform services in accordance with the agreement. The project was originally approved by the Board of County Commissioners (BCC) on October 18, 2005, and is being funded through the Office of Community Revitalization/CCRT allocation of \$100,000 in Fiscal Year 2005-2006 and \$300,000 in FY 2006-2007. District 6 (AH)

7. Staff recommends motion to approve: Agreement with the Westgate/Belvedere Homes Community Redevelopment Agency (CRA) in an amount not to exceed \$500,000 for land acquisition. **SUMMARY:** The Agreement provides for the County to reimburse the CRA an amount not to exceed \$500,000 to purchase land to develop a central storm water retention pond to mitigate flooding in the North Westgate Community. This project was reviewed and recommended for funding by the Countywide Community Revitalization Team (CCRT) and originally approved by the Board of County Commissioners (BCC) on December 16, 2003. The project is being funded through the Office of Community Revitalization/CCRT allocation of \$100,000 in Fiscal Year 2003-2004 and \$400,000 in FY 2007-2008. The funding agreement is now being submitted to the BCC for approval. District 2 (AH)

8. Staff recommends motion to approve: First Amendment to the Agreement with Belle Glade Housing Authority to amend the contract by changing the contract expiration date from June 18, 2008, to December 18, 2008. **SUMMARY:** This First Amendment to the Agreement with Belle Glade Housing Authority (R2008-0136) retroactively amends the contract expiration date from June 18, 2008, to December 18, 2008 to allow Belle Glade Housing Authority to submit its final reimbursement request to the County. District 6 (AH)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

9. **Staff recommends motion to approve:** First Amendment to the Agreement (R2008-1255) with Housing Partnership, Inc. to change the scope of work from the purchase of color printers to the purchase of desktop computers. **SUMMARY:** The First Amendment to the Agreement with Housing Partnership, Inc. (R2008-1255), changes the scope of work from purchasing color printers and ink to purchasing desktop computers and supplies. The Agreement provides for a Resident Education to Action Program (REAP) Grant in an amount not to exceed \$2,200 to Housing Partnership Inc. for expenses associated with the purchase of color printers, ink and supplies for the Community Comp Project. After further review, it was determined that eligible project expenses included the purchase of desktop computers and supplies, and not color printers and ink. This Amendment reflects the items Housing Partnership, Inc. proposed in its grant application. District 6 (AH)

B. CLERK & COMPTROLLER

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Zoning	April 24, 2008
Comprehensive Plan	April 28, 2008
Regular	May 20, 2008
Regular	June 17, 2008

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

3. **CONSENT AGENDA APPROVAL**

B. **CLERK & COMPTROLLER (Cont'd)**

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

A) the sale of all common stock shares held by the County arising from bankruptcy distributions of US Airways and Northwest Airlines; and

B) the designation of the Clerk & Comptroller, or her designee, as the Primary Authorized Person to act on behalf of the County to handle the sales transaction with Computershare.

SUMMARY: US Airways filed for bankruptcy protection on August 11, 2002, with outstanding payments to the County's Department of Airports in the amount of \$154,975.66. Northwest Airlines filed on September 14, 2005, owing \$40,557.06. Under Chapter 11 of the United States Bankruptcy Code, debtors are granted relief from paying outstanding debts at the time of bankruptcy filing. Pursuant to the Plans of Reorganization from the respective companies and as approved by the U.S. Bankruptcy Court, pro rata shares of common stock were issued to general unsecured creditors. The County's estimated stock value for US Airways and Northwest Airlines is \$24 and \$658.68, respectively, before transaction fees. Additional distributions may be expected. All Airport fees subsequent to the respective filing date have been paid on a timely basis. Under the terms and conditions of the County's Airline-Airport Use and Lease Agreement, unpaid debt is charged to all airline companies operating at Palm Beach International Airport (PBIA) as a component of terminal rents and landing fees. Therefore, the Department has recovered the value of the unpaid pre-petition debt through ongoing rates and charges. Countywide (PM)

C. **ENGINEERING & PUBLIC WORKS**

1. **Staff recommends motion to approve:** an Encroachment and Removal Agreement (Agreement) with KRG/Atlantic Delray Beach, LLC (KRG), to allow lessee owned improvements to remain in effect, until removal date. **SUMMARY:** This Agreement will allow the lessee to remain as a tenant until July 31, 2009, on property owned by KRG that is to be deeded to Palm Beach County for West Atlantic Avenue. District 5 (PK)
2. **Staff recommends motion to approve:** a County Deed transferring certain rights-of-way to the Village of Palm Springs (Village). **SUMMARY:** A recent review by staff and the Village has disclosed that certain rights-of-way, as shown on Exhibit "A" of the County Deed, being Lark Road, a portion of Davis Road, and a portion of 2nd Avenue North, are wholly within the Village limits. The Village has sent a request for a County Deed for these roads. District 3 (MRE)
3. **Staff recommends motion to adopt:** a Resolution transferring a platted Access Control Easement (ACE) on the south line of Tract A to the Florida Department of Transportation (FDOT). **SUMMARY:** This action will adopt a Resolution giving FDOT control of an ACE abutting the Beeline Highway at Steeplechase Drive. District 1 (PK)
4. **Staff recommends motion to approve:** an Amendment to the Annual Open Graded Asphalt Pavement Contract (R2007-0735) (Contract), dated May 15, 2007, with Florida Highway Products, Inc., to extend the length of the Contract for one (1) year to expire on September 30, 2009. **SUMMARY:** Approval of this Amendment will extend the expiration date of the existing Contract from September 30, 2008 to September 30, 2009. There will be no increase in the maximum value of work orders issued under the existing Contract which is \$100,000. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

5. Staff recommends motion to approve: a Budget Transfer of \$20,000 in the Transportation Improvement Fund from reserves for District 5 to fund countdown pedestrian traffic signals at seven (7) locations. **SUMMARY:** This action will initiate a Budget Transfer of \$20,000 in the Transportation Improvement Fund from reserves for District 5. The funds will be used to purchase and install countdown pedestrian traffic signals at seven (7) locations. District 5 (MRE)

6. Staff recommends motion to approve: an Amendment to the Interlocal Agreement (R2006-1236) with Loxahatchee Groves Water Control District (LGWCD) for the acquisition of a water truck, extending the completion deadline from September 30, 2008, to January 30, 2009. **SUMMARY:** On July 11, 2006, LGWCD and Palm Beach County entered into an Interlocal Agreement to provide reimbursement funds in an amount not to exceed \$60,000 for the acquisition of a water truck. LGWCD desires that the Agreement continue without interruption or lapse and its term extended to January 30, 2009. District 6 (MRE)

7. Staff recommends motion to approve:
 - A) a Budget Transfer of \$65,000 in the County Transportation Trust Fund from Contingency Reserves to General Fund; and
 - B) a Budget Amendment of \$65,000 in the General Fund to recognize the transfer from the County Transportation Trust Fund and appropriate it to Land Development Division – ISS Professional Charges.

SUMMARY: This Budget Transfer and Amendment will provide additional funding to continue the E-Permitting Project started in 2003 by Land Development through ISS. E-Permitting is to supply an on-line permitting process for ease of use by Developers and other parties in issuance of right-of-way construction permits and drainage reviews. Countywide (MRE)

8. Staff recommends motion to approve: Amendment No.1 to the Agreement with Boca 54 North LLC, extending the termination date from August 1, 2008, to February 1, 2009 for the State of Florida Office of Tourism, Trade, and Economic Development (OTTED) funded off-site roadway improvements associated with the new Office Depot Headquarters. **SUMMARY:** This Amendment will allow additional time for Boca 54 North LLC to complete off-site roadway improvements required for the Office Depot Headquarters and additional time for Boca 54 North LLC and Palm Beach County to process reimbursement for the improvements. The funds will be reimbursed to the County by a grant for Economic Development Transportation Funds (EDFT). District 4 (MRE)

9. Staff recommends motion to approve: an Agreement with Arcadis U.S., 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)

10. **Staff recommends motion to approve:** an Amendment to the Annual Microsurfacing Contract (R2007-0734) (Contract), dated May 15, 2007, with Florida Highway Products, Inc., to extend the contract to September 30, 2009. **SUMMARY:** Approval of this Amendment will extend the expiration date of the existing Contract to September 30, 2009. There will be no increase in the maximum value of work orders issued under the existing Contract which is \$50,000. Countywide (MRE)

11. **Staff recommends motion to:**
 - A) rescind** the Board of County Commissioners' (Board) approval of a Local Agency Participation Agreement with the Florida Department of Transportation (FDOT) (R2008-1231) (Replacement LAP) that was substituted for the first agreement with FDOT for the repair of damaged traffic signal interconnect cable (R2007-1251) (Original LAP – August 21, 2007); and

 - B) approve and authorize** the Chairperson to initial minor changes made by FDOT to the Original LAP (R2007-1251) that provides for repair to signal interconnect cable damage from Hurricane Wilma.

SUMMARY: The FDOT has determined that in order to process the funding associated with this matter, the Board needs to initial changes the Original LAP rather than create a Replacement Agreement. To facilitate and clarify the actions taken by the Board on July 22, 2008, the Minutes Department has requested that the action today reflects that the Board rescinded its approval of the Replacement LAP; and that staff recommends that the Board approve changes to the Original LAP and authorize the Chairperson to initial the changes. Countywide (MRE)

12. **Staff recommends motion to approve:** an Agreement with Tierra, Inc. to provide the necessary professional testing lab services on a task order basis, for countywide projects, as required. **SUMMARY:** This Agreement will provide the necessary professional testing lab services 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)

13. **Staff recommends motion to receive and file:** a Contract not to exceed the total value of \$89,450 for Phil Foster boat ramp maintenance dredging and stub canal boat ramp improvements, Project No. 2008059 (Contract), with Murray Logan, Inc. (Contractor). **SUMMARY:** The Contract will make possible maintenance dredging and reconstruction of two (2) Palm Beach County boat ramp facilities. Work shall be performed in accordance with the Annual General Contracting Services Agreement between Northern Palm Beach County Improvement District (NPBCID) and the Contractor which has been incorporated by reference. The Contract period is one hundred twenty (120) days from the date of Notice to Proceed. Districts 1 & 2 (MRE)

14. **Staff recommends motion to approve:** a Public Facilities Agreement (Agreement) with Old Marsh Golf Club, Inc. (Old Marsh) to construct three (3) drainage outfalls necessary for construction of the Jog Road/Donald Ross Road from Hood Road to 64th Drive North roadway construction project (Project). **SUMMARY:** Approval of this action will authorize Old Marsh to construct three (3) drainage outfalls through its property, which are necessary for construction of the Project. Old Marsh will be reimbursed for their costs and expenses up to a not to exceed amount of \$95,000. District 1 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

15. DELETED

16. Staff recommends motion to approve:

A) a Joint Participation and Project Funding Agreement in the amount of \$419,746.82 with the City of Riviera Beach Utility Special District (District) for utility construction on Haverhill Road from 45th Street to north of Northern Palm Beach County Improvement District EPB-10 Canal roadway improvements (Project); and

B) a Budget Amendment of \$119,828 in the Road Impact Fund Zone 2 to recognize reimbursement funding from the District and appropriate it to the Project.

SUMMARY: As part of the Project, Palm Beach County (County) and the District desire to jointly participate in the utility adjustments to the water distribution, sewage transmission system and other improvements along the right-of-way. The District agrees to reimburse the County for the cost of these utility adjustments and other improvements. The total estimated cost for the utility construction is \$419,746.42. District 7 (MRE)

17. Staff recommends motion to approve:

A) an Interlocal Agreement with the Town of Mangonia Park (Town) for decorative street lights for Boardman Avenue in the amount of \$80,133; and

B) a Budget Transfer of \$80,133 in the Transportation Improvement Fund from Reserves for District 7 to Mangonia Park-Decorative Streets Lights for Boardman Avenue.

SUMMARY: Approval of this Interlocal Agreement and Budget Transfer will provide funds to help pay for decorative street lights on Boardman Avenue in the Town. District 7 (MRE)

18. DELETED

19. Staff recommends motion to approve: a Subordination of Utility Interests from BellSouth-AT&T Florida, doing business as Telecommunications, Incorporated (Utility Company) releasing their interests to Palm Beach County (County) in a parcel of land located on the west side of Jog Road at the Omni Middle School. **SUMMARY:** Approval of the Subordination of Utility Interests will release the interests of the Utility Company in a parcel of land required for a right turn lane on the Jog Road from Yamato Road to Clint Moore Road project. This Subordination of Utility Interests requires the County to pay for any future relocation costs of the utility company facilities when and if requested by the County. District 4 (PK)

20. Staff recommends motion to approve: Amendment Number One to R2006-1068, the Joint Locally Funded Project Lease Agreement (JPA) with the State of Florida's Department of Transportation Turnpike Enterprise (Turnpike Enterprise). **SUMMARY:** Approval of this Amendment will allow Palm Beach County to extend the JPA with the Turnpike Enterprise by an additional 20 years, up to June 20, 2046, and will extend continued participation in the Turnpike project "SunNav Phase II" (SUNNAV PROJECT FPID 406122-1-52-01) from Fort Pierce to Glades Road, by means of a dedicated conduit and fiber optic cable for use exclusively by the Traffic Division and Information System Services. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

21. Staff recommends motion to approve: Change Order No. 1, in the amount of \$95,834.31, for the Royal Palm Estates street improvements, Project No. 2002135 (Project), with H & J Contracting, Inc. (Contractor). **SUMMARY:** Approval of Change Order No. 1 will add additional items to the Project contract totaling \$86,536.01, contingency items totaling \$9,298.30 and additional time of 40 calendar days for completion of the Project. The Project will now be complete in 220 calendar days and the contract amount is increased from \$1,073,841.42 to a new contract amount of \$1,169,675.73. District 6/MSTU District B (MRE)

22. Staff recommends motion to approve: a Contract not to exceed the total value of \$1,070,000 for task orders which may be issued for the Annual Pavement Marking Contract (Project), Project No. 2009051, with Southwide Industries, Inc. (Contractor), the lowest responsive, responsible bidder. **SUMMARY:** The Project includes furnishing and installing pavement marking material, raised reflectorized pavement markers, and traffic paint on Palm Beach County roadways. The Small Business Assistance goal for the project is 15%. Due to the non-existence of any SBE company which could furnish thermoplastic material, as verified by SBA, neither the Contractor nor the second lowest, responsive, responsible bidder achieved any Small Business Enterprise participation. The Contract is effective for 18 months from the date awarded by the Palm Beach County Board of County Commissioners. Neither of the last two (2) annual contracts included SBE participation. Countywide (MRE)

23. Staff recommends motion to approve: a Contract with Precision Contracting Services, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$765,424.40, for the Signal Interconnect Restoration Contract (2009052) (Project). **SUMMARY:** The Project involves restoration of fiber-optic signal interconnect cable on various roadways throughout Palm Beach County. The Small Business Assistance goal for the Project is 15%. The Small Business Enterprise participation committed by the Contractor is 100% overall. Countywide (MRE)

24. Staff recommends motion to approve: an Agreement with Ardaman & Associates, Inc. to provide the necessary professional testing lab services on a task order basis, for countywide projects, as required. **SUMMARY:** Approval of this Agreement will provide the necessary professional testing lab services 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)

25. Staff recommends motion to approve: an Amendment to the Financial Assistance Agreement (R2007-0843) with Lucerne Lakes Master Homeowners' Association (Association) for an extension of the completion date for improvements in the Lake Worth Drainage District right-of-way for Canal L-12 adjacent to Lake Worth Road. **SUMMARY:** Approval of this Amendment between the Association and Palm Beach County will extend the completion date from June 30, 2008, to June 30, 2009. The completion of the improvements has been delayed due to contractor performance problems. District 2 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

26. Staff recommends motion to approve:

A) the appraisal and acquisition of property known as lots 10, 11, 12 on Carver Avenue and lot 35 on Cinquez Park Road East for a water retention area associated with the roadway improvements in the Cinquez Park subdivision located east of I-95 and north of Indiantown Road in the unincorporated area of the Town of Jupiter; and

B) a \$500,000 Budget Transfer in the Municipal Service Taxing Unit District "A" Fund from Reserves to Cinquez Park East Area Improvements (Project).

SUMMARY: Approval of the appraisal and acquisition will authorize staff to proceed with the selection of an appraiser for property known as lots 10, 11, 12 of Cinquez Park 2nd Addition (Plat Book 21, Page 20), and lot 35 of Cinquez Park (Plat Book 20, Page 81) (Property). Due to a different ownership entity, a separate legal description and sketch of lot 35 was prepared. The Property will be used for a water retention area as part of the roadway improvements. The Project is located within a Countywide Community Revitalization Team area. Approval of this Budget Transfer will provide funds for the acquisition and development of the Project. District 1 (PK)

27. Staff recommends motion to receive and file: a report of plat recordations from April 1, through June 30, 2008. **SUMMARY:** This is a quarterly summary of subdivision plats recorded during the past fiscal quarter as required by the Department of Engineering and Public Works Policies and Procedures Manual Item No. ED-O-11 governing administrative approval of plats by the County Engineer. Countywide (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: Settlement in the total amount of \$342,547, inclusive of attorneys' fees and costs, in the case of Palm Beach County v. Douglas Sykes, et.al., Case No. 502007CA014837XXXXMB. **SUMMARY:** This is an action to quiet title to land measuring 4.33 acres that lies adjacent to PBC Water Treatment Plant (WTP) No. 8. Although the County claims an ownership interest in the land, the parcel has been on the tax roll as privately owned since 1955, thereby clouding the County's title. Countywide (PGE)

2. Staff recommends motion to approve: a Settlement in the amount of \$161,430.11 including attorney's fees, but excluding costs, in the eminent domain action styled Palm Beach County v. Abdul Maleque, et al., Case No. 502007CA001804XXXXMB, for the taking of parcels 109, 209 and 309, owned by Abdul Maleque and Sabina Maleque. **SUMMARY:** The County has negotiated a settlement for parcels 109, 209 and 309 in the amount of \$161,430.11 as compensation for the land taken, including attorney's fees, but excluding costs, subject to the approval of the Board of County Commissioners. The subject property is located on the corner of Seminole Pratt Whitney Road and Okeechobee Boulevard. In his appraisal update, the County's expert appraiser valued the subject parcels at \$117,331 with a valuation date of July 7, 2006. The property owner's expert appraiser valued the subject parcels at \$172,900 for the land taken. The proposed settlement is \$132,500 for the land taken, plus attorney's fees in the amount of \$28,930.11, calculated mathematically pursuant to Florida law. The total settlement including attorney's fees, but excluding costs, is \$161,430.11. If this settlement is approved, it would require the County to pay an additional \$116,597.11 to fully fund the settlement, excluding costs. District 6 (PM)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

3. **Staff recommends motion to approve:** a Settlement in the amount of \$84,638.94 including attorney's fees, but excluding costs, in the eminent domain action styled Palm Beach County v. Diego A. Pena, et al., Case No. 502007CA001113XXXMB, for the taking of parcels 192, 292 and 392, owned by Winsome Benjamin. **SUMMARY:** The County has negotiated a settlement for parcels 192, 292 and 392 in the amount of \$84,638.94 as compensation for the land taken, including attorney's fees, but excluding costs, subject to the approval of the Board of County Commissioners. The subject property is located on Seminole Pratt Whitney Road north of Okeechobee Boulevard. The County's expert appraiser valued the subject parcels at \$57,882 with a valuation date of March 22, 2006. The property owner's expert appraiser valued the subject parcels at \$85,050. The proposed settlement is \$78,000 for the land taken, plus attorney's fees in the amount of \$6,638.94, calculated mathematically pursuant to Florida law. The total settlement including attorney's fees, but excluding costs, is \$84,638.94. If this settlement is approved, it would require the County to pay an additional \$26,756.94 to fully fund the settlement, excluding costs. District 6 (PM)

4. **Staff recommends motion to approve:**
 - A) Payment in the amount of \$30,359 to St. Mary's Medical Center for the cost of providing medical care to an indigent individual from the period of January 12, 2008, through January 31, 2008;
 - B) a Budget Transfer of \$180,589 from the Risk Management Fund to the General Fund; and
 - C) a Budget Amendment of \$180,589 in the General Fund to provide for this payment for medical services from October 1, 2007, through January 31, 2008 (\$150,230 of this amount was previously approved by the Board on September 11, 2007, but not included in the FY 2008 budget).

SUMMARY: On September 11, 2007, the Board approved a payment to St. Mary's Medical Center in the amount of \$554,992 for medical services provided to an indigent patient from the period November 27, 2006, through January 11, 2008. The patient was released from St. Mary's Medical Center on January 31, 2008. The requested amount of \$30,359 over the cost of medical services for this patient from January 11, 2008, through January 31, 2008, a period not addressed in the September 11, 2007 Board Agenda. This payment completes payment of the medical services provided to this individual by St. Mary's Medical Center and the County will have no further responsibility for such medical services for his care. Countywide (LSJ)

5. **Staff recommends motion to approve:** execution of a Quit-Claim Deed to Jewish Community Facilities Corporation, a Florida non-profit corporation, conveying any County interest in certain rights-of-way in Palm Beach Farms Plat No. 3. **SUMMARY:** Recent recorded quit-claim deeds to the County from West Peninsular Title Company and Absolute, Inc. have raised a title issue. County Quit-Claim Deeds have been used to resolve this title issue with other affected property owners. This Quit-Claim Deed covers certain Palm Beach Farms Plat No. 3 strips that had lost public dedication through the West Peninsular federal lawsuit. The property is located just south of Glades Road at 95th Avenue in unincorporated Palm Beach County, Florida. District 5 (PFK)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to approve:

A) Amendment No. 002 to Standard Agreement No. IC007-9500 (R2007-1691) for the Community Care for the Elderly (CCE) Program with the Area Agency on Aging (AAA) of Palm Beach/Treasure Coast, Inc. for the period July 1, 2007, through June 30, 2008, increasing the agreement amount by \$50,000 for a new total not to exceed the amount of \$1,153,185; and

B) Budget Amendment of \$107,545 in DOSS - Community Care for Elderly (CCE) Fund.

SUMMARY: This Amendment will increase In-Home Services by \$50,000 in state grant funds provided by the Area Agency on Aging. The budget amendment is necessary to reconcile the budget with the original contract award amount and increases provided by amendments No. 001 and No. 002. In the area south of Hypoluxo Road, Ruth Rales Jewish Family Service currently provides CCE services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5 and 7 south of Hypoluxo Road (TKF)

2. Staff recommends motion to approve:

A) Amendment No. 001 to Standard Agreement No. IR007-9500 (R2007-1463) for the Respite for Elders Living in Everyday Families (RELIEF) Program with the Area Agency on Aging (AAA) of Palm Beach/Treasure Coast, Inc. for the period July 1, 2007, through June 30, 2008, increasing the agreement amount by \$12,000 for a new total not to exceed the amount of \$114,058; and

B) Budget Amendment of \$12,000 in DOSS - Administration Fund.

SUMMARY: This Amendment will increase the RELIEF/Respite Program by \$12,000. In the area south of Hypoluxo Road, Ruth Rales Jewish Family Service currently provides CCE services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5 and 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to:

A) ratify the signature of the Chairperson on the 2009 State of Florida Department of Children and Families (DCF) Homeless Challenge Grant application;

B) delegate authority to the County Administrator or his designee to sign the State of Florida Department of Children and Families contract for the Homeless Challenge Grant; and

C) delegate authority to the County Administrator or his designee to sign the contracts with The Lord's Place, Coalition for Independent Living Options, Inc., Faith, Hope, Love, Charity, Inc. and Families First for no longer than a one year period to end June 30, 2009, for the maximum cumulative amount of \$150,000.

SUMMARY: The Division of Human Services is applying for Emergency Shelter and Homeless Prevention Services through the 2009 Homeless Challenge Grant. DCF will allocate funds based on the applicant's score up to a maximum of \$150,000. Upon receipt of a grant award, the County will contract with service providers as follows:

Maximum Funding Level Allocation			
<u>\$150,000</u>	<u>Sub-Contractor</u>	<u>Type of Service</u>	<u># to be Served</u>
\$50,000	The Lord's Place	Emergency Shelter	58
\$50,000	Faith, Hope, Love, Charity, Inc.	Emergency Shelter	56
\$25,000	Families First	Homeless Prevention	50
\$25,000	Coalition for Independent Living Options, Inc.	Homeless Prevention	40

Should the funding level be below the maximum, the allocations would be reduced to amounts agreed to in advance amongst the providers. No County funds are required. (Human Services) Countywide (TKF)

4. Staff recommends motion to approve: Use of Facility Agreement with the Jewish Community Center of the Greater Palm Beaches, Inc., effective July 1, 2008, with no fixed expiration date to provide a kosher congregate meal site for the elderly. **SUMMARY:** This Agreement will enable the Division of Senior Services (DOSS) to operate a kosher congregate dining site for the elderly at the Jewish Community Center of the Greater Palm Beaches, Inc. site located at 3151 N. Military Trail, West Palm Beach at no cost to the County for space or energy usage. DOSS will operate the site and provide the kosher meals. Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

5. Staff recommends motion to approve: Amendment No. 001 to Standard Agreement No. IU008-9500 (R2008-0171) for the Nutrition Services Incentive Program (NSIP) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc., for the period October 1, 2007, through September 30, 2008, decreasing the reimbursement unit rate and increasing the maximum reimbursement by \$37,611, for a new total not to exceed amount of \$311,223 for various supportive services to seniors. **SUMMARY:** Additional funding has been granted under the NSIP grant. This Amendment will decrease the reimbursement unit rate from .6137002 to .59534527 for 116,601 units produced between August 1, 2008, through September 30, 2008; and increase the new maximum reimbursement from \$273,612 to \$311,223. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provides OAA services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

6. Staff recommends motion to approve:

A) Renewal Letter for the Cooperative Agreement with the School Board of Palm Beach County (R2007-1671); and

B) Addendum to the Cooperative Agreement (R2007-1671), for the period of July 1, 2008, through June 30, 2009, at no cost to the County, to provide services to exceptional students during the School Board's approved school calendar.

SUMMARY: The Cooperative Agreement states it shall be automatically renewed yearly for up to three (3) years. Based on satisfactory performance during the past contract period, it is recommended that the Cooperative Agreement with The School Board of Palm Beach County be renewed. The Addendum clarifies the days that services will be provided to Head Start children. The days will be consistent with the School Board's approved school calendar. The School Board will provide all services to students as specified in the students' Individual Education Plan utilizing funding from the Full-Time Equivalency (FTE) amount allocated by the State Department of Education. Head Start will screen for vision, speech, hearing, development and behavior to identify students appropriate for the program. Services provided by the School Board will be at no cost to the County. (Head Start) Countywide (TKF)

7. Staff recommends motion to adopt: Resolution delegating authority to the County Administrator, or his designee, to sign the Fiscal Year 2009 HIV Emergency Relief Grant Application and any other necessary documents. **SUMMARY:** The County has been notified that, as an Eligible Metropolitan Area (EMA) we will receive funds under the Part A HIV Emergency Relief Grant. The grant application for FY 2009 must be submitted to the U.S. Department of Health and Human Services by September 29, 2008. The grant application will be completed by the 19th of September, but still must be reviewed by the HIV CARE Council staff and the Community Services Department. To ensure that the grant application deadline is met, the delegation of authority to sign the application is requested. Countywide (TKF)

8. Staff recommends motion to receive and file: Agreement with the Florida Power & Light Company – FPL Care to Share Program to prevent loss of power for residents of Palm Beach County for the period of July 1, 2008, through June 30, 2013, for an approximate total amount up to \$300,000 per year. **SUMMARY:** On June 17, 2008 (R2008-1039), the Board authorized a contract with Florida Power & Light Company. The FPL Care to Share Program Agreement enables the Division to provide financial assistance to households at risk of their power being disconnected. (Human Services) Countywide (TKF)

9. Staff recommends motion to approve: Amendment No. 001 to Standard Agreement No. IP008-9500 (R2008-1041) for the Emergency Home Energy Assistance Program (EHEAP), with the Area Agency on Aging (AAA) of Palm Beach/Treasure Coast, Inc. for the period April 1, 2008, through December 31, 2008, increasing the agreement amount by \$10,889.05 for a new total not to exceed amount of \$21,778.10. **SUMMARY:** This Amendment will increase crisis benefits (electric service disconnection) by \$10,889, which enables the Division's ability to serve more elderly clients. In the area south of Hypoluxo Road, Ruth Rales Jewish Family Service currently provides EHEAP services under a similar agreement from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

10. **Staff recommends motion to approve:** Standard Agreement No. IR008-9500 for the Respite for Elders Living in Everyday Families (RELIEF) program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2008, through December 31, 2008, in the not to exceed amount of \$50,609. **SUMMARY:** The RELIEF Standard Agreement will allow the County, through its Division of Senior Services (DOSS), a lead agency, expands its in-home respite, specifically evening and weekend respite. This will increase the ability of a family unit to continue to care for a homebound elderly individual beyond the basic provisions of current public programs. Under this Agreement, DOSS will directly provide 6,980 volunteer service hours at a unit reimbursement rate of \$7.25 for each hour of in-home respite, and each hour of training provided to volunteers. The unit rate provides a stipend for the RELIEF volunteers of \$2.55 per hour, plus \$2.50 daily for meal expense and \$.585 a mile for travel allowance. RELIEF services are funded with \$50,609 in State funds provided through the AAA agreement. Additional County funds in the amount of \$22,242 are needed to cover staff salaries and administrative costs not covered by the Agreement. The Agreement spans two (2) County fiscal years. Sufficient funding is available in the FY 2008 budget to meet County obligations. County funding required to meet FY 2009 obligations has been requested in the FY 2009 budget process. (DOSS) Countywide (TKF)

11. **Staff recommends motion to approve:** Contract with Comprehensive AIDS Program, Inc. for Ryan White Part A HIV Emergency Relief Minority AIDS Initiative (MAI) funds for the period of August 1, 2008, through July 31, 2009, in an amount of \$565,076 for services to HIV affected clients. **SUMMARY:** On July 29, 2008, the County received notice of a grant award from the Department of Health & Human Services Resources and Services Administration, in the amount of \$565,076, for the period August 1, 2008, through July 31, 2009. The grant award is for the provision of services to HIV affected clients. As the grantee, the County is responsible for selecting and contracting with services providers. The agency listed above was selected through the Request for Proposal process and has been recommended to receive funding. No County funds are required. (Ryan White) Countywide (TKF)

12. **Staff recommends motion to approve:** two (2) amendments to the Ryan White Part A HIV Health Support Services Contract for the period of March 1, 2008, through February 28, 2009, totaling \$200,000 from grantee administrative funds as follows:
 - A)** Amendment No. 1 to contract (R2008-0953) with Comprehensive Community Care Network to increase funding by \$75,000 for a total not to exceed amount of \$467,173; and
 - B)** Amendment No. 1 to contract (R2008-0728) with Compass, Inc. to increase funding by \$125,000 for a total not to exceed amount of \$391,512.**SUMMARY:** Ryan White HIV Health Support service dollars are reviewed throughout the contract year and dollars unlikely to be spent by the end of the contract period are reallocated to best meet the need of the affected clients. Comprehensive Community Care Network will use the increase for medical transportation and food/home delivered meals services. Compass, Inc. will use the increase for medical case management and food/home delivered meals services. No County funds are required. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

13. **Staff recommends motion to approve:** Delegate Agency Agreement with The YWCA of Palm Beach County, Inc., for the period of October 1, 2008, through September 30, 2009, in an amount of \$511,515, for services to Head Start children and families. **SUMMARY:** The YWCA of Palm Beach County, Inc. will provide services for up to 84 children for 249 days at an annual rate of \$6,089.46. There are not sufficient County facilities to accommodate all 1,871 authorized slots for children 3 and 4 years of age in the Head Start program. Therefore, the County enters into delegate agency agreements with child care agencies to provide comprehensive Head Start services. Funding consists of \$308,955 in Federal funds, \$77,239 in required match County funds and \$125,321 in overmatch. County funding is contingent on budget approval and has been requested in the FY 2009 budget. (Head Start) Countywide (TKF)

14. **Staff recommends motion to approve:** Delegate Agency Agreement with Florence Fuller Child Development Centers, Inc., for the period of October 1, 2008, through September 30, 2009, in an amount of \$949,955, for services to Head Start children and families. **SUMMARY:** Florence Fuller Child Development Centers, Inc. will provide services for up to 156 children for 249 days at an annual rate of \$6,089.46. There are not sufficient County facilities to accommodate all 1,871 authorized slots for children 3 and 4 years of age in the Head Start program. Therefore, the County enters into delegate agency agreements with child care agencies to provide comprehensive Head Start services. Funding consists of \$573,849 in Federal funds, \$143,462 in required match County funds and \$232,644 in overmatch. County funding is contingent on budget approval and has been requested in the FY 2009 budget. (Head Start) Countywide (TKF)

15. **Staff recommends motion to approve:** Delegate Agency Agreement with Hispanic Human Resources Council, Inc., for the period of October 1, 2008, through September 30, 2009, in an amount of \$1,589,349, for services to Head Start children and families. **SUMMARY:** Hispanic Human Resources Council, Inc. will provide services for up to 261 children for 249 days at an annual rate of \$6,089.46. There are not sufficient County facilities to accommodate all 1,871 authorized slots for children 3 and 4 years of age in the Head Start program. Therefore, the County enters into delegate agency agreements with child care agencies to provide comprehensive Head Start services. Funding consists of \$960,094 in Federal funds, \$240,023 in required match County funds and \$389,232 in overmatch. County funding is contingent on budget approval and has been requested in the FY 2009 budget. (Head Start) Countywide (TKF)

16. **Staff recommends motion to approve:** Contract with The Lord's Place, for the period of October 1, 2008, through September 30, 2009, in an amount not –to-exceed \$63,000, for support services to homeless persons. **SUMMARY:** The Lord's Place will provide supportive services to a maximum of 78 homeless individuals in an effort to reduce recidivism of single, chronic homeless males through Operation Jump Start. The project's objective is to reduce the "revolving door" syndrome of chronic homeless males by extending emergency shelter from 30 to 60 days; educating and motivating participants towards change that will create self-sufficiency through an intensive day program; and evaluating the effectiveness of a low demand program in engaging and creating change in the chronic homeless population. Case management services are a vital link to meet the needs of the homeless individual to overcome the numerous barriers that have led to their homelessness. A total of \$63,000 in County funds is included in the FY 2009 budget. County obligations under this Contract are subject to budget approval. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

17. **Staff recommends motion to approve:** Contract with The Center for Family Services of Palm Beach County, for the period of October 1, 2008, through September 30, 2009, in an amount not to exceed \$47,514, for emergency shelter services to homeless persons. **SUMMARY:** The Center for Family Services will coordinate emergency after-hours shelter placement and food, including the provision of transportation and ongoing case management to homeless persons until alternate placement can be arranged. A total of \$47,514 in County funds is included in the FY 2009 budget. County obligations under this contract are subject to budget approval. (Human Services) Countywide (TKF)

F. AIRPORTS

1. **Staff recommends motion to approve:** Amendment No. 11 to the Contract with PBS&J, Inc. for consulting/professional services in the amount of \$518,728 for the Department of Airports. **SUMMARY:** On February 6, 2001, the County entered into a Consulting Agreement (R2001-0194) with PBS&J, Inc. for general airport planning and design for the amount of \$985,730.50. The Agreement was for two (2) years with two (2) - one (1) year renewal options. Amendments 1-10 were approved for a net increase in the amount of \$10,501,387. Approval of Amendment No. 11 in the amount of \$518,728 will provide funds to continue construction administration services for projects that were started under previous amendments that remain under construction. The Disadvantaged Business Enterprise (DBE) participation for this Amendment is 5.57%. The total DBE contract goal including all amendments is 33.68% Countywide (JCM)
2. **Staff recommends motion to approve:** Change Order No. 7 to the Contract with ThyssenKrupp Airport Systems, Inc. in the amount of \$9,293 for replacement of passenger loading bridges at Palm Beach International Airport (PBIA). There is no change in contract time related to this Change Order. **SUMMARY:** On October 17, 2006, the BCC approved a contract (R2006-2205) with ThyssenKrupp Airport Systems, Inc. to replace the existing passenger loading bridges at PBIA in the amount of \$15,360,608. Change Orders 1-6 increased the contract in the amount of \$773,648 and 26-calendar days. Change Order No. 7 must be approved by the Board because its approval, combined with previous approvals, would exceed the combined authority of the Contract Review Committee and the Lead Department. The Small Business Enterprise (SBE) participation for this Change Order is 99.94%. The total SBE contract goal including this Change Order is 7.46%. Countywide (JCM)
3. **Staff recommends motion to approve:** Memorandum of Agreement (MOA) No. DTFASO-08-L-00052 with the Federal Aviation Administration for the construction, operation and maintenance of FAA-owned navigation, communication and weather aid facilities at the Palm Beach County Glades Airport for the term of October 1, 2007 through September 30, 2027. **SUMMARY:** The current lease with the FAA for the VORTAC, a navigational aid, at the Palm Beach County Glades Airport (R98-65D) will expire September 30, 2008. The FAA wishes to change the form of the agreement retroactive to October 1, 2007, from a lease to its new standard form MOA, which provides for installation, operation and maintenance of any necessary navigational, communication and weather aid facilities, including the VORTAC, at locations on the airport mutually agreed to by the parties. As consideration for the MOA, the FAA is responsible for the installation and operation of the equipment at no cost to the County. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. Staff recommends motion to approve:

A) Amendment No. 9 to the General Consulting Agreement with CH2M Hill, Inc. for consulting/professional services in the amount of \$640,160 for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program; and

B) a Budget Transfer of \$640,160 in the Airports' Improvement and Development Fund to establish budget for Amendment No. 9 to the CH2M Hill, Inc. agreement, including a transfer from airport reserves in the amount of \$640,160.

SUMMARY: The Consulting Agreement (R2005-0319) with CH2M Hill, Inc. for general airport planning and design was approved on February 15, 2005 in the amount of \$2,443,804 to carry out the approved Capital Improvement Programs for the County's Airports. The Agreement is for two (2) years with two (2) – one (1) year renewable options. Amendments 1-8 were approved for a net increase in the amount of \$10,423,585. Approval of Amendment No. 9 in the amount of \$640,160 will provide funds to complete the following tasks and services; Task I Services include: Cabin Air System Improvement-Supplement No. 1; Update Exhibit "A" Property Map-Supplement No. 1; Update Noise Land Inventory Map and Disposal/Re-Use Plan; Stormwater Management Master Plan-Westgate CRA/SCTF Coordination and Additional Modeling; and Phase I Environmental Site Assessments. Task III Services include: Staff Extension; Miscellaneous Planning and Engineering Services and Construction Administration Services. The Disadvantaged Business Enterprise (DBE) participation for this Amendment is 11.05%. The total DBE contract goal including all amendments is 27.73%. Countywide (JCM)

5. Staff recommends motion to receive and file: six (6) original Agreements for the Department of Airports:

A) Agreement to Terminate Hangar Lease Agreement with Jack Reisel, Unit 5, Building 11220 at North County Airport, terminating R2003-2009 on July 31, 2008;

B) North County General Aviation Airport Hangar Lease Agreement with Fleetship Yachts, Inc., Unit 8, Building 11230, for one (1) year, automatically renewed at on (1) year intervals, commencing on July 1, 2008;

C) License Agreement with FlightSafety International, Inc. to use property solely and exclusively for vehicle parking only commencing May 15, 2008, and expiring July 31, 2008, automatically renewed for one (1) month intervals thereafter;

D) License Agreement with Vanguard Car Rental USA, Inc. to use property for short term storage of operable vehicles commencing May 29, 2008, and expiring July 15, 2008;

E) License Agreement with Vanguard Car Rental USA, Inc. to use property for short term storage of operable vehicles commencing May 4, 2008, and expiring May 25, 2008; and

F) Consent to Sublease for Galaxy Aviation of Palm Beach, Inc. with Cherokee Air, Ltd. Commencing June 1, 2008.

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the BCC in R93-801, R2004-1367, R2007-1744 and R2007-2070. Countywide (JB)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. Staff recommends motion to:

A) approve First Amendment to Retail Concession Agreement (Agreement) with Paradies-Palm Beach, LLC (Paradies), requiring Paradies to provide traveler concession services to the public at the Palm Beach International Airport (PBIA), commencing October 1, 2008;

B) authorize the County Administrator or his designee to execute amendments to the Agreement from time to time to add or replace retail concepts or to increase or decrease the square footage of the leased premises; and

C) approve a Budget Transfer of \$200,000 in the Airports Improvement and Development Fund, establishing budget for the refurbishment project, including a transfer from Reserves.

SUMMARY: On November 6, 2007, the Board approved a Retail Concession Agreement (R2007-2052) with Paradies for retail concession services at PBIA. The Agreement authorized the County to require Paradies to provide traveler concession services, which include foreign currency exchange, lottery ticket sales, shoe shine services and postage. This Amendment requires Paradies to provide traveler concession services at PBIA and provides for the lease of additional storage spaces at standard terminal rental rates. Paradies will pay the County 10% of the gross revenues it receives from traveler concession services. The Amendment also provides a \$200,000 rental credit to Paradies for the refurbishment of the traveler services center. The existing Traveler Services Concession Agreement (R-2002-2260) expires on September 30, 2008. Staff is recommending approval of this Amendment to ensure traveler concession services remain available at PBIA. Paradies has also commenced permitting and constructing its new facilities at PBIA; however, FAO Schwarz, Lilly Pulitzer and 10-Minute Manicure have indicated that they are no longer interested in operating at PBIA. As a result, Paradies has proposed replacing the FAO Schwarz with a Kids Zoo toy store with an increase in the privilege fees payable to the County from 12% to 20% of gross revenues and replacing the Lilly Pulitzer with a Brooks Brothers Women. Paradies is currently in discussions with another manicure operator for replacement of 10-Minute Manicure. The Amendment requires the Airport Director's approval of any alternative concept to replace the 10-Minute Manicure concept. Staff is also requesting the Board authorize the County Administrator or his designee to execute amendments to the Agreement for the purpose of adding or replacing retail concepts and increasing or decreasing the square footage of the leased premises. The privilege fees payable to the County are based on percentage of gross revenues not on the square footage of the facilities. Countywide (AH)

7. Staff recommends motion to approve: Automated Teller Machine (ATM) Concession Agreement with Fifth Third Bank for a term of three (3) years and an initial minimum annual guarantee of \$50,000. **SUMMARY:** On May 19, 2008, the Department of Airports issued a Request for Submittals (RFS PB-08-05) for the installation, operation and maintenance of ATMs at Palm Beach County Airports. Staff is recommending the award of the ATM Concession Agreement to Fifth Third Bank as the most advantageous to the County. Revenue proposals ranged from 35% to 55% of all ATM transaction surcharges. Fifth Third Bank proposed 55% of all ATM transaction surcharges as well as a minimum annual guarantee of \$50,000 for the first year with a \$5,000 per year escalation. Approval of the ATM Concession Agreement is anticipated to significantly increase ATM concession revenues to the County. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

8. Staff recommends motion to approve:

A) an Agreement to purchase the following property at a total cost of \$125,000. Said property is located south of Runway 31 at Palm Beach International Airport (PBIA):

John C. Brooks
206 Grace Drive South
West Palm Beach, FL 33406 Parcel S – 2
Sales Price \$125,000.00
Replacement Housing \$ N/A

B) a Budget Transfer of \$125,000 in the Airports Improvement and Development Fund from Reserves to provide budget for the purchase of property in the Runway Protection Zone (RPZ) south of Runway 31 at PBIA.

SUMMARY: In accordance with Federal Aviation Administration (FAA) regulations, the Department of Airports is encouraged to acquire property within the Runway Protection Zone. Countywide (JMB)

9. Staff recommends motion to receive and file: five (5) original Agreements for the Department of Airports.

A) North County General Aviation Airport Hangar Lease Agreement with Mechanical Artistry LLC, Unit 14, Building 11720, for one (1) year, automatically renewed at one (1) year intervals, commencing on August 1, 2008 (JB);

B) Consent to Sublease for Florida Airmotive, Inc. with Helicopter Academy commencing June 1, 2008 (JB);

C) Consent to Sublease for Florida Airmotive, Inc. with Dean Markis commencing July 1, 2008 (JB);

D) Consent to Sublease for Galaxy Aviation of Palm Beach, Inc. with AIC Global Holdings commencing July 1, 2008 (JB); and

E) Amendment to FAA Master Ground Lease No. DTFA06—95-L-15144 (Exhibit 18) R-95-1251-D, for the Air Traffic Control Tower (JB).

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the BCC in R93-801, R2007-1755 and R95-1251D. Countywide

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to:

A) approve request by Palm Beach County Tax Collector, Anne M. Gannon, for Board of County Commissioners to order the 2008 tax roll to be extended prior to completion of the Value Adjustment Board hearings; and

B) direct the Value Adjustment Board to certify the assessment roll as required by State Statutes.

SUMMARY: Approval of this request will avoid a delay in the issuance of tax notices beyond November 1, 2008, and will permit the collection of property taxes prior to completion of the Value Adjustment Board hearings. Countywide (PFK)

2. Staff recommends motion to appoint:

A) Loop Capital Markets as Senior Manager and Raymond James and Jackson Securities as Co-Managers for the not to exceed \$45 Million Public Improvement Revenue Bonds, Series 2008 (Max Planck Biomedical Research Project) to establish a biomedical research park at Florida Atlantic University (FAU) in Jupiter;

B) Holland & Knight as bond counsel for the not to exceed \$45 Million Public Improvement Revenue Bonds, Series 2008 (Max Planck Biomedical Research Project); and

C) Ruden McCloskey as disclosure counsel for the not to exceed \$45 Million Public Improvement Revenue Bonds, Series 2008 (Max Planck Biomedical Research Project).

SUMMARY: On July 22, 2008, the Board approved a Grant Agreement with Max Planck Florida Corporation (MPFC) providing for \$86.926 Million to construct and operate a Biomedical Research Facility. The County plans to issue Non-ad Valorem Revenue Bonds to fund the following grants to MPFC on November 1 on each of the following calendar years: 2008 - \$39,443,000; 2011 - \$15,615,000; 2013 - \$13,137,000; 2015 - \$13,384,000; and 2017 - \$5,347,000, totaling \$86,926,000. In addition to the grant funding, each bond issue will include costs of issuance and the funding of debt service reserve accounts. We anticipate that the initial bond issue of not to exceed \$45 Million will be sold in October and closed by November 1. The above firms are next on their respective rotation lists. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

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

3. Staff recommends motion to approve:

A) Budget Amendment of \$178,093,526 in the \$176.585 Million Public Improvement Revenue Bonds, Series 2008 Jail Expansion Capital Project Fund to record bond proceeds, premium on bonds, capital project accounts, costs of issuance, the transfer to the \$20 Million Bond Anticipation Notes, Series 2007 Jail Facilities Expansion Fund for the payment of principal and interest on the BANS, and the transfer to the \$176.585 Million Public Improvement Revenue Bonds, Series 2008 Debt Service Reserve Fund to set up the cash funded debt service reserve;

B) Budget Amendment of \$20,560,895 in the \$20 Million Bond Anticipation Notes, Series 2007 Jail Facilities Expansion Project Fund to record the budget transfer from the \$176.585 Million Public Improvement Revenue Bonds, Series 2008 Jail Expansion Capital Project Fund for the payment of principal and interest on the BANS; and

C) Budget Amendment of \$11,268,150 in the \$176.585 Million Public Improvement Revenue Bonds, Series 2008 Debt Service Reserve Fund to set up the cash funded debt service reserve.

SUMMARY: On August 18, 2008, the Board adopted a Resolution for the sale of the \$176.585 Million Public Improvement Revenue Bonds, Series 2008 to finance the costs of acquisition, renovation, construction and equipping of additional criminal justice and public improvement facilities. The Series 2008 Bonds closed on August 28, 2008. The Budget Amendments set up the sale of the Series 2008 Bonds, the payment of principal and interest on the Series 2007 BANS and the cash funding of the debt service reserve for the Series 2008 Bonds. Countywide (PFK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Consulting Services Authorization (CSA) No. 2 to Architectural Continuing Services Contract with Saltz Michelson Architects, Inc. (R2007-0393) in the amount of \$206,906, for architectural and engineering services related to the interior remodeling of the existing gymnasium building for PBSO Training at the Cherry Road site. **SUMMARY:** As part of the FY '08 Capital Improvement Program (CIP) budget cuts, proceeding with this project allowed for the deferral of \$7.7M FY '06 funding, the elimination of \$20M in FY '09 funding, and the release of \$8M in FY '07 funding. This is the final design start for the FY '08 CIP re-scope. CSA No. 2 authorizes the development of construction documents and construction-phase services necessary for the interior remodeling of the existing gymnasium building. The 32,600 sq. ft. building will be used for PBSO training, as part of a master plan for the 20-acre Cherry Road property. Construction cost is estimated to be \$2.5 million. The SBE goal for this Contract is 23%. Saltz Michelson is providing 16.7% in this CSA. When added to the Consultant's participation to date, the resulting SBE participation is 27%. (Capital Improvements Division) District 2 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. **Staff recommends motion to approve:** Change Order No. 4 to the Contract with Suffolk Construction Company, Inc., (R2005-1078) in the amount of \$419,528.01 and a contract extension of 70-calendar days for Airport Center Building No. 1 renovations. **SUMMARY:** Change Order No. 4 is for the cost to construct necessary interior modifications to the building due to existing unforeseen conditions and to add air conditioning and ventilating equipment due to a design omission. During the selective demolition of interior walls on floors one through four, lateral steel reinforcing was uncovered that interfered with new drywall and infrastructure layouts adjacent to the new mechanical rooms and several offices. Each floor plan was re-designed, including the associated mechanical, plumbing and electrical systems, a new roof top fresh air pre-treat unit was added, and a new stairway pressurization system and fan was added. The 70 day time extension is necessary to accommodate the redesign, pricing, procurement, and construction activities and affects the critical path of the work. The work associated with this Change Order has begun prior to Board consideration in order to mitigate the delay. The SBE participation for this Change Order is 25.9%. The SBE goal for this project is 15%. When combined with previous change orders, the participation to date is 15.9%. (Capital Improvements Division) District 2 (JM)

3. **Staff recommends motion to approve:** Change Order No. 26 to the Contract with The Weitz Company, Inc. (R2003-1542) in the amount of \$77,349 for South County Regional Park Phase III. **SUMMARY:** Change Order No. 26 is for the cost of amphitheater grass seating area enhancements. The enhancements include upper seating area aeration, top dressing and rye seeding and lower seating under drain system, top soil and Bermuda sodding. These enhancements are needed to improve drainage of the flat grass areas adjacent to the stage and seating area. Although the engineer designed the area to comply with normal drainage criteria, a quick-dry and more efficient drainage system was requested to allow the seating area to be functional within hours rather than days so as not to delay or cancel scheduled activities at the amphitheater. The inadequate drainage was only discovered post-construction. These services have been completed prior to Board consideration. Change Order No. 26 must be approved by the Board of County Commissioners because this Change Order, when combined with previous approval would exceed the combined authority of the Contract Review Committee and Department Director for cost. There is no SBE participation for this Change Order. The SBE goal for this project is 15%. When combined with previous change orders, the participation to date is 19.6%. (Capital Improvements Division) District 5 (JM)

4. **Staff recommends motion to approve:** a Declaration of Easement in favor of Palm Beach County Water Utilities Department for a water line, fire hydrant and meter serving the Palm Beach County Sheriff's Office (PBSO) K-9 facility. **SUMMARY:** The County is finalizing construction of an expansion to the PBSO's K-9 facility adjacent to Okeeheelee Park South and the Turnpike. Construction of the expansion of the K-9 facility required installation of a water meter and fire hydrant set along an existing potable water line running to the buildings. The Water Utilities Department requires an easement for these utilities. The easement is 20' wide by 220' long, containing 4,400 sq. ft. The Declaration will be recorded to provide notice of the existence and location of the potable water line, water meter and fire hydrant. (PREM) District 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. Staff recommends motion to approve: a Declaration of Easement in favor of Palm Beach County Water Utilities Department for water mains servicing Fire Rescue Station No. 44. **SUMMARY:** The County is developing Fire Rescue Station No. 44 on 2.12 acres of County owned property located west of Jog Road and south of Flavor Pict Road (the Winsberg property). As part of the development of the Station, the County installed water lines to connect to existing force mains. The Water Utilities Department requires easements for those water lines. The first easement is located approximately 120 feet from the western boundary line, is 20' x 23' and contains approximately 460 sq. ft. (0.01 acres). The second easement is located approximately 30 feet from the eastern boundary line, is 20' x 108' and contains approximately 2,160 sq. ft. (0.05 acres). The Declaration will be recorded to provide notice of the existence and location of the water main pipes. (PREM) District 5 (HJF)

6. Staff recommends motion to approve:

A) an Agreement with Tallmar, Inc., a Florida Corporation, for the placement of communication equipment onto the rooftop of the Marriott Residence Inn, located at 1111 East Atlantic Avenue in Delray Beach on behalf of the Palm Beach County Sheriff's Office; and

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

SUMMARY: This Agreement will allow for the installation of radar and other miscellaneous communication equipment which will enhance maritime security and improve communication between local law enforcement agencies. The premises consist of 400+/- sq. ft. of roof top space on the Marriott Residence Inn for the installation of an equipment shelter and placement of a radar dish and mast. The Term of the Agreement is for ten (10) years commencing upon execution by the County. The gross annual rent is four thousand dollars (\$4,000), which will be increased annually by Consumer Price Index (CPI). All improvements will be performed by PBSO at its sole expense. The Landlord will provide electrical service. The County has the option to terminate this Agreement for any reason upon ninety (90) days prior written notice to Landlord. The Landlord has the right to terminate upon 180 days notice and Landlord's payment of an \$8,000 early termination fee. The Use Agreement provides that PBSO will pay the annual rent and the cost of improvements. (PREM) District 4 (JMB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. Staff recommends motion to approve:

A) an Agreement with the Playa Del Mar Association, Inc., a Florida not-for-profit corporation, for the placement of communication equipment onto the rooftop of the Playa Del Mar Condominium, located at 3900 Galt Ocean Drive in Fort Lauderdale on behalf of the Palm Beach County Sheriff's Office; and

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

SUMMARY: This Agreement will allow for the installation of radar and other miscellaneous communication equipment which will enhance maritime security and improve communication between local law enforcement agencies. The premises consist of 400+/- sq. ft. of roof top space on the Playa Del Mar Condominium for the installation of an equipment shelter and placement of a radar dish and mast. The Term of the Agreement is for five (5) years commencing upon execution by the County. The gross annual rent is five thousand dollars (\$5,000), which will be increased annually by the greater of five percent (5%) or Consumer Price Index (CPI). All improvements will be performed by PBSO at its expense. The Landlord will provide electrical service. The County has the option to terminate this Agreement for any reason upon ninety (90) days prior written notice to Landlord. The Use Agreement provides that PBSO will pay the annual rent and the cost of improvements. (PREM) Countywide (JMB)

8. Staff recommends motion to approve: Contract with Ocean Gate General Contractors in the amount of \$841,000 for the construction of the Jupiter Farms Park Equestrian Facility. **SUMMARY:** This Contract will provide for construction of two (2) riding rings with fencing and gates, paved and shell rock access roads, grass parking, tree relocation, landscaping, and associated drainage. The SBE goal for this project is 15%. Ocean Gate General Contractors bid includes participation of 16.9%. The contract time is 240-calendar days to substantial completion. (Capital Improvements Division) District 1 (JM)

9. Staff recommends motion to approve: Change Order No. 6 to the Contract with Suffolk Construction Company, Inc., (R2005-1078) in the amount of \$14,485.14 for Airport Center Building No. 1 Renovations. **SUMMARY:** Change Order No. 6 is for costs associated with additional drywall work necessary to extend the drywall height to accommodate a new drop ceiling. This was a concealed condition which was discovered after the existing drop ceiling was removed. Change Order No. 6 must be approved by the Board of County Commissioners because this Change Order, when combined with previous approvals would exceed the combined authority of the Contract Review Committee (CRC) and Department Director for cost. Work associated with this Change Order was completed prior to Board consideration. The SBE participation for this Change Order is 92.3%. The SBE goal for this project is 15%. When combined with previous Change Orders, the participation to date is 15.4%. (Capital Improvements Division) District 2 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

10. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 4 to the Contract with Slattery & Associates (R2004-0326) in the amount of \$614,137 for design and construction administration services for the new Acreage Branch Library. **SUMMARY:** A new 30,000 sq. ft. library will serve the Acreage area population. CSA No. 4 provides for architectural and engineering services for the planning, design, permitting and construction administration for the Acreage Branch Library located at Seminole Pratt Whitney Road and Orange Avenue. The negotiations for the property are still ongoing with Indian Trails despite CSA No. 4 authorizing the commencement of design and the expenditure of funds. If the negotiations are not ultimately successful, design funds expended as of that date will be lost. Also, significant delays in the negotiations could jeopardize traffic capacity available for the Library build out. Negotiations with Indian Trails for the conveyance of the site for the Library are ongoing and should be concluded in the next 90 days. The construction cost estimate for this project is \$10,000,000. The facility will be designed and constructed to LEED (Leadership in Energy & Environmental Design) Standards. Slattery & Associates will provide 23.6% SBE participation to this Authorization. Including this Authorization, the SBE participation for this Contract is 19.8%. The goal is 15%. (Capital Improvements Division) District 6 (JM)

11. Staff recommends motion to receive and file: a notice of exercise of the first option to extend the term of the Concessionaire Service Agreement (R2007-958) with Kayak-King Watersports, Inc. for the continued operation of a water sports and recreational rental concession in Okeeheelee Park at an annual rate of \$4,992. **SUMMARY:** On June 19, 2007, the Board approved the Concessionaire Service Agreement with Procell Watersports, Inc. to operate in Okeeheelee Park located at 7715 Forest Hill Boulevard in West Palm Beach. Further, on May 6, 2008, the Board approved a Consent to Change of Ownership for Procell Watersports, Inc. (R2008-761), as Carol Procell, the operator of Procell Watersports, Inc., sold her business to Annette Arriaga-Roque and Roger Roque, d/b/a Kayak-King Watersports, Inc. Pursuant to a February 29, 2008 letter from Ms. Roque, Kayak-King Watersports exercised the first of four (4) one (1) year renewal options for the period of July 1, 2008, to June 30, 2009. The Board has no discretionary authority to not allow the exercise of the option. However, the Agreement provides that either party may terminate this Agreement upon ninety (90) days written notice. The annual rent for this extension period is \$4,992. Exercise of this option provides for the continuation of water sports and recreational rental operations by Kayak-King Watersports at Okeeheelee Park until June 30, 2009. (PREM) District 6 (JMB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

12. Staff recommends motion to approve:

A) a Fifth Amendment to Communication Tower Joint Use Agreement with New Cingular Wireless PCS, LLC, (R96-972D) for the County Communication Tower at Forest Hill Boulevard and the Turnpike; and

B) a Seventh Amendment to Communication Tower Agreement with New Cingular Wireless PCS, LLC, (R99-312D) for the County Communication Tower at 20 Mile Bend.

SUMMARY: The County and New Cingular Wireless PCS, LLC co-locate on two County-owned towers. Each of these Amendments will allow the County to: (i) install new equipment necessary to support the re-banding of the 800 MHz system; (ii) modify the Frequency Lists of each Agreement to reflect frequency changes per the re-banding; and (iii) update the Notice provisions for both the County and Cingular. The County will be responsible to obtain all necessary permits and governmental approvals. All equipment improvements will be made by the County at its sole cost. There will be no service interruptions to the County's or Cingular's operations. All other terms of the Agreements remain unchanged. (PREM) District 6 (JMB)

13. Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of the County's interest in a 0.41 acre vacant parcel of County-owned land located north of Summit Boulevard and west of Haverhill Road in unincorporated Palm Beach County to Piper's Cay Association, Inc., for a Florida not-for-profit corporation, for \$30,000 with reservation of mineral and petroleum rights, but without rights of entry and exploration; and

B) approve a County Deed in favor of Piper's Cay Association, Inc.

SUMMARY: The County acquired an 18 feet wide x 976 feet long (0.41 acre) undevelopable strip of vacant land in unincorporated Palm Beach County by Tax Deed in February 1998. The parcel is located north of Summit Boulevard and west of Haverhill Road. This strip was incorporated into the platted landscape buffer of the Piper's Cay PUD by the Developer in error. The parcel was deemed surplus as it served no present or future County purpose. The assessed value of the parcel in 2005 was \$324. In accordance with F.S. Section 125.35(2), notice of the County's intent to sell this land was sent to adjacent property owners who were given the opportunity to bid on this parcel. As Piper's Cay was the only respondent, negotiations resulted in a \$30,000 (\$73,172/acre) offer. This price was calculated on the basis of the per acre paid by the Developer in 2004 for its adjoining land. Piper's Cay will pay documentary stamps and recording costs, and accept the property in "AS IS" condition. Staff recommends the sale of this property as it will: (i) lessen the County's potential liability and maintenance responsibilities; and (ii) return the parcel to the tax roll. The County will retain mineral rights in accordance with F.S. Section 270.11, but will not retain rights of entry and exploration. (PREM) District 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

14. Staff recommends motion to approve: a First Amendment to the Agreement (R2004-0645) with Florida Fish and Wildlife Conservation Commission (FWCC), allowing for interoperable communications through the countywide common groups of the County's 800 MHz Radio System, to extend the term of the Agreement through April 11, 2014. **SUMMARY:** The Agreement which provides the terms and conditions under which FWCC can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications will expire on April 12, 2009. The Agreement provides for three (3) – five (5) year renewals but renewals require approval by both parties. The FWCC has approved a renewal to extend the term of the Agreement through April 11, 2014. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. FWCC is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. (FDO/ESS) Countywide (JM)

15. Staff recommends motion to approve: Amendment No. 1 to Restated Sublease and Fuel Provision Agreement (R2006-2005) with the City of West Palm Beach. **SUMMARY:** On September 12, 2006, the Board approved the Restated Sublease and Fuel Provision Agreement with the City providing for the construction of one (1) hanger bay and associated space on behalf of the City, at the City's cost and expense. The specific scope of work was described in an exhibit to the Agreement. During construction, the scope of work was changed via the normal Change Order process for a variety of reasons and this Amendment No. 1 recognizes those changes but without any change to the cost of the work. The project is nearing completion with occupancy to occur within the next 30 days. (FDO Admin) District 2 (HJF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to receive and file:
 - A) State Housing Initiative Partnership (SHIP) Purchase Assistance Report for Grant Year 2006/2007; and
 - B) SHIP Purchase Assistance Report for Grant Year 2007/2008.

SUMMARY: In accordance with Housing & Community Development Policies and Procedures, the Commission on Affordable Housing is providing to the Board of County Commissioners an Annual Reports summarizing SHIP expenditures under the First Time Home Buyers/Purchase Assistance Program. This report covers funding provided to Palm Beach County for the State's Grant Years 2006/2007 and 2007/2008. During the 2006/2007 SHIP Grant Year (July 1, 2006 – June 30, 2007), the Commission on Affordable Housing funded 139 homebuyer applicants expending \$5,786,826.70 and leveraging \$16,288,980.93 in private sector funding. During the 2007/2008 SHIP Grant Year (July 1, 2007 – June 30, 2008), the Commission on Affordable Housing funded 145 homebuyer applicants expending \$6,456,527.40 and leveraging \$20,238,840.07 in private sector funding. Countywide (TKF)

2. **DELETED**

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

3. Staff recommends motion to receive and file: three (3) Agreements funded under the 2005 Disaster Recovery Initiative (DRI) Program for the implementation of housing rehabilitation programs as follows:

A) an Agreement with the City of Delray Beach, for the period of January 31, 2008, to December 31, 2008, to provide \$980,000;

B) an Agreement with the City of West Palm Beach, for the period of April 1, 2008, to January 31, 2009, to provide \$3,045,361; and

C) an Agreement with the City of Riviera Beach, for the period of March 24, 2008, to January 15, 2009, to provide \$1,236,000.

SUMMARY: On February 16, 2007, Palm Beach County entered into an Agreement with the Florida Department of Community Affairs (DCA) to receive up to \$19,035,920, for various projects to be funded under the 2005 DRI Program. The three (3) Agreements provided herein are funded under this Agreement with DCA. The County Administrator executed these three Agreements under the authority provided by the Palm Beach County Board of County Commissioners on July 18, 2006, via Resolution No. R2006-1351. **These are Federal Community Development Block Grant funds which do not require local matching funds.** Districts 2, 4 & 7 (TKF)

4. Staff recommends motion to approve: Amendment No. 001 to Agreement (R2008-0058) with The Urban League of Palm Beach County, Inc. for the provision of direct housing counseling services. **SUMMARY:** The Urban League of Palm Beach County, Inc. operates a countywide Housing Counseling Program. Amendment No. 001 reduces the number of persons to be served annually from 450 unduplicated households to 72 unduplicated individuals. This reduction is necessitated by the substantial decrease in the level of Community Development Block Grant (CDBG) funding provided to the Urban League during FY 2007-2008. **These are federal CDBG funds that require no local match.** Countywide (TKF)

5. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2007-1324) with the City of Delray Beach extending the expiration date from July 31, 2008, to December 31, 2008, for the expenditure of \$252,500 in 2005 Disaster Recovery Initiative Program funds. **SUMMARY:** The Amendment provides an extension of five (5) months to the term of the existing Agreement for the extension of Mango Drive and SW 7th Avenue in the City of Delray Beach. The time extension is needed to make up for time lost during the process of obtaining right of way dedications. **These are Federal funds that require no local match.** District 7 (TKF)

6. Staff recommends motion to approve: Amendment No. 001 to Agreement (R2007-1332) with Northwest Riviera Beach Redevelopment Corporation amending the contract's effective date to run 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). Approval of this amendment will establish a new effective date and extend the Agreement for an additional six (6) months. This extension is necessary because of delays with the organization's SHIP supported "Brooks Subdivision Project". As well, this amendment will also permit Northwest Riviera Beach Redevelopment Corporation to be reimbursed for all eligible cost associated with these CHDO activities in accordance with the original agreement. **This 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)

7. **Staff recommends motion to approve:** a Conditional Grant Agreement with Brook's Subdivision, LLC, a Florida Limited Liability Corporation, for \$700,000 in State Housing Initiative Partnership (SHIP) Homeownership Development Program funds. **SUMMARY:** Palm Beach County Housing and Community Development (HCD) through its Commission of Affordable Housing (CAH) provides SHIP financing to local developers to facilitate increased affordable homeownership opportunities. This Agreement provides \$700,000 towards site acquisition and construction of eighteen (18) single family homes reserved for households of very low, low and moderate income. As a result, the purchase price of each home will be reduced by \$38,888.89. Ten (10) of these homes will be exclusively reserved for very low and low-income households allocating five (5) units in each income category. The other eight (8) homes may be sold to households of up to (but not to exceed) moderate income. This CAH financing is a conditional grant which will encumber the entire project until all housing units are sold to eligible homebuyers. Default provisions apply if Brook's Subdivision, LLC fails to acquire the property by December 31, 2008, and if the 18 single-family homes have not been completed and conveyed to eligible households by December 31, 2010. If any of the milestones are not met, immediate repayment is required. Brook's Subdivision project was reviewed by the Commission on Affordable Housing's Advisory Committee on November 16, 2006 and conceptually approved by the Palm Beach County Board of County Commissioners (BCC) on December 5, 2006. The total project cost is \$6,410,000. These are State funds which require no local match. District 2 (TKF)

8. **Staff recommends motion to approve:** establishing the maximum subsidy moderate income households can receive for housing purchase assistance during the 2008/2009 State Housing Initiative Partnership (SHIP) Program grant year, at \$15,000. The currently approved maximum subsidy to moderate income households is \$45,000. **SUMMARY:** The SHIP Program provides funding to the Commission on Affordable Housing (CAH) for various programs designed to assist in the development and preservation of affordable housing. These programs provide financial assistance to eligible extremely-low, very low, low and moderate income households. In order to ensure the CAH meets the State mandated very-low income expenditure goals, the CAH Advisory Committee (on June 26, 2008) recommended that moderate income households receive a maximum subsidy of \$15,000. This recommendation only impacts subsidy requests for the housing Purchase Assistance Program during the 2008/2009 SHIP grant year. All other subsidy assistance amounts will remain unchanged. Countywide (TKF)

K. WATER UTILITIES

1. **Staff recommends motion to approve:** a Mutual Release with Garney Companies, Inc. **SUMMARY:** On October 18, 2005, the Board approved a contract with Garney Companies, Inc. (Garney) (R2005-2073) in the amount of \$13,627,020 to install potable water mains and wastewater force mains for the Water Utilities Department Northern Region Utility Improvement Project. In performing the work required under the contract, Garney failed to regrade a section of the 40th Street Canal ("Canal") to the elevations specified in the contract documents. By execution of this mutual release, Garney agrees to reimburse the County the sum of \$90,000 for warranty work to regrade the Canal to the specified elevations in lieu of performing the work themselves. In exchange for this payment, the County agrees to release Garney from any liability related to Garney's failure to properly regrade the Canal. (WUD Project No. 04-227 B) District 6 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. **Staff recommends motion to approve:** a Partial Release of Utility Easement on land owned by South Florida Federal Partners - West Palm Beach, LLC. **SUMMARY:** This document will release the County's interest in a portion of a utility easement recorded in the official records of Palm Beach County in Book 21590 Page 1619. During re-development of the Royal Palm Business Plaza the property owner contacted Water Utilities Department to redesign the existing utilities a removing portion of the existing water main piping system (PBCWUD Project No. 08-543). Water Utilities Department confirmed that the removal of the utilities does not interfere with the operation of the utility system. The owner now requests release of the portion of the original easement. The Water Utilities Department concurs with this request and, therefore, recommends the partial release. District 6 (MJ)

3. **Staff recommends motion to receive and file:** one (1) Agreement for Emergency Generator Purchase, Operation and Maintenance with Boca Greens Homeowners Association. **SUMMARY:** On March 14, 2006, the Board of County Commissioners delegated the authority to execute Emergency Generator Purchase, Operation and Maintenance Agreements (Agreements) to the County Administrator or his designee. The County Administrator has delegated this approval to the Palm Beach County Water Utilities Department Director. These Agreements provide property owners with the ability to fund the purchase of emergency generators for lift stations located within their community. The Department will assign the community its generator(s), locate the generator(s) on-site during hurricane season, and operate and maintain the generator(s) during emergencies. By executing such Agreements, the Department is able to expedite its goal of providing a higher level of emergency response service throughout its service area. Power outages that occur during hurricanes and other emergencies require the Department to operate a system of emergency generators at wastewater pump stations to prevent wastewater from backing up into streets, swales, and residents' homes. Due to the great number of lift stations and limited staffing resources, the Department is not able to place an emergency generator at every lift station. These Agreements will increase the number of generators available to the Department during emergencies. District 5 (MJ)

4. **Staff recommends motion to approve:** a Contract with TLC Diversified, Inc. to construct the South Bay Master Lift Station No.1 – Rehabilitation Project in the amount of \$337,837. **SUMMARY:** On June 4, 2008, five (5) construction bids were received for the South Bay Master Lift Station No.1 - Rehabilitation Project, with TLC Diversified, Inc. being the low bidder in the amount of \$337,837. This Contract provides for the rehabilitation/replacement of one (1) master lift station within the City of South Bay's wastewater collection system. The Department staff recommends award of this contract to TLC Diversified, Inc. in the amount of \$337,837. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. This Contract provides for 15.08% SBE participation. Funding for this project has been allocated by Palm Beach County Department Housing & Community Development (HCD) under Community Development Block Grant (CDBG) Program. **These are Federal CDBG funds that require no local match.** (WUD Project No. 07-099) District 6 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

5. **Staff recommends motion to approve:** a Partial Release of Utility Easement on land owned by Golfview Shopping Plaza Associates, LLP. **SUMMARY:** This document will release the County's interest in a portion of a utility easement recorded in the official records of Palm Beach County in Book 9859, Page 1888. During re-development of the Golfview Shopping Plaza the property owner contacted Water Utilities Department to point out that a portion of a recorded utility easement does not follow alignment of existing utilities. Water Utilities Department confirmed that the alignment of the utilities does not agree with the recorded utility easement. The owner now requests release of the portion of the original easement. The Water Utilities Department concurs with this request and, therefore, recommends the partial release. District 3 (MJ)

6. **Staff recommends motion to receive and file:** two (2) Standard Development Agreements and one (1) Standard Development Renewal Agreement complete with executed documents received during the months of June and July 2008:

Standard Development Agreements

A) Westgate One, LLC	(District 2)	01-01211-000
B) W & W XXIII, LLC	(District 3)	05-01098-000

Standard Development Renewal Agreement

C) Hideaway Ranch I, LLC	(District 5)	09-01038-R01
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SUMMARY: The terms and conditions for Standard Development Agreements are outlined in the Water Utilities Department's Uniform Policies and Procedures Manual. The Board of County Commissioners delegated the authority to execute various types of Standard Development Agreements to the Department Director including potable water and wastewater agreements (R93-1619); reclaimed water agreements (R96-0228); and additional conditions for potable water, wastewater, and reclaimed water agreements (R2003-0539). After these agreements are executed by the developer and the Department, they must be recorded by the County Clerk's Office. This agenda item recommends the Board receive and file the agreements so they may be properly recorded. Countywide (SF)

7. **Staff recommends motion to approve:** an Amendment to an Interlocal Agreement with the City of West Palm Beach related to reclaimed water service ("Interlocal Agreement.") **SUMMARY:** On May 20, 2008, the Board of County Commissioners (BCC) approved Interlocal Agreement (R2008-0908) related to the County providing reclaimed water to the Florida Power and Light (FPL) West County Energy Center (WCEC), which at the time had not yet been approved by the City of West Palm Beach (WPB). Subsequent to the BCC's approval of the Interlocal Agreement, WPB added Section 3.7 related to the County's responsibilities for environmental mitigation. Water Utilities is agreeable with the additional mitigation language. There are no other changes to the Interlocal Agreement that the BCC approved on May 20, 2008. Countywide (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

8. Staff recommends motion to approve:

A) annual renewal of the Contract for Disaster Recovery Design/Build Services with CH2M Hill, Inc. (R2006-1934) from September 12, 2008, to September 12, 2009; and

B) extend the term of Agreement from September 12, 2009, to December 31, 2009.

SUMMARY: On September 12, 2006, the Board approved a Contract for Disaster Recovery Design/Build Services with CH2M Hill, Inc. (R2006-1934). The Contract has an annual renewal requirement. On August 21, 2007, the Board approved the first renewal of the Agreement (R2007-1338). To-date, the Consultant has been issued five (5) design authorizations and four (4) construction authorizations for work related to hurricane hardening of the Department's water and wastewater treatment plants. The contract with CH2M Hill includes the 15.0% overall Small Business Enterprise (SBE) participation goal established by the Palm Beach County SBE Ordinance (No. 2002-064). The consultant's cumulative SBE participation is 26.94% overall. The Department requests this contract be renewed as prudent planning to ensure the integrity of the County's water and wastewater infrastructure prior to, during, and immediately following natural disasters. The third year of the Agreement is from September 12, 2008, to September 12, 2009. Staff recommends extending the final term of the Agreement from September 12, 2009, to December 31, 2009 to provide continuity of disaster recovery design/build services during the 2009 hurricane season. (WUD 06-103) Countywide (JM)

9. Staff recommends motion to receive and file: Unilateral Termination and Partial Release of Standard Potable Water and Wastewater Development Agreement Due to Non-Renewal for the following property owners:

Termination of Standard Development Agreements

A) Gardens of Pine Ridge, Inc.	(District 2)	01-01108-000
B) West Palm Beach Baptist-Seventh Day Church	(District 2)	01-01109-000
C) Vista Business Park, Inc.	(District 2)	01-01111-000
D) Classique Homes, Inc.	(District 3)	02-01070-000
E) Strata Development Corp.	(District 6)	02-01071-000

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

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

10. Staff recommends motion to approve: a First Amendment to Reclaimed Water Agreement (03-90005-000) with West Atlantic Property Associates, LLC (R2007-0789). **SUMMARY:** Reclaimed water agreements are required for those property owners seeking to obtain reclaimed water service from the County in order to comply with the requirements of the Florida Department of Environmental Protection and the Water Utilities Department. While the Department normally utilizes standard Agreements that are executed at the Department level, non-standard Agreements are sometimes required to handle special circumstances such as this where reclaimed water is not presently available. West Atlantic Property Associates, LLC has agreed to install a reclaimed water pipeline along its entire south property line at its sole cost, and this line will remain dry until reclaimed water mains are later extended to the property. West Atlantic Property Associates, LLC has also agreed to pay the County \$7,475 as a contribution toward construction of the future off-site reclaimed water main. Within 60 days of notification that reclaimed water is available, West Atlantic Property Associates, LLC will use the reclaimed water for landscape irrigation. Until that time, West Atlantic Property Associates, LLC will obtain necessary approvals to use non-reclaimed water for irrigation. District 5 (MJ)
11. Staff recommends motion to receive and file: one (1) Standard Development Renewal Agreement complete with executed documents received during the month of July 2008.

Standard Development Renewal Agreement

A) Woolbright Jog, LLC (District 5) 05-01058-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)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to approve: Budget Transfer of \$100,000 within the Capital Outlay Fund from the Loxahatchee River Pedestrian Bridge to the Loxahatchee Slough Pedestrian Bridge. **SUMMARY:** The transfer within the Capital Outlay Fund reduces funding for the Loxahatchee River Pedestrian Bridge. This project was difficult to get sited due to the involvement of multiple agencies, and will be built in the future by the Florida Department of Transportation during the widening of the Florida Turnpike. Funding will increase the Loxahatchee Slough Pedestrian Bridge for \$100,000 to connect the Loxahatchee Slough Natural Area over the West Leg of the C-18 canal. District 1 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to:

A) grant a Deed of Conservation Easement to the South Florida Water Management District (SFWMD) over the Pond Cypress Natural Area; and

B) adopt a Resolution establishing a standard form conservation easement that may be placed on other County-owned natural areas as part of the Environmental Resource Permitting process.

SUMMARY: The 1,736.18-acre County-owned Pond Cypress Natural Area is managed by the Palm Beach County Department of Environmental Resources Management (ERM). A Deed of Conservation Easement is required to be granted to the SFWMD over 544.33 acres in the north portion of the natural area (Section 1, Township 43 South, Range 41 East) by SFWMD Permit No. 50-05422-P, Application No. 030321-4 for the construction of Persimmon Boulevard south extension from 110th Avenue North to Okeechobee Boulevard (Acreage Reliever Road). The remaining 1,191.85 acres of the Pond Cypress Natural Area are included in this Deed of Conservation Easement in accordance with the Board's desire to establish conservation easements on all County natural areas (R2005-1770). The intent of the standard form conservation easement for natural areas as part of Environmental Resource Permitting processes is to implement an efficient mechanism to grant conservation easements for natural areas with restoration projects and/or wetland mitigation projects detailed in Board-approved management plans. District 6 (JMB)

3. Staff recommends motion to:

A) approve a Grant Agreement with the Metropolitan Planning Organization (MPO) to provide \$100,000 in funding for the design, permitting, and construction of a water taxi docking facility at the Snook Islands Natural Area situated along the western shore of the Lake Worth Lagoon within the City of Lake Worth;

B) approve a Budget Transfer in the Metropolitan Planning Organization Fund from Palm Beach County Water Taxi Facilities to transfer to the Capital Outlay Fund for \$100,000;

C) approve a Budget Amendment in the Capital Outlay Fund recognizing the transfer from the Metropolitan Planning Organization Fund and increasing the Snook Islands Natural Areas Project by \$100,000;

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

E) authorize the Director of the Department of Environmental Resources Management to serve as Liaison Agent for this project. (ERM)

SUMMARY: This Agreement will provide \$100,000 for the construction of a water taxi facility within the Snook Islands Natural Area Public Use Facility. These funds will supplement the existing construction budget (\$1,279,150) and potentially save County funds previously committed for this project to be used for future maintenance. The construction of the public use facility includes a boardwalk and covered gazebo, fishing pier, floating docks (including water taxi docking), and a kiosk. As the floating docks are designed to accommodate a water taxi service, no additional costs will be incurred by the County in providing this feature. No local match is required to qualify for these funds. The construction of the project is scheduled to begin in the spring of 2009 with the term of this Agreement to run ten (10) years. District 3 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

4. DELETED

5. Staff recommends motion to:

A) adopt a Resolution authorizing the Clerk of the Board to disburse \$205,000 from the Vessel Registration Fee Trust Fund for the construction of the John's Island Oyster Reef; and

B) approve a Budget Transfer of \$205,000 in the Environmental Enhancement Saltwater Fund from Reserves to the Environmental Enhancement Project.

SUMMARY: The \$205,000 Resolution and Budget Transfer provide the necessary matching funds for the construction of the John's Island Oyster Reef in the Lake Worth Lagoon. The project consists of the placement of 5,000 tons of small limestone boulders within a 3.5 acre area to promote the recruitment of oysters. This project will supplement an earlier environmental restoration effort on the 7.1 acre John's Island that was completed in 2005. District 7 (SF)

6. Staff recommends motion to:

A) approve a Grant Agreement No. 09PB1 with the Florida Department of Environmental Protection (FDEP) in the amount of \$37,310.50 for cost-sharing on the Jupiter/Carlin Shore Protection Project (Project) through March 1, 2010;

B) approve a Task Order No. 0410-05 to a continuing Contract (R2008-0410) with Taylor Engineering, Inc. (Taylor) in the amount of \$164,763 for coastal engineering and support services for the Project;

C) approve a Budget Amendment in the Beach Improvement Fund increasing the Project by \$37,311; and

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

SUMMARY: The BCC approved the Contract with Taylor on March 11, 2008 (R2008-0410). Under this Contract, five (5) task orders, including Task Order No. 0410-05, have been issued totaling \$651,058. Task Order No. 0410-05 authorizes Taylor to perform coastal engineering which includes beach fill design and permitting for the Project. There is 0% SBE-MBE subconsultant participation on this Task Order. Taylor's SBE-MBE goal is 15%. To date, Taylor's total SBE-MBE participation, including Task Order No. 0410-05, is 5.4 %. Under the terms of this Agreement, FDEP will reimburse 50% of the non-federal project costs or \$37,310.50. Federal cost sharing for Project construction and design costs will also be available after the County and the U.S. Army Corps of Engineers re-negotiate a new Project Cooperation Agreement (PCA). When the PCA is finalized, the federal cost share will be 54.71% of the total costs for the Project. District 1 (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

7. Staff recommends motion to adopt: a Resolution that repeals Resolution R96-1489 which created the Artificial Reef and Estuarine Enhancement Committee (AREEC) as it is presently constituted, and recreates the AREEC under the same provisions as R96-1489 except for modifying membership requirements and adding two (2) members. **SUMMARY:** The Resolution modifies the commercial fishing category in response to difficulty in filling the appointment due to the decline in local commercial fishing and modifies the local government category to any government. Two (2) more general members are added to the Committee to allow for broader citizen input. If it becomes difficult to fill the seat with a representative from one of the existing seven (7) categories, the revision allows those seats to be filled by general members. To ensure staggered terms, one (1) new general member shall be appointed to an initial term of four (4) years and the other new general member shall be appointed to an initial term of three (3) years. All current Committee members are retained and term expiration dates are unchanged. Countywide (HF)

8. Staff recommends motion to:
 - A) **receive and file** a Declaration of Restrictive Covenants No. 07-010-FF7 and Grant Award Calculation statement (GAC) awarding a net of \$6,595,500 from the Florida Communities Trust (FCT) reimbursing a portion of the Cypress Creek Natural Area Phase III acquisition costs; and

 - B) **approve** a Budget Amendment of \$6,595,500 in the Natural Areas Fund to recognize the receipt of a reimbursement grant from the Florida Communities Trust (FCT) for property purchased as part of the Cypress Creek Natural Area.

SUMMARY: A delegation of authority for execution of the standard County contract(s), agreement(s) or grant(s) above was approved by the BCC in Board item No. 3L-10 on November 21, 2006 (R2006-2485), pursuant to PPM No. CW-O-051. The Budget Amendment of \$6,595,500 will recognize grant proceeds from FCT for property originally purchased in FY 2007. A Grant Contract with FCT was approved December 18, 2007 (R2007-2280) to receive Florida Forever Revenue Bond proceeds, partially covering acquisition expenses for the Cypress Creek Natural Area Phase III property for an amount that is the lesser of 50% of the total approved project costs or \$6,600,000. District 1 (SF)

9. Staff recommends motion to receive and file: delegated construction agreement for the month of July 2008 - Purchase Order in the amount of \$49,793.60 with The Vance Construction Co. for the Peanut Island Breakwater Construction Project No. 2008ERM05 (0% SBE participation). **SUMMARY:** This is Environmental Resources Management's monthly Receive and File submission of construction agreements under \$200,000 signed by the ERM Director as allowed under the Purchasing Ordinance (Ordinance No. 2005-062). District 1 (JM)

10. Staff recommends motion to adopt: a Resolution requesting that the Florida Department of Environmental Protection (FDEP) review a funding application and support funding for shoreline protection projects within its Fiscal Year 2009/2010 Beach Erosion Control Assistance Program. **SUMMARY:** The County is requesting that the State appropriate \$1,863,000 for the Jupiter/Carlin Shore Protection Project, \$550,000 for the Jupiter Beach Erosion Control/Dune Restoration Project, \$625,000 for the Juno Beach Shore Protection Project, \$4,014,400 for the Singer Island Shore Protection Project, \$4,625,000 for the South Palm Beach Shore Protection Project, \$43,500 for the South Lake Worth Inlet Management Plan, \$114,500 for the Ocean Ridge Shore Protection Project, and \$80,670 for all permit-required monitoring associated with eligible projects. If the State Legislature approves funding for all of the projects, the County's matching share would be \$14,291,830. Districts 1 & 4 (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. **Staff recommends motion to receive and file:** original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for H.L. Johnson Elementary School in an amount not to exceed \$5,000 for funding of the After School Program. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747), as amended. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)
2. **Staff recommends motion to receive and file:** original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for John I. Leonard Community High School in an amount not to exceed \$5,000 for funding of the Boys' Basketball Program. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747), as amended. Funding is from the Recreation Assistance Program (RAP) District 2 Funds. District 2 (AH)
3. **Staff recommends motion to receive and file:** original executed Amendment to Request for Funding Form for School Board Recreation Assistance Program (RAP) project for Atlantic Community High School for the purchase of band uniforms (R2008-0544) to extend the project completion date from September 1, 2008, to December 31, 2008. **SUMMARY:** This fully executed Amendment to Request for Funding Form is being processed in accordance with the Interlocal Agreement for the Funding of Recreation Assistance Program (RAP) Projects (R2003-1747), as amended. District 7 (AH)
4. **Staff recommends motion to approve:** Agreement with The Center for Youth Activities, Inc. for the period August 19, 2008, through December 30, 2008, in an amount not to exceed \$40,000 for funding of after school programs. **SUMMARY:** This funding is to assist with expenses for the after school programs provided at Veterans Park by The Center for Youth Activities, Inc. The programs serve approximately 108 youth from age 5 to 12 and their parents. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to September 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 5 (AH)
5. **Staff recommends motion to approve:** Agreement with Florida Atlantic University in an amount not to exceed \$30,000 for the period August 19, 2008, through August 14, 2009, for the purchase and installation of a communications/phone system for the new Pine Jog Facility. **SUMMARY:** This funding is to assist with the cost of a communications/phones system for the Pine Jog Environmental Education Center's new facility. Approximately 40,000 people annually are served at the Pine Jog Environmental Education Center. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to May 15, 2008. Funding is from the Recreation Assistance Program (RAP) District 2 Funds. District 2 (AH)
6. **Staff recommends motion to approve:** Agreement with T. Leroy Jefferson Medical Society, Inc. for the period August 19, 2008, through October 31, 2008, in an amount not to exceed \$5,000 for funding of the Eighth Annual Community Health Fair. **SUMMARY:** This funding is to help offset costs for a community health fair event held on April 26, 2008, at Dr. Mary McLeod Bethune Elementary School. The event was attended by more than 1,000 participants. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to February 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

7. Staff recommends motion to approve:

A) Agreement with Riviera Beach Maritime Academy Corp. for the period August 19, 2008, through December 31, 2008, in an amount not to exceed \$10,000 for funding of the Lake Worth Lagoon Partnership Artificial Reef project;

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

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

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

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

SUMMARY: This funding in the amount of \$10,000 is to help offset costs paid by Riviera Beach Maritime Academy Corp. for the Lake Worth Lagoon Partnership Artificial Reef Project. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to July 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 \$10,000 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 \$130,000. District 7 (AH)

8. Staff recommends motion to receive and file: executed Independent Contractor Agreements received during the months of June and July:

A) 3D Diving, Inc., Competitive Diving Coach, North County Aquatic Complex;

B) Valerie Bell, Crafts and Fun, West Jupiter Recreation Center;

C) Valerie Bell, Crafts and Fun, West Jupiter Recreation Center;

D) Mark Fischer, Sushi Making Workshop, Okeeheelee Nature Center; and

E) Eric Householder, GPS Instructor, Okeeheelee Nature Center.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 02-2103 and 07-0409, and are now being submitted to the Board to receive and file. Districts 1 & 6 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

9. Staff recommends motion to:

A) approve Grant Agreement with the Palm Beach Metropolitan Planning Organization (MPO) in an amount not to exceed \$100,000 for funding of the design, permitting, and construction of a water taxi facility at DuBois Park;

B) authorize the County Administrator or his designee to execute the Grant Agreement and all future time extensions, task assignments, minor amendments, and other necessary forms and certifications during the term of the Grant Agreement that do not change the amount of funding, scope of work, or terms and conditions of the Agreement;

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

D) approve a Budget Transfer of \$100,000 in the Metro Planning Organization Fund for PBC Water Taxi Facilities from Contributions to Other Governmental Agencies to transfer to Park Improvement Fund; and

E) approve a Budget Amendment of \$100,000 in the Park Improvement Fund to recognize the transfer from the Metro Planning Organization Fund.

SUMMARY: This Grant Agreement provides an amount not to exceed \$100,000 for construction of a water taxi facility on the Jupiter Inlet at DuBois Park. The estimated cost for the water taxi facility is \$101,864, and the additional funding of \$1,864 will be provided from previously established funding from the 2004 Waterfront Access Bond for the DuBois Marina and Shoreline Stabilization project. The construction of the water taxi facility will be completed by the required project completion date of April 1, 2009. The term of this Grant Agreement is for ten (10) years, until August 18, 2018. Funding is from the U.S. Department of Transportation, Ferry Boat Discretionary Program, through the State of Florida Department of Transportation, and is administered by the Palm Beach Metropolitan Planning Organization. District 1 (AH)

10. Staff recommends motion to approve: Agreement with The Salvation Army for the period September 9, 2008, through December 30, 2008, in an amount not to exceed \$6,000 for funding of after school programs. **SUMMARY:** This funding is to help offset costs for after school programs for children and youth held at the Salvation Army Northwest Community Center in West Palm Beach. The programs serve approximately 200 participants. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to January 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

11. Staff recommends motion to:

A) receive and file original executed Request for Funding Form for a School Board Recreation Assistance Program (RAP) project for Sunset Palms Elementary School in an amount not to exceed \$53,200 for funding of murals, benches, free-time reading libraries, and community/after school reading and resource center furnishings;

B) approve a Budget Transfer of \$53,200 in the Transportation Improvement Fund from Reserve for District 5 to the County Transportation Trust Fund;

C) approve a Budget Transfer of \$53,200 in the Transportation Trust Fund increasing the annual transfer from the Transportation Improvement Fund and decreasing the annual transfer from the General Fund;

D) approve a Budget Transfer of \$53,200 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) approve a Budget Amendment of \$53,200 in the Park Improvement Fund increasing the annual transfer from the General Fund and increasing the appropriation to the District 5 Recreation Assistance Program.

SUMMARY: This funding in the amount of \$53,200 is to help offset costs paid by the School District for the new Sunset Palms Elementary School in Boynton Beach. The Request for Funding Form allows for the reimbursement of eligible project costs incurred subsequent to July 10, 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 \$53,200 from available ad valorem support to the District 5 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 5 for FY 2008 is \$146,800. District 5 (AH)

12. Staff recommends motion to approve: Agreement with The Arthur R. Marshall, Jr. Foundation and Florida Environmental Institute, Inc. for the period September 9, 2008, through March 31, 2009, in an amount not to exceed \$5,000 for funding of the Torry Island tree planting project. **SUMMARY:** This funding is to help offset costs incurred by The Arthur R. Marshall, Jr. Foundation and Florida Environmental Institute, Inc. for spring and fall tree planting at Belle Glade's Torry Island, which is located in the south end of Lake Okeechobee. The project involves approximately 750 students and 250 adult volunteers. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to January 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)

13. Staff recommends motion to approve: Agreement with the City of Delray Beach for the period September 9, 2008, through December 30, 2008, in an amount not to exceed \$12,000 for the 2008 Glory Awards Event. **SUMMARY:** This funding is to offset the cost of the 2008 Glory Awards Event held by the City of Delray Beach on August 29, 2008, at Crest Theater in Old School Square. The Event was attended by approximately 375 participants. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to January 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 4 (\$5,000) and District 7 (\$7,000) Funds. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

14. Staff recommends motion to receive and file: original executed Fourth Amendment to Request for Funding Form for School Board Capital Projects for the Woodlands Middle School Covered Pavilion Project (R2006-0390, R2006-1967, R2007-0047, R2007-1836) to extend the project completion date from August 31, 2008, to August 31, 2009. **SUMMARY:** This fully executed Amendment to Request for Funding Form is being processed in accordance with the Interlocal Agreement for the Funding of Recreation Assistance Program (RAP) Projects (R2003-1747), as amended, approved by the Board on October 21, 2003. District 2 (AH)

15. Staff recommends motion to approve: Agreement with Ladies Professional Golf Association, Inc. for the period September 9, 2008, through December 30, 2008, in an amount not to exceed \$5,000 for funding of the 2007 LPGA Junior Golf Clinics/ADT Championship. **SUMMARY:** This funding is to help offset costs incurred by the Ladies Professional Golf Association, Inc. (LPGA) for the 2007 junior golf clinics and ADT Championship. The junior golf clinics were held at Delray Beach Golf Club, John Prince Park, Okeeheelee Golf Course, and one on-site clinic was held at the Trump International Golf Course during the 2007 ADT Championship. The clinics and ADT Championship were held in November of 2007. The junior golf clinics served approximately 600 participants. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to October 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 2 Funds. Districts 2, 3 & 6 (AH)

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

A) Myriam Delgado Bonilla-Toro, Jewelry Making Instructor, Therapeutic Recreation Complex; and

B) Susan Allshouse, Tennis Instructor, West Boynton Park and Recreation Center.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The attached Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 02-2103 and 07-0409, and are now being submitted to the Board to receive and file. District 3 (AH)

17. **DELETED**

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

18. Staff recommends motion to approve:

A) a Budget Transfer of \$146,750 in the Transportation Improvement Fund from Reserve for District 5 to the County Transportation Trust Fund;

B) a Budget Transfer of \$146,750 in the Transportation Trust Fund increasing the annual transfer from the Transportation Improvement Fund and decreasing the annual transfer from the General Fund;

C) a Budget Transfer of \$146,750 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

D) a Budget Amendment of \$146,750 in the Park Improvement Fund increasing the annual transfer from the General Fund and increasing the appropriation to the District 5 Recreation Assistance Program.

SUMMARY: This funding in the amount of \$146,750 is for budget transfers and a budget amendment to increase the gas tax support and decrease the ad valorem support of the County Transportation Trust Fund, thereby allowing for the allocation of \$146,750 from available ad valorem support to the District 5 Recreation Assistance Program. At the November 21, 2006 Board meeting, the flexibility of up to \$200,000 in transfers per District per year was approved for this purpose. This funding will be used for eight (8) District 5 recreational or cultural projects. Agreements for each of these eight (8) projects will be brought to the Board for approval as soon as the required paperwork is completed by the various agencies and municipalities. This allocation will deplete the Transportation Improvement Funds available for transfer in District 5 for FY 2008. District 5 (AH)

19. Staff recommends motion to approve:

A) a Budget Transfer of \$76,175 in the Transportation Improvement Fund from Reserve for District 7 to the County Transportation Trust Fund;

B) a Budget Transfer of \$76,175 in the Transportation Trust Fund increasing the annual transfer from the Transportation Improvement Fund and decreasing the annual transfer from the General Fund;

C) a Budget Transfer of \$76,175 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

D) a Budget Amendment of \$76,175 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 \$76,175 is for budget transfers and a budget amendment to increase the gas tax support and decrease the ad valorem support of the County Transportation Trust Fund, thereby allowing for the allocation of \$76,175 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 per District per year was approved for this purpose. This funding will be used for five (5) District 7 recreational or cultural projects. Agreements for each of these five (5) projects will be brought to the Board for approval as soon as the required paperwork is completed by the various agencies and municipalities. With the approval of this allocation, the remaining balance available in transfers for District 7 for FY 2008 is \$53,825. District 7 (AH)

3. CONSENT AGENDA APPROVAL

N. LIBRARY

1. Staff recommends motion to:

A) approve an Application to the Florida Department of State, Division of Library and Information Services, for State Aid to Libraries in an estimated amount of \$1,041,135 for FY 2009;

B) approve the Agreement for State Aid to Libraries; and

C) authorize the Chairperson of the Board of County Commissioners to execute any other necessary forms and certifications.

SUMMARY: The State provides an annual operating grant to eligible libraries based upon their annual operating expenditures from local funds. Estimated State Aid revenue has been included in the County Library's FY 2009 proposed budget. Countywide (TKF)

P. COOPERATIVE EXENSION SERVICE

1. Staff recommends motion to approve: an Agreement with the Palm Beach Soil and Water Conservation District in an amount not to exceed \$79,000 to provide soil and water resource conservation services for FY '08. **SUMMARY:** This Agreement provides funding for the Palm Beach Soil and Water Conservation District's ("District") resource conservation activities. The District provides resource conservation services to rural, agricultural, and urban communities to facilitate soil and water conservation in Palm Beach County. Services include soil information and technical assistance to improve water quality and quantity and soil planning in Palm Beach County. Countywide (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve: this amended and restated Interlocal Agreement (R2008-0088) with the City of Belle Glade to extend the termination date for the Youth Violence Prevention Project by 12 months, to September 30, 2009. **SUMMARY:** The City of Belle Glade was identified as one (1) of the five (5) cities at greatest risk for future violence as part of the Youth Violence Prevention Project (YVPP). The YVPP is in its second year of implementation and funding. The City of Belle Glade has identified space, hired a coordinator and is prepared to move forward with implementation of their plan. The Youth Empowerment Center in Belle Glade will be located at 227 SW 6th Street in Belle Glade, Florida. The County (Facilities Development & Operations) agrees to cause the transfer of title of two (2) mobile home vehicles at the County's sole cost and expense. These funds are included in the FY 2008 approved budget as part of the City of Belle Glade's original Interlocal Agreement (R2008-0088). The funds are intended to cover start-up and program costs of \$300,000 (\$113,000 for relocation of a donated modular) for FY 2008 and operating expenses of \$300,000 for FY 2009. This Agreement will be extended by 12 months to expire on September 30, 2009. District 6 (DW)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

2. Staff recommends motion to approve:

- A) a Professional Services Contract with South County Mental Health Center; and
- B) a Budget Transfer of \$10,000 from Criminal Justice Reserve Fund reserves to provide funds to the Crisis Intervention Team (CIT).

SUMMARY: The CIT team is a volunteer group of law enforcement and mental health professionals. The funds will be used to provide financial support to the CIT to assist them in providing crisis intervention training to police officers countywide. The CJC approved this funding at its August 11, 2008 meeting. The training was also endorsed by the Public Defender and the State Attorney. CIT has provided training sessions per year for the last five (5) years using their own time. Over 500 officers have been trained thus far. During this time physical confrontations between officers and the mentally ill have been reduced. The CIT group needs Palm Beach County's financial assistance to continue to make this training available. Countywide (DW)

S. FIRE RESCUE

- 1. Staff recommends motion to approve: the Chairperson to certify the non-ad valorem assessment roll for the MSBU (Municipal Service Benefits Unit) for Fire Hydrant Maintenance and Rental-Riviera Beach and for the MSBU for Fire Hydrant Maintenance and Rental-Boca Raton. **SUMMARY:** MSBU's for fire hydrant maintenance and rental for Riviera Beach and Boca Raton were established in February 1993 by Ordinance No. 93-5. The current rates as established by Resolutions are \$52.86 per parcel for Riviera Beach (R98-1023) and \$23 per parcel for Boca Raton (R2008-0239). Every year the assessment roll must be certified by the Chairperson of the Board and the State Department of Revenue form DR-408A must be signed by the Chairperson for each MSBU. These forms and the tape of the assessment rolls must be submitted to the Tax Collector no later than September 15 of each year. Districts 5 & 7 (SB)
- 2. Staff recommends motion to approve: a Second Amendment to the Interlocal Agreement with the City of West Palm Beach (R99-1193D, as amended R2002-1933) relating to funding for Regional Hazardous Materials Emergency Response Services retroactive to October 1, 2007. **SUMMARY:** On October 6, 1998, the County entered into an Agreement (R98-1637D) with the Solid Waste Authority (SWA) to partially fund the costs of the Regional Hazardous Material (Hazmat) Services Response Teams. For fiscal year 2008, the funding amount is \$1,622,986. Funding for subsequent fiscal years will be increased 3% annually. Under the Agreement, the SWA disburses the funding directly to the County. The County entered into separate Agreements with the municipal response teams to define the responsibilities of each of the parties and to allow the County to disburse the funds equally among each of the two (2) municipal response teams and two (2) County teams. The City of West Palm Beach provides one Hazmat emergency response team; therefore, the payment to the City of West Palm Beach for FY 2008 will be \$405,746.50. The current Agreement with the SWA expires September 30, 2012. Approval of the Second Amendment to the Interlocal Agreement with the City of West Palm Beach will extend the term of the Agreement, retroactively from October 1, 2007, through September 30, 2012. Countywide (SGB)

3. CONSENT AGENDA APPROVAL

T. HEALTH DEPARTMENT

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, adopting the FY 2008/2009 budget for the Air Pollution Control Program. **SUMMARY:** This Resolution is required by the August 21, 1984, Agreement between the Board of County Commissioners and the Palm Beach County Health Department (PBCHD) to establish the annual budget for the expenditure of fees deposited into the Air Pollution Control Trust Fund. This program is solely supported by motor vehicle license registration fees. The proposed FY 2008/2009 budget for the Air Pollution Control Program from this funding source is \$925,000 which is a 4.5% increase over the current year. This increase can be accommodated by a large surplus in the Air Pollution Control Trust Fund and will offset reduced funding for the Air Pollution Control Program from another revenue source. Countywide (GB)

U. INFORMATION SYSTEM SERVICES

1. Staff recommends motion to approve: Amendment No. 2 to Statement of Work (R2007-1383) pursuant to contract with CGI-AMS (R2002-1782), extending effective date through September 30, 2008 with no additional expense. **SUMMARY:** Amendment No. 2 will provide additional time for CGI-AMS to complete requirements of Statement of Work which will add functionality to various modules in the Advantage System as approved by the Financial System Administration Team (FSAT). Countywide (PK)
2. Staff recommends motion to approve: a Software License and Professional Services Agreement with the Government of the U.S. Virgin Islands for a period of two (2) years from October 1, 2008, to September 30, 2010, for the development and use of a Business License Web Application which will generate revenues to the County in the amount of \$231,479. **SUMMARY:** The Government of the U.S. Virgin Islands wishes to enter into a Software License and Professional Services Agreement with Information System Services (ISS) in order to develop and utilize a customized version of an existing Business License Web Application. ISS will provide professional services for application development for a fee not to exceed \$87,979 and a one-time installation of the Business License Web Application for an initial setup fee of \$37,500. ISS will host the application and database on an existing enterprise server. Thereafter, the Agreement specifies that the Virgin Islands will pay the County a monthly software lease fee of \$1,500, increasing to \$1,650 on October 1, 2009 and an application hosting services fee of \$3,500, increasing to \$3,850 on October 1, 2009. The Agreement provides for a two (2) year period from October 1, 2008, to September 30, 2010. Countywide (PK)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: Amendment No. 2 to a standard agreement with Children's Healthcare Associates, P.A. (R2006-1321) in an amount not to exceed \$54,000 for a period of October 1, 2008, through September 30, 2009, to provide services for Highridge Family Center. **SUMMARY:** When the original Contract was approved, the Board delegated the authority to the County Administrator, or his designee, to execute time extensions/amendments to the Contract. Countywide (DW)
2. Staff recommends motion to receive and file: a Standard Agreement with Xavier Garcia, D.V.M. d/b/a/ El Cid Animal Clinic, for veterinary services, in an amount not to exceed \$10,000 for the period of October 1, 2007, through September 30, 2008. **SUMMARY:** On May 6, 1997, the Board adopted a Resolution authorizing the County Administrator, or his designee, to execute standard contracts with various licensed Florida veterinarians to provide needed part-time, relief and emergency "on-call" professional medical services for shelter animals. Countywide (SF)
3. Staff recommends motion to receive and file: the original executed Grant Agreement with Child & Family Connections to receive up to \$34,651 per year of the contract for the Division of Justice Services supervised visitation services provided by the Family Connections program, for the period of July 1, 2008, through June 30, 2009. **SUMMARY:** Resolution R2005-1588 authorizes the County Administrator or his designee to execute grant contracts with Child & Family Connections to provide supervised visitation services. A County in-kind match of \$3,850.11 is required by the grant. Countywide (DW)

Z. RISK MANAGEMENT

1. Staff recommends motion to receive and file: original executed Memorandum of Understanding for Exchange of Protected Health Information. **SUMMARY:** This fully executed Memorandum of Understanding for Exchange of Protected Health Information with Health Care District will serve as the instrument to facilitate the sharing of protected health information. Countywide (TKF)
2. Staff recommends motion to approve: an Agreement with the law firm of Clarke & Platt, P.A., to provide workers' compensation litigation defense services for Palm Beach County and Palm Tran, Inc., for claims of injury until September 30, 2011, with two (2) additional one (1) year options at the same price, terms and conditions stated herein at \$463,500 for legal services for each of the County's fiscal years 2008/2009, 2009/2010, and 2010/2011, plus reasonable costs and expenses not to exceed four (4) percent of total fees (\$18,540) per fiscal year. Payments shall be made in four (4) equal installments (December 31, March 31, June 30 and September 30 of each fiscal year). **SUMMARY:** The law firm of Clarke & Platt, P.A., has provided workers' compensation litigation defense services to Palm Beach County and a number of Constitutional Officers. The contract with Clarke & Platt, P.A. expires on September 30, 2008. After a competitive selection process in which proposals ranged from \$400,000 to \$2,800,000, staff recommends the contract be awarded to Clarke & Platt, P.A. and that they continue to provide workers' compensation litigation defense services beginning October 1, 2008. Countywide (AJM)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. Staff recommends motion to:

A) approve the Florida Commission for the Transportation Disadvantaged (CTD) Trip and Equipment Grant in the amount of \$2,334,762 for FY 2008/2009 to provide non-sponsored trips in accordance with the Transportation Disadvantaged Trust Fund in Chapter 427, Florida Statutes and Rule 41-2, Florida Administrative Code; and

B) authorize the Executive Director of Palm Tran, through the County Administrator or his designee, to file and execute the Trip and Equipment Grant Agreement with the CTD.

SUMMARY: On May 6, 2008, the Board of County Commissioners approved a resolution (R2008-0808) authorizing the filing of a Transportation Disadvantaged Trust Fund (TDTF) Application with the CTD, and delegating authority to the Palm Tran Executive Director to execute the Standard Coordination/Operator contracts on behalf of Palm Beach County. Based on that approval, the Trip and Equipment Grant Agreement was developed. The Grant provides approximately 90% of the funding for Palm Beach County's TD program. Palm Beach County has been allocated funds for FY 2008/2009 as follows: Total State Grant - \$2,098,543; Local Match - \$233,171; Voluntary Dollar Contributions - \$2,743; In-Kind Match for Voluntary Dollar - \$305; Total Grant is \$2,334,762. The local match has already been budgeted in Palm Tran's proposed FY 2009 operating budget. Countywide (DR)

BB. MEDICAL EXAMINER'S OFFICE

1. Staff recommends motion to approve: a Contract with Wuesthoff Memorial Hospital, d/b/a Wuesthoff Reference Laboratory to establish restructured services and a new fee schedule for toxicology and histology testing effective July 1, 2008, through June 30, 2012 with the contractual cost not to exceed \$915,750. **SUMMARY:** On May 15, 2001, the Board of County Commissioners approved the Contract with Wuesthoff Reference Laboratories for forensic toxicology laboratory testing, based on an individual test fee. The Medical Examiner's Office continues to experience increases in autopsy cases and deaths involving multiple drugs, resulting in increased toxicology testing, and anticipates a 20% increase in usage annually. Due to increased costs, Dr. Bell, Chief Medical Examiner, re-negotiated the terms of the contract with Wuesthoff Reference Laboratory. At this time, Wuesthoff Reference Laboratory has submitted a totally new fee schedule with a comprehensive drug panel being completed for a flat rate of \$165 per case, instead of a separate fee for each test. A comprehensive drug panel is defined as the detection and quantitation of alcohols, carbon monoxide, and the drugs listed in Exhibit "C" in blood, urine and vitreous fluid from the submitted Medical Examiner case. Additional tests for drugs not included in the panel are done at the discretion of the Medical Examiner's Office and fees are separate, with a fee schedule. Wuesthoff Reference Laboratory's costs include the cost of the pickup, delivery, storage and return and/or destruction of specimens. Countywide (DW)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF

1. **Staff recommends motion to receive and file:** Grant Adjustment Notice amending the National Institute of Justice “Solving Cold Cases with DNA Program” Grant to extend the ending grant period from March 31, 2008, through September 30, 2008. **SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$374,761 on December 20, 2005; the original period for this grant was October 1, 2005, through November 30, 2006 (R2005-2439). On December 5, 2006, the BCC received and filed an agenda item extending the grant period from November 30, 2006, through May 31, 2007 (R2006-2673). On April 10, 2007, the BCC received and filed an agenda item extending the grant period from May 31, 2007, through December 31, 2007 (R2007-0574). On December 4, 2007, the BCC received and filed an agenda item extending the grant period from December 31, 2007, to March 31, 2008 (R2007-2207). This agenda item will extend the grant period from March 31, 2008, through September 30, 2008. The National Institute of Justice awarded these funds for the “Solving Cold Cases with DNA Program”. The objective of this grant is to combine the efforts of the Palm Beach County Sheriff’s Office (PBSO) Special Investigations Bureau, Crimes Against Children/Sexual Assault Unit and the Violent Crimes Bureau with the experience of the Serology/DNA Section of the Crime Laboratory to solve cold cases. The goal is to screen all of the cold cases for potential biological evidence for the purpose of conducting DNA analysis such that the laboratory CODIS administrator will enter any qualifying DNA profile into CODIS. At the time of the grant application, it was estimated that there were approximately 250 cold cases from the Crimes Against Children/Sexual Assault Unit and Violent Crimes Bureaus, of which 85 may meet the criteria set forth by this grant. The PBSO has been given an extension to allow the grant funds to be fully expended. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

2. **Staff recommends motion to:**
 - A) accept** on behalf of the Palm Beach County Sheriff’s Office a Florida Department of Law Enforcement, Criminal Investigations and Forensic Science Program Grant for the Sur 13 Gang Investigation in the amount of \$20,000 for the period of October 1, 2007, through September 30, 2008, or upon the conclusion of the investigation; and
 - B) approve** a Budget Amendment of \$20,000 in the Sheriff’s Grant Fund.**SUMMARY:** The Palm Beach County Sheriff’s Office (PBSO) has been awarded grant funds by the Florida Department of Law Enforcement (FDLE) for the purpose of investigating a current ongoing case. The FDLE awarded these grant funds to assist with the added cost associated with overtime. There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

3. **Staff recommends motion to approve:** a Budget Transfer of \$80,760 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff's Office (PBSO). **SUMMARY:** Florida Statute 932.7055 requires that no less than 15% of the LETf's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2008 estimated donation requirement is \$122,726. The funds are requested to aid qualified organizations that meet the requirements set forth in F.S. 932.7055. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The current State LETf balance is \$1,640,028. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,559,268. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective agency. No new positions are needed and no additional County funds are required. Countywide (DW)

ORGANIZATION	AMOUNT
Extended Hands Community Outreach, Inc.	\$25,860
Faith-Hope-Love-Charity, Inc.	\$25,000
The Juvenile Transition Center, Inc.	\$29,900
Total Amount of Donations	\$80,760

4. **Staff recommends motion to receive and file:** Grant Adjustment Notice amending the Florida Department of Law Enforcement Florida Consortium "2007 Paul Coverdell National Forensic Sciences Improvement Grant" to extend the ending grant period from September 30, 2008, through March 31, 2009. **SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$43,701 on March 11, 2008. The original period for this grant was October 1, 2007, through September 30, 2008 (R2008-0452). This agenda item will extend the grant period from September 30, 2008, through March 31, 2009. The National Institute of Justice (NIJ) awarded these funds to the Florida Department of Law Enforcement (FDLE) for the "2007 Paul Coverdell National Forensic Sciences Improvement Grant". On January 2, 2008, the Palm Beach County Sheriff's Office (PBSO) was awarded funds to improve the quality of forensic services. The PBSO's Technical Services Division will use the funds provided for training. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

5. Staff recommends motion to receive and file: Memorandum of Agreement amending the FY 2006 Urban Area Security Initiative Grant Program to extend the ending grant period from January 31, 2008, through June 30, 2009. **SUMMARY:** The Board of County Commissioners accepted this grant for \$1,684,487 on December 19, 2006; the original period for this grant was October 1, 2006, through January 31, 2008 (3BB-2). This agenda item will extend the grant period from January 31, 2008, through June 30, 2009. This Agreement provides a means of funding various domestic security activities within the County and region using federal Urban Area Security Initiative (UASI) funds through the City of Miramar as the Ft. Lauderdale UASI's fiscal agent. The total funds provided to Palm Beach County agencies by the UASI (\$2,383,087) represents 24% of the total Ft. Lauderdale UASI grant (\$9,980,000), and will be used to support and strengthen the County's ability to plan for, and respond to, acts of terrorism. The UASI awarded \$698,600 to the County, which will be used to fund fire, health, emergency management, and other approved anti-terrorism activities. The Sheriff's Office received an equivalent award of \$698,600 to fund direct law enforcement activities, and an award of \$985,887 to fund the Regional Security Projects. Future funding will be determined based on a competitive need process. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

6. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office a South Florida High Intensity Drug Trafficking Area (HIDTA) FY 2008 Violent Crimes and Drug Trafficking Organization (VCDTO) initiative, a grant award in the amount of \$30,000, for "Operation Second Chance", for the period of June 26, 2008, through June 25, 2009; and

B) approve a Budget Amendment of \$30,000 in the Sheriff's Grant Fund.

SUMMARY: On July 1, 2008, the Palm Beach County Sheriff's Office (PBSO) received an award from the South Florida HIDTA/VCDTO. The funds provided will be used for overtime reimbursement incurred by law enforcement officers participating in "Operation Second Chance", which is targeting an organization that specializes in the cultivation and trafficking of hydroponic marijuana. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

7. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office a South Florida High Intensity Drug Trafficking Area (HIDTA) FY 2008 Violent Crimes and Drug Trafficking Organization (VCDTO) initiative, a grant award in the amount of \$15,000, for "Operation Two Doors Down Continuation", for the period of June 26, 2008, through June 25, 2009; and

B) approve a Budget Amendment of \$15,000 in the Sheriff's Grant Fund.

SUMMARY: On July 1, 2008, the Palm Beach County Sheriff's Office (PBSO) received an award from the South Florida HIDTA/VCDTO. The funds provided will be used for overtime reimbursement incurred by law enforcement officers participating in "Operation Two Doors Down Continuation", which is targeting an organization that specializes in the cultivation and trafficking of hydroponic marijuana. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

DD. HOUSING FINANCE AUTHORITY

1. Staff recommends motion to approve: the nomination of Robin B. Henderson as the Chairperson of the Housing Finance Authority of Palm Beach County (HFA Board) for the term of June 2008, through May 2009. **SUMMARY:** At the regular HFA Board meeting of July 11, 2008 the HFA Board nominated Robin B. Henderson as its Chairperson to serve a term of one (1) year in accordance with Ordinance No. 2002-022. The Ordinance requires the nomination of Chairperson to be submitted to the Board of County Commissioners for approval. Countywide (TKF)

EE. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to approve:
 - A) a Budget Transfer of \$993,850 from the Public Building Improvement Fund of the Convention Center Parking Garage and Tunnel Project to the TDC 1st Cent Fund; and
 - B) a Budget Amendment of \$993,850 in the TDC 1st Cent Tourist Local Option Tax Fund to recognize the return of this revenue from Facilities' Public Building Improvement Fund.

SUMMARY: 1st Cent funds were transferred to the Public Building Improvement Fund to cover pre-construction related cost for the Convention Center Parking Garage such as architect and engineering fees. The expenditures incurred on the Convention Center Parking Garage totaled \$6,150 leaving an unencumbered balance of \$993,850. The payment of \$6,150 was the total cost incurred for pre-construction. The 1st Cent Fund will provide for debt service and payment of the revenue bonds once bonds are issued for the Convention Center Parking Garage. Countywide (MC)

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4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A.** Presentation from Representative Mary Brandenburg of a check in the amount of \$135,610.84 from the Florida Recreation Development Assistance Program (FRDAP) for John Prince Park Memorial Park – Square Lake Development and Restoration Project.
- B.** Proclamation declaring August 3, 2008 as “Children’s Healthcare Day” in Palm Beach County. (Sponsored by Commissioner Santamaria)
- C.** Certificate of Appreciation to Chuck McGinness, Palm Beach Post Transportation Reporter (retired). (Sponsored by Commissioner Kanjian)
- D.** Proclamation declaring September 24, 2008 as “Palm Beach Partners Business Matchmaker Conference & Expo Day” in Palm Beach County. (Sponsored by Commissioner Greene)
- E.** Proclamation declaring October 16, 2008 as “National Childhood Hunger Day” in Palm Beach County. (Sponsored by Commissioner Marcus)
- F.** Proclamation declaring October 6, 2008 as “German-American Day” in Palm Beach County. (Sponsored by Commissioner Kanjian)
- G.** Proclamation declaring the weekends of October 10 – 12 and October 17 – 19, 2008 as “Oktoberfest 2008” in Palm Beach County. (Sponsored by Commissioner Kanjian)
- H.** Proclamation declaring September 22, 2008 as “American Business Women’s Day” in Palm Beach County. (Sponsored by Commissioner Greene)
- I.** Presentation of the 2007 Animal Kindness Awards to: Nancy Hall; Samantha Motsinger; and Hannah Trammell. (Sponsored by Commissioner Santamaria)
- J.** Proclamation declaring the month of October 2008 as “Domestic Violence Awareness Month” in Palm Beach County. (Sponsored by Commissioner Koons)
- K.** Proclamation declaring September 13, 2008 as “Caribbean-American for Community Involvement Day” in Palm Beach County. (Sponsored by Commissioner Santamaria)
- L.** Proclamation declaring October 5, 2008 as “Pulaski Day” in Palm Beach County. (Sponsored by Commissioner Koons)

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

- A. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 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 appeals 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 proposed new fees will generate approximately \$2,262,500 annually. 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. Countywide (DW)
- B. **Staff recommends motion to adopt:** an increase in the fare paid by Transportation Disadvantaged (TD) eligible individuals whose income falls below the poverty line from a zero fare to \$2. **SUMMARY:** At the June 2008 budget hearing, the Board of County Commissioners reviewed Palm Tran's budget proposals which included the elimination of the TD Fare Subsidy Program. Over 50% of Palm Tran Connection riders now ride for free, and passenger fares from Connection services represent just 4% of the total cost of all CONNECTION service. The Palm Tran Service Board and Local Coordinating Board endorsed the budget proposal to increase the TD fare. The fare increase proposal would become effective October 1, 2008. Currently, TD eligible riders using Palm Tran CONNECTION, with incomes at or below the poverty level, do not pay a fare. Palm Tran's proposed FY '09 budget includes revenues that would be generated through the collection of these fares. Countywide (DR)
- C. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners (BCC) of Palm Beach County, Florida, enacting historic site designation for an additional section of the Old Indiantown Road grade. **SUMMARY:** The Resolution will authorize the designation of an additional section of the previously designated Old Indiantown Road grade, located on the County-owned Hatcher/Halpryn property in Jupiter Farms, Florida. This site has been recommended for historic designation by the County's Historic Resources Review Board (HRRB). If designated, this historic resource would be added to the Palm Beach County Register of Historic Places. The resource is located in the Hatcher/Halpryn Property that the county recently purchased. No privately owned properties will be affected by this designation. In addition any alterations to the roadbed would require approval of a "Certificate of Dig". District 1 (RB)

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

D. Staff recommends motion to:

A) adopt a Resolution confirming the special assessment process for El Paso, Yearling, Pinto and Rodeo Drives Paving and Drainage Improvements (Project), Sections 19 & 20, Township 44 South, Range 42 East; and

B) approve a Budget Transfer of \$871,555 from Municipal Service Taxing Unit (MSTU) District C Fund from Reserves to Rodeo and Pinto Drives;

C) approve a Budget Transfer of \$1,664,216 in the Unincorporated MSTU Fund (District F) from Reserves to Rodeo and Pinto Drives (\$423,075) and El Paso and Yearling Drives (\$1,241,141) (Project);

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

E) approve a Contract with H & J Contracting, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$2,073,382.62 for the construction of the Project.

SUMMARY: Adoption of the Resolution provides for the collection of 43.75% of the MSTU funds expended on the Project. Assessments will be payable in ten (10) equal annual installments. The Project consists of construction of El Paso, Yearling, Pinto and Rodeo Drives Paving and Drainage Improvements (Project). The Small Business Enterprise goal for the Project is 15%. The Small Business Enterprise (SBE) participation committed for the project by the Contractor is 15% overall. District 6/MSTU District C (MRE)

E. Staff recommends motion to adopt: 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 Law and Ordinances; providing for effective date. **SUMMARY:** On July 22, 2008, the Board of County Commissioners held its preliminary reading of this Ordinance. This 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, accommodate agency changes and update the appeal process. Countywide (MRE)

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

F. Staff recommends motion to:

A) review the list of surplus County-owned properties which staff recommends be found appropriate for affordable housing; and

B) adopt a Resolution approving the list of County-owned properties identified as appropriate for affordable housing.

SUMMARY: Florida Statutes Section 125.379 requires each County to prepare and adopt an inventory list of all real property it owns which is appropriate for use as affordable housing. The properties identified on this list may be offered for sale with the proceeds used for purchase of land for development of affordable housing, or sold with a restriction limiting its use to affordable housing. The land may also be donated to a non-profit housing organization. Staff has prepared the attached list, organized by Commission District, of those properties which Staff recommends be made available for this purpose. The criteria for development of this list included: 1) vacant; 2) located outside of the Ag Reserve; 3) not programmed for future County uses such as Parks, Libraries, Fire Stations, General Government facilities and/or Environmental Preservation; and 4) not subject to bond covenants or Federal funding restrictions limiting their use. The notable exception to the application of these criteria is the Mecca property, which Staff believes requires significant further analysis before it should be included on this list and made available for this purpose. With the budget cuts, there are insufficient Staff resources to provide assistance in developing these properties beyond a simple conveyance/donation of the property. Staff recommends that the property on this list be made available for sale/donation for development of affordable housing on an "AS IS" basis with appropriate restrictions limiting its use. Property Real Estate Management (PREM) can publish this list on its website with a link from the County's home page, but will not otherwise actively market the properties. PREM will handle the sale/donation but will not assist in due diligence or other development activities. (PREM) Countywide (HJF)

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6. REGULAR AGENDA

A. ADMINISTRATION

TIME CERTAIN – 2:30 P.M.

1. **Staff recommends motion to receive and file:** a Presentation by the Port of Palm Beach and the Florida Department of Transportation (FDOT) on the Inland Intermodal Logistic Facility (Inland Port). **SUMMARY:** On March 13, 2007, the Board of County Commissioners approved the 21st Century: Palm Beach County Strategic Economic Plan. Action Item I.02, under the Strategic Direction of Prosperity, identified the desire to conduct an Inland Port Feasibility Study with the goal of completing this Study by February of 2007. The FDOT, Seaport Office, engaged the services of Cambridge Systematics to conduct a South Florida Inland Port Feasibility Study. That report was completed in June of 2007. In May of 2008, Cambridge Systematics and Martin Associates completed a Multi-Model Logistics Complex: Market & Economic Analysis on behalf of the FDOT. This presentation will focus on the findings of the May 2008 Study. Countywide (DW)

2. **Staff recommends motion to receive and file:** a Presentation by the Alternative Energy Task Force on their recommendations to the Palm Beach County Overall Economic Development Committee (OEDP). **SUMMARY:** The Alternative Energy Task Force was formed to address Action Item II.02 in the Palm Beach County Strategic Economic Development Plan's Strategic Direction of sustainability. The OEDP Alternative Energy Task Force, comprised of 21 public and private stakeholders, worked in collaboration with the Pollution Prevention Coalition of Palm Beach County, the Air Waste Management Association and the Treasure Coast Chapter of U.S. Green Building Council. Over a nine (9) month period the Task Force hosted nine (9) research presentations, created an inventory of existing county energy conservation programs, identified "best practices," and prepared a critical look at pertinent topics and issues of the emerging alternative energy field. Alternative Energy policy discussions focused on encouraging self-reliance, business growth, energy costs, and community sustainability. Countywide (DW)

3. **Staff recommends motion to approve:**
 - A)** Amendment No. 17 to the Contract (R91-1876D) with Robert Weisman, County Administrator, extending said Contract for one (1) additional year ending December 31, 2013; and

 - B)** a salary increase at the same level provided to other County employees effective September 27, 2008.

SUMMARY: This Amendment provides for the County Administrator's services through December 31, 2013. The current Contract expires December 31, 2012. This is a one (1) year extension. This year marks completion of 28 years as a County employee and 17 years as Administrator. Current salary is \$245,456. Countywide (MC)

6. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

4. Staff recommends motion to:

A) adopt a Resolution supporting Biotest Pharmaceuticals Corporation for Florida's Qualified Target Industry (QTI) Tax Refund Program;

B) approve the Job Growth Incentive Grant Agreement as the required 20% QTI local match in the amount of \$40,000 for the creation of 50 jobs in Palm Beach County at an average annual salary of \$56,706, excluding benefits;

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

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

SUMMARY: Biotest Pharmaceuticals Corporation, located in Boca Raton, was established in December 2007. The Parent Company, Biotest AG, is headquartered in Dreieich, Germany. Biotest AG purchased the existing building and assets from Nabi Biopharmaceuticals. Biotest Pharmaceuticals Corporation develops and manufactures pharmaceutical and biotherapeutic products with a specialization in immunology. The project involves increasing their capacity for plasma protein production by reconfiguring and renovating their existing manufacturing facility in Boca Raton. The JGI Agreement requires that the Company create 50 full time jobs by December 31, 2011, with an average salary of \$56,706, excluding benefits; and maintain jobs for an additional twenty-four months. The JGI incentive is recommended at \$800 per job, or \$40,000.

The Company is in good financial condition and based on the documents reviewed, the company has the financial stability to perform under the conditions of the proposed Job Growth Incentive Grant. Biotest Pharmaceuticals is a local biotechnology business with strong international connections. Biotest Pharmaceuticals' creation of 50 jobs is projected to generate \$6 million in Gross Regional Product by 2011, using the Regional Economic Model Inc.

Biotest Pharmaceuticals has filed a Qualified Target Industry Tax Refund program application with Enterprise Florida. It is anticipated that the State will award up to \$200,000. The QTI requires a 20% local match. The 20% match will be achieved using the JGI. District 4 (DW)

B. CLERK & COMPTROLLER

TIME CERTAIN – 11:30 A.M.

1. Presentation by Clerk on excess fees and \$1.90 Court technology revenue as requested by Board.

6. REGULAR AGENDA

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on September 23, 2008 at 9:30 a.m.: an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five Year Road Program; providing for title; purpose; adoption of revised Five Year Road Plan and revised list of projects contained in Exhibit "A"; implementation of the Plan; modification of Plan; funding of other roadway improvements; interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date. **SUMMARY:** This is the Mid-Year Adjustment of the County's Five Year Road Plan which is required to be considered each year by the Five Year Road Program Ordinance. Exhibit "A" to the Ordinance is a list of proposed projects for the next five (5) years and contains certain changes and modifications. This list is submitted for Board of County Commissioners consideration on preliminary reading today, with the final list to be approved with the Ordinance at public hearing on Tuesday, September 23, 2008. Countywide (MRE)

2. Staff requests motion to approve: the concepts in the technical specification for the Request for Proposals for the Red Light Violation Cameras and Citation System. **SUMMARY:** The technical specification for the Request for Proposals (RFPs) for the Red Light Camera Program details all of the equipment and operational requirements of the Red Light Violation Cameras and Citation System. Countywide (MRE)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to approve: a Management Plan for the Delaware Scrub Natural Area. **SUMMARY:** The Delaware Scrub Natural Area Management Plan (Plan) was developed by the Department of Environmental Resources Management (ERM). The Plan provides guidelines for proposed land management activities on the Delaware Scrub Natural Area. It was recommended for approval by the Natural Areas Management Advisory Committee (NAMAC) on June 20, 2008, after careful consideration of public comments received at a public hearing held on May 22, 2008. The Delaware Scrub Natural Area is comprised of approximately 15.80 acres on the northeast corner of the intersection of Delaware Boulevard and Indiantown Road within the Town of Jupiter. The site's eastern boundary is Jones Creek. This site was jointly acquired by the Town of Jupiter and the County in May 23, 2005. Funds for the acquisition were provided from the Palm Beach County Lands for Conservation Purposes Bond Issue Referendum of March 9, 1999, the Town of Jupiter's Open Space Program Bond Issue Referendum of August 31, 2004, and from matching funds from the Florida Communities Trust in 2006. This site will be managed by ERM as part of the County's Natural Areas System, which is currently comprised of 36 sites. District 1 (SF)

6. REGULAR AGENDA

D. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on September 23, 2008 at 9:30 a.m.:](#) an Ordinance amending Palm Beach County Unified Land Development Code, Ordinance 03-076, as amended, as follows: amending Article 14.C. – Vegetation Preservation and Protection; amending Article 14.D. – Prohibited Invasive Non-native Vegetation Removal Ordinance; providing for repeal of laws in conflict; providing for severability; providing for a savings clause; providing for captions; providing for inclusion in the Unified Land Development Code (ULDC); and providing for an effective date. **SUMMARY:** The proposed revisions to ULDC, Article 14.C., Vegetation Preservation and Protection, are designed to provide an alternate approach in unincorporated Palm Beach County to protect native vegetation and habitat, focusing on an approval process through established channels of development reviews in lieu of permitting. In accordance with Board direction to discontinue the Vegetation Protection Program as a mechanism to reduce ad valorem supported programs in FY2009, seven (7) positions were eliminated. The general direction was to modify the Code to shift the burden of tree preservation from a permitting process prior to development to a post-development performance standard review. The proposed revisions will result in less salvaged vegetation on single family lots, a reduction of salvaged vegetation relocated to public lands, and a reduction in native trees preserved within developments. The proposed revisions replace the permitting controls over vegetation clearing and construction with a standard process of approval for vegetation alteration; eliminate the designation of specimen tree status; secede wetland permitting to the State and Federal governments; and void all existing single family permits and dismiss all enforcement actions involving such permits. The proposed revisions to ULDC, Article 14.D., Prohibited Invasive Non-native Vegetation Removal Ordinance, continue to require the removal of invasive non-native vegetation; however, the financial assistance and incentives provided in the Code have been removed. In Code Appendix 10, which lists the natural areas, Ocean Ridge Natural Area is added. Appendix 12, which describes the incentive programs, is deleted in its entirety. The proposed revisions were provided to the Land Development Regulation Advisory Board for review and comment on August 21, 2008. Unincorporated/14.C.; Countywide/14.D. (SF)

6. REGULAR AGENDA

E. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to:

A) adopt a Resolution authorizing the County to obtain a revolving line of credit in the principal amount of \$22,568,948 to support the issuance of standby letters of credit to satisfy the debt service reserve funding requirements for four of the County's outstanding bonds issues; approving the form of and authorizing the execution of a Loan Agreement with SunTrust Bank, South Florida (the "Bank"); and providing for an effective date.

B) authorize OFMB to prepare a Budget Transfer of \$48,000 from the General Fund contingency to provide funding for the line and letters of credit, to amend the above-referenced four (4) debt service funds (\$35,000), and to adjust seven (7) other debt service funds (\$13,000) for letters of credit previously approved by the Board.

SUMMARY: Four (4) series of the County's outstanding bonds issued between 1994 and 2006 have debt service reserve funds that are funded by debt service reserve surety policies issued by a municipal bond insurance company that has had its AAA credit rating downgraded below a level specified in the bond resolutions. Staff and the County's financial advisor have determined that replacing the sureties with letters of credit from a AA rated bank is the most cost efficient way to satisfy the debt service reserve requirement. The term of the above line and letters of credit is one (1) year subject to renewal by the County and acceptance by the Bank. The County anticipates renewing the above letters of credit or replacing them in accordance with the bond resolutions. If the ratings of the municipal bond insurers are restored, the County will terminate the letters of credit. The fees are payable quarterly and will be approximately \$102,000 for FY 2009. The fees, including cost of issuance, for FY 2008 in the amount of \$35,000 will be paid from General Fund Contingency. Staff will propose an amendment to the FY 2009 budget at the first public hearing for the annual fees. Additionally, staff requests the authority to make minor adjustments totaling approximately \$13,000 in seven (7) debt service funds for letters of credit approved on May 22, 2008 as a result of banks billing for the short quarter ending June 30, 2008. Countywide (PFK)

F. MEDICAL EXAMINER'S OFFICE

1. Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on September 23, 2008 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, replacing Palm Beach County Code Chapter 13 (Ordinance No. 99-7); amending Section 4, to be "the County Administrator or his/her designee shall act as an administrative liaison to the Medical Examiner. The liaison shall ensure that the Medical Examiner is provided all reasonable supplies, support staff and equipment necessary for the performance of the duties of the Medical Examiner"; addition of Section 6.D. authorizing the Medical Examiner to charge a fee for services rendered in providing cremation, dissection, and burial-at-sea approvals. **SUMMARY:** Palm Beach County Code Section 13-1 (the Medical Examiner Ordinance) authorizes the appointment of the District 15 Medical Examiner. As authorized by the County Administrator, the Medical Examiner Office separated from the Department of Public Safety, to report directly to County Administration effective October 1, 2000. With the Medical Examiner Office reporting directly to County Administration and no longer being under the Department of Public Safety, this Ordinance requires amending to reflect this change. Section 6.D. of the Medical Examiner Ordinance authorizes the Medical Examiner Office to charge funeral homes a fee for services rendered in providing approvals for cremations, dissections and burials at sea. Countywide (DW)

6. REGULAR AGENDA

G. PUBLIC SAFETY

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners, Palm Beach County, Florida amending Resolution R2005-1023 to increase the annual operating permit fee for non-consent towing companies operating in Palm Beach County under Towtruck Ordinance 2005-009. **SUMMARY:** The proposed amendment increases the annual operating permit fee charged to Palm Beach County non-consent towing companies from \$400 to \$900. No other fee changes are requested. The proposed fee increase is needed to assure that income for enforcement of the Towtruck Ordinance meets or exceeds projected annual expenses. The Towing Advisory Committee has reviewed this issue and has voted to recommend this proposed fee increase. Countywide (DW)

2. Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on September 23, 2008 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 19, Article IX (Ordinance No. 2001-015); relating to taxicabs and other vehicles for hire, to be known as the Vehicle for Hire Ordinance; providing for short title and applicability; providing for authority; providing for definitions; providing for compliance; providing for advertising; providing for municipal exemption; providing for reciprocity; providing for business permit application; providing for records required; providing for vehicle requirements; providing for vehicle decal requirements; providing for impoundment; providing for vehicle safety and appearance requirements; providing for operational requirements for non-medical wheelchair and stretcher transportation service companies; providing for vehicle inspections; providing for commercial automobile liability insurance; providing for driver requirements and failure to comply; providing for fraudulent transfer of vehicle for hire company; providing for revocations, suspensions and denial of permits/I.D. badges and administrative appeals; providing for enforcement; providing for violations; providing for appeals; providing for fees; providing for penalties; providing for start-up; providing for repeal of laws in conflict; providing a savings clause; providing jurisdiction; providing for severability; providing for inclusion in the code of laws and ordinances; and providing an effective date. **SUMMARY:** The Board of County Commissioners reviewed this proposed Ordinance at two (2) public workshops. After additional consultations with the industry, the issues and suggestions identified at those meetings were incorporated into the Ordinance. The proposed Ordinance was approved unanimously for recommendation by the Vehicle for Hire Task Force.

Proposed Ordinance Revisions: Some of the most important changes to the Ordinance include: **1)** Prohibits persons from driving for-hire vehicles if convicted of specified felonies within the past five (5) years and permanently prohibits persons from driving if convicted of violent or sexual felonies; **2)** For-hire driver I.D. Badges would be issued to persons only after submitting a complete application and the criminal/driving background check reveals compliance with the ordinance (provisional permits would no longer be issued); **3)** It would be illegal to operate a business unless/until proof of insurance is provided from the insurance company/agent; **4)** Authorizes Consumer Affairs to suspend businesses which fail to produce proof of insurance by the expiration or cancellation dates and requires such businesses to pay an insurance reactivation fee; **5)** Eliminates double regulation of for-hire companies and drivers operating under the requirements of *Palm Tran Connection*; **6)** Sets a maximum age for vehicles-for-hire at 10 years (beginning in 2010 for existing vehicles); **7)** Establishes new requirements for taxicabs (i.e., top light, taximeter, uniform color/signage scheme [beginning 2010 for existing vehicles]); **8)** Permits habitually uninsured vehicles to be impounded/towed; **9)** Requires all vehicles to be inspected annually by a certified mechanic (beginning in 2010 for existing vehicles); and **10)** Drivers must understand basic English and Palm Beach County geography. The PBC League of Cities considered and approved the proposed Ordinance. Countywide (DW)

6. REGULAR AGENDA

H. FIRE RESCUE

1. Staff recommends motion to approve:

A) an Interlocal Agreement for Fire Vehicle Maintenance with the City of West Palm Beach for a period of ten (10) years; and

B) two (2) new Fire Apparatus Technician II positions to be added to the Fire Rescue employee complement.

SUMMARY: This Agreement provides for the maintenance and emergency repair of the City of West Palm Beach's Fire Rescue emergency response apparatus by Palm Beach County Fire Rescue (PBCFR) support services personnel. PBCFR is also requesting two (2) additional positions be added to the employee complement to accommodate the additional workload and labor hours associated with this Agreement. External revenues received from the City will offset the cost of the two (2) additional positions and additional operating supplies necessary to provide this service to the City. If approved by the Board, a budget amendment to establish the revenues and appropriations for these positions will be processed administratively by the Office of Financial Management and Budget after October 1, 2008 for FY 2009. Countywide (SB)

I. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve: the renewal of a contract with the current County probation services vendor, Pride Integrated Services, Inc. (Pride), for a three (3) year period, effective December 6, 2008, through December 5, 2011. **SUMMARY:** On August 11, 2008, the Criminal Justice Commission (CJC) unanimously approved the recommendation of the Probation Advisory Board (PAB) that no Request for Proposal (RFP) should be issued for the delivery of misdemeanor probation services to the County Court, and that the County contract with Pride for a three (3) year period effective December 6, 2008 through December 5, 2011 be renewed. At no cost to the County, Pride has been the County's provider since 1993. Services are covered by court ordered client fees. Pride will pay the County \$5,000 each year of the three (3) year contract to offset CJC costs associated with the annual monitoring of their contract and auditing Pride case files in the four (4) Pride offices. Countywide (DW)

J. PALM TRAN

1. Staff recommends motion to adopt: Resolution amending Resolution No. 2001-2241 revising membership criteria for the Palm Tran Service Board (PTSB). **SUMMARY:** On December 18, 2001, the Board of County Commissioners adopted Resolution No. R2001-2241, which created the Palm Tran Service Board (PTSB). This Resolution will further amend the Resolution creating the Service Board by revising the PTSB membership criteria to: 1) change the membership from eleven (11) members to twelve (12) by adding a second member with transit experience; 2) change the Chairperson to a non-voting role except in the case of a tie vote or where the Chairperson's attendance is needed to create a quorum; and 3) change the definition of a quorum to seven (7) members. The Palm Tran Service Board (PTSB) met on August 21, 2008, and discussed this proposed expansion. They recommend that the Board of County Commissioners consider two (2) additional seats, instead of one (1), with one (1) additional seat specifically dedicated to the Glades area, and that the PTSB Chairperson would remain a voting member of the PTSB. Countywide (DR)

6. REGULAR AGENDA

K. PARKS & RECREATION

1. Staff recommends motion to approve:

A) Tri-Party Agreement with the City of West Palm Beach and Palm Beach Photographic Centre, Inc. for the period September 9, 2008, through September 8, 2010, in an amount not to exceed \$500,000 for funding of construction of the Palm Beach Photographic Centre; and

B) Budget Transfer of \$500,000 within the \$25M GO Parks and Cultural Improvements Bond Fund - 2003 from Reserves to Palm Beach Photographic Centre.

SUMMARY: This Agreement provides funding for construction of a 20,210 square foot facility by the Photographic Centre in space leased from the City within its City Center at 415 Clematis Street. The Photographic Centre will utilize an additional 6,000 square feet of common space for bathrooms, storage, shipping and receiving areas to be shared with City facilities. This Agreement has eliminated obligations typically contained in the standard bond project agreement that would be imposed on the City of West Palm Beach including: the obligation to operate and maintain the project for public recreational or cultural purposes for a 30-year period; and the obligation to reimburse the County in the event that the Palm Beach Photographic Centre or the City fail to complete, operate and maintain the project or convert the project to an alternate use that is not approved by the County. All of the Agreement's obligations remain applicable to the Palm Beach Photographic Centre, Inc. Funding is from the 2002 \$50 Million Recreational and Cultural Facilities Bond referendum, as amended – District 2. District 2 (PK)

L. PUBLIC AFFAIRS

1. **Staff recommends motion to:**

A) **approve** a Broadband Radio Service Decommission and Relocation Agreement with T-Mobile USA, Inc.; and

B) **approve** an Interlocal Agreement with the School Board of Palm Beach County, Florida, to receive and transmit PBC TV Channel 20 programming.

SUMMARY: The County holds a license from the Federal Communications Commission (FCC) to transmit PBC TV Channel 20 programming to various locations within Palm Beach County. Under FCC rules, the County shall cease using the Incumbent Frequency, and transition to a different frequency by 2011. T-Mobile USA, Inc. (T-Mobile) has approached the County to cease use of the Incumbent Frequency in order to eliminate possible interference as soon as possible. The School Board of Palm Beach County (School Board) holds a license from the FCC, and transmits School Board programming to certain receive sites utilizing the School Board License. The School Board has the ability to transmit PBC TV Channel 20 programming to the same locations as the County currently transmits to utilizing the Incumbent Frequency. T-Mobile shall pay the County the amount of \$302,850 for the County to cease operating on the Incumbent Frequency. This amount includes an incentive payment of \$125,000 to the County for terminating operation on the Incumbent Frequency prior to FCC requirements, a \$52,500 payment for costs incurred by the School Board in transmitting Channel 20 programming through the School Board License and remainder \$125,350 recovers costs for Palm Beach County professional and technical charges. This interim measure will provide complete PBC TV Channel 20 viewing coverage. A long-term relocation plan will be brought to the Board to achieve the 2011 FCC-mandated transition. Countywide (MJ)

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7. BOARD APPOINTMENTS

A. **COMMUNITY SERVICES**
(Community Action Council Administering Board)

1. **Staff recommends motion to approve:** appointment of the following representative to the Community Action Council Administering Board for a term beginning August 19, 2008, and ending September 30, 2010.

Seat			
<u>ID No.</u>	<u>Name</u>	<u>Organization/Requirement</u>	<u>Nominated By</u>
10	Easie LaRose	Business/Community	Comm. Koons

SUMMARY: Ordinance No. 2004-042, establishes the Community Action Council Administering Board (CACAB). The CACAB is comprised of not less than 15, and not more than 23 members. One-third of the members are elected public officials, holding term on the date of selection, or their representatives. The remaining are members of business, industry, labor religion, law enforcement, education or other major groups in the community served. On May 29, 2008, written notice was sent to each Commissioner to request nominations. The nominee above meets all applicable guidelines and requirements outlined in the Community Services Block Grant Contract establishing ordinance. Seat 10 was vacated by Verdina Coleman and the candidate Easie LaRose will be completing her term. The CACAB has reviewed and approved the nominee listed above. (Community Action) Countywide (TKF)

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

1. **Staff recommends motion to approve:** the reappointment of one (1) at-large member to the Groundwater and Natural Resources Protection Board (GNRPB) for a term of three (3) years beginning August 1, 2008, through July 31, 2011:

<u>Nominee</u>	<u>Seat Requirement</u>	<u>Seat No.</u>	<u>Nominated By</u>
Jonathan E. Shaw	Hydrologist	6	Commissioner Greene Commissioner Kanjian Commissioner Koons Commissioner Marcus Commissioner Santamaria Commissioner Aaronson

SUMMARY: Ordinance 92-20 and Article 17.C.7. of the Unified Land Development Code (ULDC) provide for a seven (7) member GNRPB. The membership consists of one (1) professional engineer, one (1) attorney, one (1) hydrologist, one (1) business person, one (1) biologist or chemist, one (1) citizen of PBC, and one (1) member of an environmental organization. A memorandum was sent to the Board of County Commissioners on May 26, 2008 advising that the term for Seat No. 6 would expire on July 31, 2008. The requirement is for Seat No. 6 to be a Hydrologist. No other nominations were received. Countywide (SF)

7. BOARD APPOINTMENTS

C. **HOUSING & COMMUNITY DEVELOPMENT**
(Westgate/Belvedere Homes Community Redevelopment Agency)

1. **Staff recommends motion to approve:** the reappointment of the following individual for a term of four (4) years beginning on June 1, 2008, through May 31, 2012 to the Westgate/Belvedere Homes Community Redevelopment Agency (CRA) Board:

<u>Name</u>	<u>Nominated By</u>	<u>Seat No.</u>
Ronald L. Daniels	Commissioner John F. Koons Commissioner Addie L. Greene Commissioner Karen T. Marcus	6

SUMMARY: The Westgate/Belvedere Homes CRA Board consists of seven (7) at-large members from the general public and local businesses within the CRA boundaries. Ordinance 89-6 requires that the Palm Beach County Board of County Commissioners appoint the CRA Commissioners. After duly advertising, the CRA held its Annual Meeting on May 12, 2008 to reappoint candidates to fill seat 6. Ronald L. Daniels, a General Contractor, has expressed a willingness to remain on the CRA in Seat 6. Mr. Daniels was nominated by the CRA Board members and residents to be recommended to the Board of County Commissioners. District 2 (TKF)

2. **Staff recommends motion to approve:** the following Westgate/Belvedere Home Community Redevelopment Agency (CRA) Board Officers for a one (1) year term commencing June 16, 2008, and expiring June 15, 2009:

<u>Board Member</u>	<u>Office</u>
Frederick G. Wade	Chair
Ronald Daniels	Vice-Chair

SUMMARY: The Westgate/Belvedere Homes CRA Board consists of seven (7) at-large members from residents and local businesses within the CRA boundaries. At the June 16, 2008 meeting, the CRA Commissioners elected the Chair and Vice-Chair from amongst its Board. The term shall be one (1) year, beginning with the date of election. District 2 (TKF)

7. BOARD APPOINTMENTS

D. **PUBLIC AFFAIRS**
(Education and Government Programming Advisory Board)

1. **Staff recommends motion to approve:** appointment of one (1) At-Large member to fill the Adult Education Seat 5 on the Education and Government Programming Advisory Board for a term of two (2) years:

<u>Nominee</u>	<u>Requirement</u>	<u>Seat</u>	<u>Nominated By</u>	<u>Term</u>
Dr. Bernadette Mendonez Russell	Adult Education	5	Comm. Greene Comm. Koons Comm. Marcus Comm. McCarty Comm. Santamaria Comm. Aaronson	8/19/08- 8/18/10

SUMMARY: The Education and Government Programming Advisory Board was created by Resolution No. R-91-1489 and amended by Resolution No. R-92-388 on March 17, 1992. The Advisory Board consists of ten (10) At-Large members. Board members represent fields of expertise from the following categories: Broadcast General Manager; Engineer with experience in telecommunication systems; Marketing Director; Cable Industry; Adult Education; PBC Public School System; Member of the BCC; Municipal government representative; and two Citizens-at-Large. The members are appointed by the Board of County Commission and provide assistance in the operation of Channel 20. There is one (1) position on the Education and Government Programming Advisory Board that needs to be filled. The position to be filled is Seat five (5) Adult Education. On July 3, 2008, a memo was sent to the Board of County Commissioners requesting nominations or appointments. Countywide (MJ)

E. **ADMINISTRATION**
(Health Facilities Authority)

1. **Staff recommends motion to approve:** reappointment of one (1) individual to the Health Facilities Authority, effective May 1, 2008:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Term Expiration</u>	<u>Nominated by:</u>
Timothy Monaghan	3	Resident of PBC	04/30/2012	Comm. Koons Comm. Santamaria Comm. Greene

SUMMARY: Per Chapter 154.207, Florida Statutes and Resolution Nos. R77-379, R77-398 and R92-563, the Health Facilities Authority is composed of five (5) members appointed at-large by the Board of County Commissioners (BCC). A memo dated July 14, 2008 was circulated notifying the BCC that Mr. Monaghan's term had expired, and he has expressed an interest in serving another four (4) year term. No other nominees were received. Countywide (TKF)

7. BOARD APPOINTMENTS

E. **ADMINISTRATION (Cont'd)**
(Florida Atlantic Research & Development Authority)

2. **Staff recommends motion to approve:** reappointment of one (1) individual to the Florida Atlantic Research & Development Authority, effective September 13, 2008:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Term Expiration</u>	<u>Nominated by:</u>
Michael J. Arts	2	Resident of PBC	09/12/2012	Comm. Marcus Comm. Koons Comm. Kanjian Comm. McCarty Comm. Santamaria Comm. Greene

SUMMARY: Ordinance 85-32 created the Florida Atlantic Research & Development Authority, which is composed of seven (7) members: three (3) members appointed by the Palm Beach County Board of County Commissioners; three (3) members appointed by the Broward Board of County Commissioners; and one (1) member is the President of Florida Atlantic University (FAU) or his/her designee. A memo dated July 23, 2008 was circulated notifying the BCC that Mr. Arts' term will expire September 12, 2008, and that Mr. Arts has expressed an interest in serving another four (4) year term. No other nominees were received. Countywide (TKF)

(Value Adjustment Board)

3. **Staff recommends motion to approve:** appointment of following individual to replace one (1) of the County Commissioners on the Value Adjustment Board (VAB), effective September 1, 2008:

<u>Nominee:</u>	<u>Nominated By:</u>
Scott Johnston	Commissioner McCarty

SUMMARY: Per Chapter 2008-197, Laws of Florida, the BCC must change the current appointed membership of the VAB. Currently, the VAB is made up five (5) members: three (3) County Commissioners; and two (2) School Board members. Effective September 1, 2008, one (1) of the existing County Commissioners serving on the VAB (Commissioner Jeff Koons, Chairman; Commissioner Karen T. Marcus; and Commissioner Burt Aaronson) must be removed and replaced with a citizen member owning homestead property in Palm Beach County. The appointed citizen member may not be a member or an employee of any taxing authority and may not represent a property owner in any administrative or judicial review of property taxes. The School Board is also required to replace one (1) of its two (2) VAB members with a citizen member with specified property ownership. A memo dated July 7, 2008 notified the BCC of the required changes and requested nominations for the citizen member. No other nominations have been received. Countywide (PFK)

7. BOARD APPOINTMENTS

F. **OFFICE OF FINANCIAL MANAGEMENT & BUDGET**
(Impact Fee Appeals Board)

1. **Staff recommends motion to approve:** the appointment of Charles S. Hafer to the Impact Fee Appeals Board to complete the term of Thomas Workman, Jr. that expires August 31, 2010. **SUMMARY:** The Impact Fee Appeals Board is composed of five (5) members. The membership of the Board includes one (1) traffic engineer, one (1) accountant, one (1) attorney, one (1) representative of the general public and one (1) developer/builder. Impact Fee Appeals Board members must be qualified electors of Palm Beach County at least two (2) years prior to their appointment. This agenda item provides for the appointment of Charles S. Hafer to complete the unexpired term of Thomas Workman, Jr., Seat No. 4, accountant, which expires August 31, 2010. The vacancy on the Impact Fee Appeals Board was created when Mr. Workman resigned upon his appointment to the Board of Trustees of Florida Atlantic University. Countywide (LB)

G. **PALM TRAN**
(Palm Tran Service Board)

1. **Staff recommends motion to approve:** appointment of one (1) At-Large member to the Palm Tran Service Board (PTSB) for a term of two (2) years, effective September 9, 2008:

<u>Nominee</u>	<u>Category/Seat No.</u>	<u>Term to Expire</u>	<u>Nominated By</u>
Tomas Boiton	Transportation Experience Seat #12 (new)	9/8/2010	BCC Consensus

SUMMARY: Since 2007, the PTSB has been comprised of 11 at-large members; however Agenda Item 6J-1 on the September 9, 2008 Regular Agenda created an additional seat on the PTSB in the area of “transportation experience.” The appointment of Tomas Boiton for Seat 12 will fill the seat created by the Board of County Commissioners under Agenda Item 6J-1. Mr. Boiton is a Transportation Consultant for Nonprofits, and as such has worked with many local agencies. He is also the founder of the Public Transportation Advocacy Coalition. At the June 18, 2008 Budget Workshop, Mr. Boiton requested the BCC consider appointing him to the PSTB. By consensus, the Board agreed and directed staff to move forward with revising the Resolution to include an additional seat and board appointment for Mr. Boiton. Countywide (DR)

H. **COMMISSION DISTRICT APPOINTMENTS**

SEPTEMBER 9, 2008

8. MATTERS BY THE PUBLIC – 2:00 P.M.

SEPTEMBER 9, 2008

9. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

SEPTEMBER 9, 2008

10. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS

Proclamation declaring August 23, 2008 as "River Center Day" in Palm Beach County.

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

SEPTEMBER 9, 2008

<u>PAGE</u>	<u>ITEM</u>	
15	3C-14	<u>DELETED:</u> Staff recommends motion to approve: a Public Facilities Agreement (Agreement) with Old Marsh Golf Club, Inc. (Old Marsh) to construct three (3) drainage outfalls necessary for construction of the Jog Road/Donald Ross Road from Hood Road to 64 th Drive North roadway construction project (Project). (Engineering) (Old Marsh did not execute Agreement)
66	6B-1	<u>DELETED:</u> Presentation by Clerk on excess fees and \$1.90 Court technology revenue as requested by Board. (Clerk & Comptroller)
69	6E-2	<u>ADD-ON, TIME CERTAIN 11:30 A.M.:</u> Staff requests direction: regarding Court related information technology funding. SUMMARY: Effective July 1, 2004, Florida Statutes require the County to fund court related information technology and the Clerk of the Courts to fund her court related information technology. At the same time, the Florida legislature enacted a special \$4 recording fee to be used to offset the cost of court technology. These fees are imposed when certain documents are recorded as stipulated in Florida Statute (F.S.) 28.24(12)(e)1. The \$4 is allocated as follows: County \$2, Clerk \$1.90, State \$0.10. The initial budget requests submitted by Court Administration, Public Defender, and the State Attorney (Stakeholders) totaled \$3,496,645 for direct information technology costs. In addition, related ISS costs total \$1,228,996 for the stakeholders and \$1,607,166 for the Justice Information System (JIS). The County Administrator cut the stakeholders' request by \$1,429,756 and the Clerk has indicated that she will remit payment of \$310,965 towards a \$2.8 million outstanding receivable for Clerk related JIS costs. The revised tentative court related information technology budget, after the County Administrator's cuts and increase for the Clerk's payment, will be \$5,214,016, down \$2 million or 28% from the current year. Of this total, direct information technology costs of \$2.4 million are limited to the level of funding generated by the \$2 recording fee and the Clerk's payment for JIS costs. The remaining \$2.8 million in Ad Valorem will cover the ISS related costs for the stakeholders and the JIS. <u>Countywide</u> (PFK) (OFMB)
72	6L-1	<u>DELETED:</u> Staff recommends motion to: A) approve a Broadband Radio Service Decommission and Relocation Agreement with T-Mobile USA, Inc.; and...(Public Affairs) (Further staff review)

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 (*).