

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

**APRIL 21, 2009**

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

**COMMISSION  
CHAMBERS**

- 1. CALL TO ORDER**
  - A. Roll Call
  - B. Invocation
  - C. Pledge of Allegiance
  
- 2. AGENDA APPROVAL**
  - A. Additions, Deletions, Substitutions
  - B. Adoption
  
- 3. CONSENT AGENDA (Pages 7 - 32)**
  
- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 33)**
  
- 5. PUBLIC HEARINGS – 10:00 A.M. (Pages 34 - 35)**
  
- 6. REGULAR AGENDA (Pages 36 - 41)**
  
- 7. BOARD APPOINTMENTS (Pages 42 - 44)**
  
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** an Agreement with Marcia Hope Goodwin, Director of City of Orlando’s Neighborhood and Community Affairs, in an amount not to exceed \$530 for travel expenses associated with the presentation of the Keynote Speech for the Resident Education to Action Program (REAP) Graduation Ceremony on May 9, 2009. **SUMMARY:** The Agreement being submitted for approval provides for the reimbursement of an amount not to exceed \$530 to Marcia Hope Goodwin, City of Orlando’s Neighborhood and Community Affairs, for travel expenses associated with her presentation of the Keynote Speech for the REAP Graduation Ceremony. Countywide (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>
Comprehensive Plan	December 3, 2008
Zoning	January 8, 2009
Regular	February 3, 2009

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:** revised excess fees submitted by Anne M. Gannon, Tax Collector for FY 2007/2008. **SUMMARY:** Financial reports of the Constitutional Officers were submitted to the Office of the Clerk & Comptroller on or before October 31, 2008 and reported to the Board of County Commissioners on December 2, 2008, in accordance with Florida Statutes 218.36. The revised amount shown for the Tax Collector represents an additional payment to the County. A portion of these revenues are budgeted in the Library, Fire-Rescue, and various other special revenue funds.

	<u>Budget Estimate</u>	<u>Actual Excess Fees</u>	<u>Additional Excess Fees</u>
<b>Tax Collector</b>	<u>\$31,704,537</u>	<u>\$39,214,100</u>	<u>\$7,509,563</u>
	\$31,704,537	\$39,214,100	\$7,509,563

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

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve:

**A)** a Joint Project Participation Agreement (JPA) with the City of West Palm Beach (City) for two (2) flashing school speed limit signs at South Olive Elementary School in an amount not to exceed \$5,000 of the estimated cost of \$11,000;

**B)** a Budget Transfer of \$6,000 in the Transportation Improvement Fund from Reserve for District 2 to South Olive School Flasher – District 2; and

**C)** a Budget Amendment of \$5,000 in the Transportation Improvement Fund to recognize a reimbursement by the City to South Olive School Flasher – District 2.

**SUMMARY:** Approval of the JPA, Budget Transfer and Budget Amendment will provide funds to have Palm Beach County's Traffic Division install two (2) school zone flashers at South Olive Elementary School. Funding in an amount of \$6,000 of the estimated \$11,000 costs come from District 2 Gas Tax Reserves, while the City will contribute \$5,000 toward the project. District 2 (MRE)

2. Staff recommends motion to approve: Modification to a Subgrant Agreement (Agreement) with the Florida Division of Emergency Management (DEM) to extend the expiration date of the Agreement to June 30, 2009. **SUMMARY:** The Federal Emergency Management Agency Phase I grant (DEM Contract Number 08HM-3G-10-60-01-027), in the amount of \$117,810, for the Lakeside Mobile Home Park, (Project No. 2008910) was approved on January 15, 2008 (R2008-0014). The Agreement expired on June 5, 2008, and approval of this action will retroactively extend it to June 30, 2009. District 2 (MRE)

3. Staff recommends motion to approve: a Contract with H & J Contracting, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$676,178.27 for the Southwest 14<sup>th</sup> Street Improvements Project No. 2003065 (Project). **SUMMARY:** The Contract will allow for the reconstruction of approximately 1550 ft. of Southwest 14<sup>th</sup> Street in Belle Glade from the South Florida Conservancy District Canal 1 to Martin Luther King Boulevard. This Project was initiated by the Housing and Community Development, Community Revitalization Agency for the City of Belle Glade. This Project is federally funded and the Contractor has met the requirements of the Davis-Bacon Act and Federal Wage requirements. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the Project by the Contractor is 15% overall. No matching funds required. District 6 (MRE)

4. Staff recommends motion to approve: Ten (10) Appraiser Agreements to provide appraisal services for right-of-way acquisition for the term of one (1) year from April 21, 2009, through April 20, 2010. **SUMMARY:** Approval of this item will allow the following ten (10) firms to be included on Palm Beach County's prequalified appraisers list for 2009: Ames Appraisal Services; Anderson & Carr, Inc.; Appraisal & Acquisition Consultants, Inc.; Callaway & Price, Inc.; Jenkins Appraisal Services, Inc.; M. R. Ford & Associates, Inc.; Parrish & Edwards, Inc.; R E Analysts, Inc.; S. F. Holden, Inc.; and The Spivey Group, Inc. Countywide (PFK)



3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

5. **Staff recommends motion to adopt:** a Resolution approving Amendment Number One to the Transportation Regional Incentive Program (TRIP) Agreement R2008-0939 with the State of Florida Department of Transportation (FDOT), in the amount of \$900,000 for the SR 7 Bridge Widening over the C-51 Canal. **SUMMARY:** Approval of Amendment Number One to the TRIP Agreement will grant Palm Beach County an additional \$900,000 to fully fund the extension of the northbound dual left turn lanes, the addition of a northbound right turn lane, and the modification of the eastbound and westbound SR 80 (Southern Blvd) exits from single lanes to dual lanes. The original agreement granted matching funds for the widening of the C-51 Canal Bridge at the intersection of SR 7 and SR 80 to a maximum FDOT contribution of \$926,000 for the fourth southbound through lane. District 6 (MRE)
  
6. **Staff recommends motion to approve:**
  - A)** a Budget Transfer of \$3,500 in the Transportation Improvement Fund from Reserve for District 6 to 62<sup>nd</sup> Drive North Speed Humps – District 6; and
  - B)** a Budget Amendment of \$3,500 in the Transportation Improvement Fund to recognize a contribution by Independence Homeowner's Association for 62<sup>nd</sup> Drive North Speed Humps – District 6.

**SUMMARY:** Approval of the Budget Transfer and Budget Amendment will authorize Palm Beach County's Road and Bridge Division to install four (4) speed humps on 62<sup>nd</sup> Drive North. Independence Homeowner's Association's contribution will pay for two (2) and the District 6 Commissioner will contribute \$3,500 for the remaining two (2) speed humps. District 6 (MRE)
  
7. **Staff recommends motion to approve:**
  - A)** an Interlocal Agreement with the Town of Lantana (Town) for North Broadway Neighborhood Street Improvements in an amount not to exceed \$150,000; and
  - B)** a Budget Transfer of \$150,000 in the Transportation Improvement Fund from Reserve for District 7 to North Broadway Neighborhood Street Improvements – District 7.

**SUMMARY:** Approval of the Interlocal Agreement and Budget Transfer will provide funds to the Town for North Broadway Neighborhood Street Improvements, which includes the construction of cul-de-sacs that will provide a buffer between the business district and residences. District 7 (MRE)
  
8. **Staff recommends motion to approve:**
  - A)** an Interlocal Agreement with the City of Delray Beach (City) not to exceed \$30,000 relating to the Downtown Roundabout Shuttle System; and
  - B)** a Budget Transfer of \$30,000 in the Transportation Improvement Fund from Reserves for District 4 to Delray Beach-Downtown Roundabout Shuttle System – District 4.

**SUMMARY:** Approval of the Interlocal Agreement and Budget Transfer will provide funds to help pay for the expansion of the City's downtown roundabout shuttle system, between the Tri-Rail station and the beach. District 4 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

9. Staff recommends motion to adopt: a Resolution vacating a portion of a 12 foot wide Utility Easement within Lot 20, Thornhill Green, as recorded in Plat Book 36, Pages 125, Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located west of Powerline Road and south of Palmetto Park Road on the south side of Arcadia Court. The petitioner is requesting the vacation to accommodate an addition to their house. District 4 (PK)
10. Staff recommends motion to approve:
- A)** a Reimbursement Agreement with the Town of Mangonia Park for Boardman Avenue Speed Humps in an amount not to exceed \$6,763; and
- B)** a Budget Transfer of \$6,763 in the Transportation Improvement Fund from Reserve for District 7 to Mangonia Park Boardman Avenue Speed Humps – District 7.
- SUMMARY:** Approval of the Reimbursement Agreement and Budget Transfer will provide funds to pay for two (2) of eight (8) speed humps installed on Boardman Avenue. District 7 (MRE)
11. **DELETED**
12. Staff recommends motion to approve: an Agreement in the amount of \$37,814.45 with Last Devenport, Inc. for professional services. **SUMMARY:** Approval of this Agreement will provide the professional services necessary for the preparation of a study for 45<sup>th</sup> Street from Pinewood Avenue to U.S. 1. District 7 (PK)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: Payment of current and future invoices not to exceed a total of \$6,000 to the Leon County Board of County Commissioners for Palm Beach County's pro-rata share of professional services rendered by Nabors, Giblin & Nickerson in the Criminal Conflict and Civil Regional Counsel litigation styled *Leon County, et al. v. Jeffrey Lewis, et al.*, Second Judicial Circuit Civil Case No. 2008-CA-2475. The current invoice, Invoice No. 4 in the amount of \$307.11 for services rendered February 1-28, 2009, is attached to the Agenda Item. **SUMMARY:** Leon County retained Nabors, Giblin & Nickerson to challenge the state law that requires counties to fund the Office of Criminal Conflict and Civil Regional Counsel. In response to the request for other counties to participate in the litigation, the County Attorney recommended that Palm Beach County join and expend up to \$6,000. Palm Beach County was named along with 25 other counties as a plaintiff in the subject action. Past invoices approved to date by the Board of County Commissioners total \$2,299.96. This item requests approval of the itemized Nabors, Giblin & Nickerson invoice, as well as approval for payment of future invoices up to the six thousand dollar cap. Payment of the current sum due, \$307.11, will bring the total expended to date to \$2,607.07, leaving an authorized balance of \$3,392.93. Countywide (DMN)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to approve:

A) Standard Contract for the Adult Care Food Program (ACFP) with the Florida Department of Elder Affairs (DoEA) for the period October 1, 2008, through September 30, 2009, for a total not-to-exceed amount of \$28,495; and

B) Budget Amendment of \$28,495 in DOSS - Administration Fund.

**SUMMARY:** The Division of Senior Services (DOSS) will be reimbursed \$28,495 this contract year from May through September 2009. The ACFP is a component of the federally funded, Child and Adult Care Food Program, operated nationally by the USDA and the Department of Elder Affairs. The program provides meal reimbursements to the DOSS for servicing eligible Adult Day Care clients. (DOSS) Countywide (TKF)

F. AIRPORTS

1. Staff recommends motion to approve:

A) a Contract with Ranger Construction Industries, Inc. in the amount of \$1,753,915.10 for the Air Cargo Ramp Expansion project at Palm Beach International Airport (PBIA); and

B) Budget Amendment of \$1,567,297 in the Airports Improvement and Development Fund to establish \$2,185,814 in funding for project expenditures, including design costs and contingency funding; to recognize \$1,567,297 of Federal Aviation Administration (FAA) grant funding, and a transfer of \$282,703 from Airport Reserves, and \$335,814 from P-Design and Engineering Services.

**SUMMARY:** This project was advertised utilizing the County's competitive bid process. On February 5, 2009, seven (7) bids were received for the Air Cargo Ramp Expansion Project at PBIA. Of the seven (7) bids, Ranger Construction Industries, Inc. has been identified as a responsible/responsive bidder in the amount of \$1,753,915.10. In addition to the construction contract, project expenditures also include design costs, permitting fees and contingency funding. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 15.00%. Ranger Construction Industries, Inc. bid contained 15.18% DBE participation. Matching funds of \$522,432 (25%) are required from Airport Revenues. Countywide (JCM)

2. Staff recommends motion to approve:

A) a Contract with Acupower, Inc. in the amount of \$233,500 for the Airfield Lighting Vault Renovation Project at Palm Beach County Park Airport (Lantana); and

B) a Budget Amendment of \$221,825 in the Airports Improvement and Development Fund to recognize Federal Aviation Administration (FAA) Grant Funding and \$221,825 in the expenditure budget for construction of the project.

**SUMMARY:** This project was advertised utilizing the County's competitive bid process. On February 5, 2009, ten (10) bids were received for the Airfield Lighting Vault Renovation Project at Lantana Airport. Of the ten (10) bids, Acupower, Inc. has been identified as a responsible/responsive bidder in the amount of \$233,500. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 15.00%. Acupower, Inc. bid contained 17.77% DBE participation. Matching funds of \$11,675 (5%) are required from Airport Revenues. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. **Staff recommends motion to approve:** a License Agreement with Smarte Carte, Inc., for the installation and operation of mechanical massage chairs at the Palm Beach International Airport (PBIA) on a trial basis, commencing on May 1, 2009. **SUMMARY:** The License Agreement provides for the operation of mechanical massage chairs at PBIA for a period of five (5) months. Smarte Carte will pay the County \$240 per month or 20% of monthly gross revenues, whichever is higher. Smarte Carte will provide monthly reports regarding the use of the mechanical massage chairs, which will assist staff in determining the viability of offering massage chair concession services at PBIA prior to issuing a competitive solicitation. Countywide (JB)
  
4. **Staff recommends motion to adopt:** Resolution approving a revised standard form Airline Service Incentive Program Participation Agreement; authorizing the County Administrator or his designee to execute and make certain amendments to the standard form agreement; repealing Resolution 2006-2643; and providing an effective date. **SUMMARY:** The Airline Incentive Agreement Program has been in place since 2002 for the purpose of attracting new non-stop airline service to Palm Beach County. The Program eliminates landing fees and certain airport rental charges for flights to new destinations, reducing the airline's cost to operate flights to Palm Beach International Airport. The Program only involves Airport revenues and has no impact to the General Fund or ad valorem revenues. The revised agreement has several changes to enhance the terms for airlines: the incentive may now be extended for a period longer than one (1) year, although the County may cancel at any time with 90 days notice; fees will now be waived, rather than using a rebate system; payment bonds for waived fees will not be required; flights may be considered eligible without regard to minimum service duration; and flights may be considered eligible regardless of prior service history to the destination. Additionally, the revised agreement has been designed to accommodate both domestic and international flights, whereas the prior Program consisted of two (2) separate agreements. Countywide (JMB)
  
5. **Staff recommends motion to receive and file:** three (3) original Agreements for the Department of Airports:
  - A)** North County General Aviation Airport Hangar Lease Agreement with Landtech Data Corporation, Unit 20, Building 11730, for one (1) year, automatically renewed at one (1) year intervals, commencing on March 1, 2009;
  - B)** North County General Aviation Airport Hangar Lease Agreement with Orthowings, LLC, Unit 16, Building 11730, for one (1) year, automatically renewed at one (1) year intervals, commencing on March 11, 2009; and
  - C)** North County General Aviation Airport Hangar Lease Agreement with Larry Wilson, Unit 5, Building 11750 for one (1) year, automatically renewed at one (1) year intervals, commencing on March 15, 2009.**SUMMARY:** Delegation of authority for execution of the standard County agreements above was approved by the BCC in R2008-1845. Countywide (JB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Work Order No. 09-048 with The Roof Authority, Inc. (R2007-1301) in the amount of \$336,732 to perform roof replacement at the Water Utilities Central Regional Operations Center (CROC) Administration Building. **SUMMARY:** The work consists of the removal of the existing tile roof system and replacement with a new standing seam metal roof system. The Small Business Enterprise participation in this Work Order is 0%. When the participation of this Work Order is added to the total participation for the roofing contracts, the resulting value is 42.4%. The participation goal is 15%. The total construction duration is 90 days. This work will comply with all applicable local, state, and federal codes and regulations. (FDO Admin) District 6 (JM)
  
2. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 13 for \$152,701 with Gartek Engineering Corporation (R2008-1304) for engineering design services for replacement of all four (4) existing chillers in the Judicial Center Central Energy Plant. **SUMMARY:** Gartek Engineering will provide engineering necessary to develop plans and specifications for replacement of four (4) 650-ton water cooled centrifugal type chillers that provide the air conditioning of the Judicial Center and the State Attorney/Public Defender Buildings. Design will include any electrical and plumbing associated with replacement of the chillers including plans for orderly staging of the work to insure adequate work environment is maintained during the replacement. All funding for this project is from the Five-Year Countywide Repair, Replace and Renovate account. The Small Business Enterprise participation for this CSA is 100%. The total engineering duration is 180 days. (FD&O Admin) District 7 (JM)
  
3. Staff recommends motion to approve: First Restated Use Agreement (R2006-0082) with the Sheriff of Palm Beach County (PBSO) with regard to the continued operation of the Cabana Colony Youth Center. **SUMMARY:** On January 10, 2006, the County entered into a Use Agreement with PBSO to manage the newly created Youth Center and operate a PAL Program from the site. At the same time, the County also entered into a License Agreement with the Partnership for a Drug Free Community (Partnership) to provide various programs and services in addition to those being offered by PBSO. The License Agreement has expired and the space vacated by the Partnership. PBSO desires to expand its programs and services at the Center to include: 1) tutoring, 2) recreational programs that may be provided in conjunction with Parks and Recreation, 3) administration of the Congressional Awards Program, and 4) community based law enforcement programs. The First Restated Use Agreement also modifies the minimum hours of operation to Monday through Friday 10 am to 7:00 pm with modified hours during holidays and school breaks. PBSO is responsible for the all costs associated with operating the Center including supervision of the youth attending programs at the Center. The County is responsible for costs associated with maintaining the Center. The term of the First Restated Use Agreement is ten (10) years commencing on January 10, 2006 and has two (2) additional five (5) year renewals by mutual agreement. (FDO Admin) District 1 (JB)



3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve: Amendment No. 2 to the annual Contract (R2008-1006) for property development evaluation services with Urban Design Studio, LLC., dba Urban Design Kilday Studios for professional consulting services on a continuing contract basis. **SUMMARY:** Kilday & Associates was selected to provide professional consulting services for property development evaluations. The Board approved an annual Contract on June 3, 2008. The original Contract provided for an initial one (1) year term with a one (1) year renewal option. In December 2008, Kilday & Associates merged with Urban Design Studio forming a new entity named Urban Design Kilday Studios. Amendment No. 2 will provide for services during the first and final renewal period. Urban Design Kilday Studios has a Small Business Enterprise participation goal of 29%. During the first year of the Contract, Urban Design Kilday Studios has achieved 23% participation. (Capital Improvements Division) Countywide (JM)
5. Staff recommends motion to approve: Amendment No. 1 to the annual Contract (R2008-0965) for property development evaluations services with Cotleur & Hearing, Inc. for professional consulting services on a continuing contract basis. **SUMMARY:** Cotleur & Hearing, Inc. was selected to provide professional consulting services for property development evaluations. The Board approved an annual Contract on June 3, 2008. The original Contract provided for an initial one (1) year term with a one (1) year renewal option. Amendment No. 1 will provide for services during the first and final renewal period. Cotleur & Hearing, Inc. has a Small Business Enterprise participation goal of 94%. During the first year of the Contract, Cotleur & Hearing, Inc. has achieved 94% participation. (Capital Improvements Division) Countywide (JM)
6. Staff recommends motion to approve: Change Order No. 9 to the Contract with West Construction, Inc., (R2008-0197) in the amount of \$19,813.50 for Fire Station No. 73, located in Belle Glade. **SUMMARY:** Change Order No. 9 will provide for substitution of the specified rigid epoxy flooring with a flexible elastomeric membrane system for the apparatus bay floor. Change Order No. 9 must be approved by the Board of County Commissioners because this Change Order, when combined with previous approvals, would exceed the combined fiscal authority of the Contract Review Committee and the Department Director. This project is being funded from ad valorem taxes through the Fire Rescue MSTU. Small Business Enterprise participation for this Change Order is 0%. The goal for this project is 15% and when combined with previous change orders, the total participation is 14.9%. (Capital Improvements Division) District 6 (JM)
7. Staff recommends motion to approve: Change Order No. 7 to the Contract with Catalfumo Construction, Inc. (R2008-0518) in the amount of \$94,496.79 for the Okeechobee Library project. **SUMMARY:** Change Order No. 7 provides for the replacement of the roof at the library. The total cost of the roof is \$630,395.60 with \$535,898.81 funded from contingency remaining from the library renovations. The source of funds for this change is the 30.5M GO '03 Bond. The Small Business Enterprise (SBE) participation for this Change Order is 5.1%. When added to the work to date, the SBE participation is 29.9%. The Contract goal is 15%. (Capital Improvements Division) District 2 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

8. Staff recommends motion to approve:

**A)** Change Order No. 33 to the Contract with The Weitz Company (R2003-1542) decreasing the Guaranteed Maximum Price (GMP) for Hagen Ranch Library in the amount of \$501,606.90 releasing unused funds in the contract contingency; and

**B)** a Budget Transfer of \$501,606.90 in the 22.3M GO '06 Library Improvement Fund from the West Atlantic Expansion to the Belle Glade Renovation.

**SUMMARY:** The Hagen Ranch Road Branch Library was completed and opened to the public in July, 2008. There is \$501,606.90 remaining in the contract contingency that needs to be deducted so that the contract can be closed out. Change Order No. 33 accomplishes that reduction. The SBE goal for the project was 15% and the final SBE participation was 17.5%. The Belle Glade Library and the Main Library, as approved in the Library Expansion Program II, have been on hold due to a lack of funds. Funding from projects being completed below their budgeted amount, a more competitive bidding market, and accrued interest have cumulatively allowed for full funding for all projects except the Main Library. Motion B is the first of several budget transfers needed to sweep funds remaining from completed libraries and transferring them to the Belle Glade Branch Library project to fully fund that project. (Capital Improvements Division) Districts 5 & 6 (JM)

9. Staff recommends motion to approve: the plat of DuBois AGR – Preserve Plat Five.

**SUMMARY:** The County owns a parcel of land consisting of approximately 100 acres in the Agricultural Reserve west of Boynton Beach which was donated pursuant to the terms of a Tri-Party Agreement for Donation of Real Property with Rebecca R. Butts and GL Homes (R2001-1538). As a condition of the agreement, the County agreed to submit the property as the preservation area for one or more AGR-PUD's of GL Homes' future development areas. GL Homes has requested that the County submit 33.507 acres of the 100 acre parcel as a preservation area to satisfy a condition of approval for Zoning Application DOA 2007-1420 for GL Homes' DuBois AGR PUD (2008-114). The Plat designates the 33.50 acre parcel as a Preservation Area. The County is required to execute the plat as the property owner. (PREM) District 3 (JMB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

10. Staff recommends motion to approve: Contract with Intellitech Corporation (Intellitech) in the amount of \$595,465.26 providing for professional services associated with the upgrade of the existing Inmate Management System (IMS) to: 1) develop the communications bridge to the proposed Video Visitation System (VVS), and 2) add the necessary functionality so that the VVS can be populated with data and routinely operated as contemplated in the design of the overall Jail Expansion Program. **SUMMARY:** The approved Jail Expansion Program includes the implementation of VVS to reduce: 1) overall operating costs, and 2) security and contraband risks within the detention system. The VVS will include an automated scheduling component which will be visitor friendly and accessible from the web. While the VVS will ultimately schedule the visits and actually make the communications connections necessary for the video teleconference, the performance and success of the VVS is dependent on and therefore requires: 1) the development of an electronic bridge between the IMS and VVS, 2) an IMS upgrade to provide an expanded base of raw data related to the inmates' location and individual scheduling requirements and restrictions, and 3) increased functionality to integrate the upgraded IMS into routine jail operations. The existing IMS operated by the Palm Beach County Sheriff's Office/Corrections (PBSO) is the only system that can fulfill the County's need and is a proprietary product of Intellitech. As a result, Intellitech is the only firm capable of providing the services necessary to meet the County's need. The term of the Contract is through February 28, 2011 unless otherwise extended or terminated. The Contract includes the annual license fee and software support services (including upgrades) through February 28, 2011 after which, purchase orders will be required to continue payment of the license fee and software support services. The County has the right to assign the Contract to PBSO at any time with 60 days notice to Intellitech. Until assigned, the County has and will continue to work closely with PBSO staff on the management of this Contract as well as in determining whether the services being delivered are of the quality contemplated by the Contract. (FDO ESS) Countywide (JM)
  
11. Staff recommends motion to approve: JOC Work Order No. 09-074 with M.A.C. Construction, Inc., (R2007-0949) in the amount of \$458,168.77 for replacement of two (2) main air handler units for the first floor of the State Attorney/Public Defender Building. **SUMMARY:** The work consists of replacement of each of the existing air handler units for the first floor including all associated plumbing and electrical, replacement of the existing fresh air supply fan on the roof, replacement of the roof-top bathroom exhaust fan, and the addition of taps for both the supply and return chilled water lines for future air handler unit replacements for the other five (5) floors. The Small Business Enterprise (SBE) participation in this Work Order is 6.24%. When the participation for this Work Order is added to M.A.C.'s total participation-to-date, the resulting values are 18.97%. The SBE goals are 15%. The total construction duration is 180 days. This work will comply with all applicable local, state, and federal codes and regulations. All funding for this project is from the Five-Year Countywide Repair, Replace and Renovate account. (FD&O Admin) District 7 (JM)



3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** a Reimbursement in the amount of \$5,376.84 to the Housing Partnership, Inc. **SUMMARY:** Approval of this agenda item will reimburse the Housing Partnership, Inc., (Partnership) for expenses already incurred in connection with holding, maintaining, and conveying approximately 7.29 acres of land located on Davis Road just south of Melaleuca Lane in unincorporated Palm Beach County. On July 11, 2006, the County entered into an Agreement (R2006-1348), as amended, with the Housing Partnership, Inc., for the purchase of the aforesaid land. The Agreement, which expired on December 31, 2008, also provided for a monthly payment of \$4,428, to the Partnership for services and costs incurred while it holds the property until the property is conveyed. The property was conveyed to the Community Land Trust on February 6, 2009, thereby resulting in the Partnership holding the property for an additional period beyond the December 31, 2008, expiration date of the Agreement. The \$5,376.84, requested herein includes the payment of the \$4,428, for the month of January 2009, and a prorated amount of \$948.84, covering six (6) days in February 2009, including the closing date of February 6, 2009. **These are Federal Community Development Block Grant funds that require no local match. District 3 (TKF)**
  
2. **Staff recommends motion to approve:** a Reimbursement in the amount of \$11,405.38 to the Housing Partnership, Inc. **SUMMARY:** Approval of this agenda item will reimburse the Housing Partnership, Inc. for expenses already incurred in connection with improvements at Celtic Apartments located at 4680-4694 Davis Road, in Lake Worth. The work included construction of a new gravity sewer line and abandoning an existing septic tank and drain field. The Housing Partnership, Inc., entered into a Funding Agreement (R2005-2022) with Palm Beach County for this project on October 18, 2005. The Agreement expired on March 31, 2007. The work on the project has been completed. This reimbursement will pay for work that would have been funded under the Agreement. The \$11,405.38 final payment made by the Housing Partnership, Inc., to the contractor occurred after the Agreement expired. Their final payment could not be made until the contractor completed his compliance with the Federally mandated Davis-Bacon Act relating to the payment of wages to workers on the project. Davis-Bacon Act matters have now been addressed enabling this reimbursement. **These are Federal Community Development Block Grant funds that require no local match. District 3 (TKF)**
  
3. **Staff recommends motion to approve:** Amendment No. 003 to an Agreement (R2007-1522), with Delray Elderly, L.P., to extend the expiration date from March 31, 2009, to August 15, 2009. **SUMMARY:** The Agreement (R2007-1522) provides Delray Elderly, L.P. \$150,000, in 2005 Disaster Recovery Initiative Program funds for the purchase and installation of five (5) generators for their residential buildings and clubhouse at 600 Lindell Boulevard in the City of Delray Beach. This Amendment provides an extension of four and a half (4 ½) months to the term of the existing Agreement. The time extension is due to delays associated with evaluating site placement options, investigating alternative fuel sources, determining the requirements to comply with local codes and the City's plan review process. **These are Federal Community Development Block Grant funds that require no local match. District 4 (TKF)**

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

4. Staff recommends motion to approve: an Agreement in the amount of \$170,000 with the City of Lake Worth for park improvements at the Sunset Ridge Park in Community Development Block Grant (CDBG) funds for the period of April 21, 2009, through November 30, 2009. **SUMMARY:** This Agreement provides funding for park improvements at the Sunset Ridge Park located at 1415 North "D" Street in the City of Lake Worth. The work will include demolition of the existing restrooms and construction of new restrooms and a pavilion both of which will meet ADA standards, as well as sidewalks/walkways, security lighting, parking lot improvements (including additional handicapped spaces), park/playground equipment, and landscaping. **These are Federal CDBG funds that require no local match.** District 3 (TKF)
  
5. Staff recommends motion to approve: a Reimbursement in the amount of \$76,220 to the City of West Palm Beach in connection with the 2004 Disaster Recovery Initiative Program. **SUMMARY:** Approval of this agenda item will reimburse the City of West Palm Beach for expenses already incurred in connection with the Carver Canal storm drainage improvements in the City of West Palm Beach. The City of West Palm Beach entered into a funding Agreement (R2006-0900) with Palm Beach County for this project on June 6, 2006. The Agreement expired on January 31, 2008. The \$76,220, payment could not be reimbursed in accord with the Agreement until the contractor completed his compliance with the federally mandated Davis-Bacon Act relating to the payment of wages to workers on the project. Davis-Bacon Act requirements have been addressed thereby enabling this reimbursement. **These are Federal Community Development Block Grant funds that require no local match.** District 7 (TKF)
  
6. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2008-1484) with the City of Riviera Beach to: a) extend the expiration date from January 15, 2009, to August 15, 2009, for the expenditure of \$1,236,000, in Community Development Block Grant (CDBG) funds; and b) incorporate additional reporting requirements. **SUMMARY:** This Amendment provides an extension of seven (7) months to the term of the existing Agreement for the implementation of a housing rehabilitation program as funded through the 2005 Disaster Recovery Initiative Program. The reporting requirements being incorporated into the Agreement are required by the Florida Department of Community Affairs. These reporting requirements were provided after the execution of the Agreement. **These are Federal CDBG funds that require no local match.** District 7 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

7. **Staff recommends motion to approve:** a Modification to an Agreement with the Delray Beach Community Development Corporation (DBCDC) to: a) provide a time extension through May 29, 2009 to close the loan; b) permit the DBCDC to provide a Lease-Purchase option to all lower income homebuyers; and c) permit the DBCDC to provide assistance to Low as well as very low-income homebuyers. **SUMMARY:** On October 7, 2008, the Board of County Commissioners approved an Agreement (R2008-1809) with the DBCDC to provide \$150,000 in rehabilitation expenses for conversion of a six (6) unit rental development into six (6) homeowner units. This project, located in the City of Delray Beach, originally was to provide homeownership to six (6) very low-income families. However, due to the recent more stringent loan qualifying rules of local banks, it has become extremely difficult for the very low-income home buyers to qualify for first mortgage loans. As a result, the DBCDC desires to make the completed units available to both low and very low-income households through a Lease-Purchase agreement. This project was reviewed and recommended by the Commission on Affordable Housing's Advisory Committee (CAHAC) on April 24, 2008; and conceptually approved by the Palm Beach County Board of County Commissioners on June 17, 2008 (Agenda Item No. 3I-7). These requested modifications were also recommended by the CAHAC Advisory Committee on March 26, 2009. This Agreement will reimburse the costs incurred on or after July 1, 2008 to coincide with the start of the 2008-2009 State SHIP fiscal year. The total project costs are \$1,125,000. **These are State funds which require no local match.** District 4 (TKF)
  
8. **Staff recommends motion to approve:** three (3) "Request for Release of Funds (RROF) and Certification" forms (HUD-7015.15) to comply with environmental grant conditions for the following project proposed to be funded under the Community Development Block Grant (CDBG) Program and the CDBG Disaster Recovery Initiative (DRI) funding program: Centro Campesino Farmworker Center – Villa Lago Development. **SUMMARY:** Activities funded under the CDBG and the CDBG Disaster Recovery Initiative Programs are required to comply with environmental grant regulations established by the U.S. Department of Housing and Urban Development (HUD) at 24 CFR Part 58. Under these regulations, the County is required to: a) aggregate geographically or functionally, all activities into projects; b) determine which project is in need of an environmental assessment and, where applicable, issue an environmental clearance finding; c) publish the finding to receive public input; and d) for the CDBG Program, submit HUD-7015.15 to the U.S. Department of Housing and Urban Development; and for the CDBG Disaster Recovery Initiative Program, submit HUD 7015.15 forms to the State of Florida, Department of Community Affairs. Steps A through C have been finalized by the issuance of a Finding of No Significant Impact on March 15, 2009 that includes conditions that will be part of the Agreement with the developer. The project was reviewed by the U.S. Environmental Protection Agency - Region 4; HUD Florida State Office; FL Department of Environmental Protection-State Clearinghouse; PBC Health Department; PBC Facilities Department; PBC Environmental Resource Management; and the FL Department of Community Affairs-Small Cities CDBG Program. Execution of the HUD-7015.15 forms and their submission to HUD and the State of Florida will accomplish Step D. The public comment period expired on April 7, 2009. Any public input received prior to the Board of County Commissioners meeting is to be provided as additional back-up. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

9. Staff recommends motion to approve: a Reimbursement in the amount of \$5,547.38 to the Town of Jupiter. **SUMMARY:** Approval of this agenda item will reimburse the Town of Jupiter for expenses already incurred in connection with the reconstruction of a soccer field and construction of a walking trail, at Jupiter Elementary School in the Town of Jupiter which has been completed. The Town of Jupiter entered into a funding Agreement (R2007-2013) with Palm Beach County for this project on November 6, 2007. The Agreement expired on September 30, 2008. The \$5,547.38 payment could not be reimbursed in accord with the Agreement until the contractor completed his compliance with the federally mandated Davis-Bacon Act relating to the payment of wages to workers on the project. Davis-Bacon Act requirements have been addressed thereby enabling this reimbursement. **These are Federal Community Development Block Grant funds that require no local match.** District 1 (TKF)
  
10. Staff recommends motion to approve: an Agreement in the amount of \$105,489 with Renaissance Village, Inc., for rehabilitation of eight (8) residential units in Community Development Block Grant (CDBG) funds for the period of March 17, 2009, through December 31, 2009. **SUMMARY:** The eight (8) multi-family rental dwelling units to be rehabilitated are located at 1320 and 1324 Alpha Street in the City of West Palm Beach. The renovations will include work such as: replacement of windows, exterior doors, and sliding glass doors, exterior walkway and stair resurfacing, and exterior painting. **These are Federal CDBG funds that require no local match.** District 7 (TKF)
  
11. Staff recommends motion to approve: a Conditional Grant Agreement in the amount of \$800,000 with Amelia Estates, LLC, in State Housing Initiatives Partnership (SHIP) Single Family Homeownership Development funds. **SUMMARY:** Palm Beach County Housing and Community Development through its Commission of Affordable Housing (CAHAC) provides SHIP financing to local developers to facilitate affordable housing development for homeownership. This Agreement provides \$800,000 towards the construction of 30 residential units, 15 of which will be sold to very low-income households with the remaining 15 homes being sold to low-income households. Additional project financing is being provided by First National Bank of Coffee County. This Amelia Estates project, located in the City of Belle Glade, was reviewed and recommended by the CAHAC Advisory Committee on November 16, 2006; and conceptually approved by the Palm Beach County Board of County Commissioners on December 5, 2006 (Agenda Item No. 5F-2). This project was delayed due to the developer's difficulty in securing bank financing for unit construction. **These are State funds which require no local match.** District 6 (TKF)



3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

12. **Staff recommends motion to approve:** a Conditional Grant Agreement in the amount of \$687,096 with New Urban Community Development Corporation, Inc. in Federal HOME Program funds (\$337,096) and State Housing Initiative Partnership (SHIP) Program funds (\$350,000) for the development and construction of 11 affordable townhome housing units. **SUMMARY:** Palm Beach County Housing and Community Development through its Commission of Affordable Housing (CAHAC) provides HOME and SHIP financing to local developers to facilitate affordable housing opportunities. As a result of applying for financial assistance through Housing and Community Development's HOME and SHIP programs, this Agreement provides \$687,096 toward the construction of 11 affordable townhomes (known as Henrietta Townhomes) to be created for households whose incomes do not exceed eighty percent (80%) of the median income established for Palm Beach County. Additional project financing is being provided by Florida Community Loan Fund, Comerica Bank, the City of West Palm Beach, and the National Urban League. This Henrietta Townhomes project, located in the City of West Palm Beach, was reviewed and recommended by the CAHAC Advisory Committee on January 24, 2008; and conceptually approved by the Palm Beach County Board of County Commissioners on March 11, 2008 (Agenda Item No. 3I-6). This project has been delayed due to loss of construction funding from the Local Initiatives Support Corporation. This funding has been replaced by the Florida Community Loan Fund. **These are Federal HOME funds which require no local match.** District 7 (TKF)
  
13. **Staff recommends motion to approve:** a Conditional Grant Agreement in the amount of \$750,000 with Habitat for Humanity of Palm Beach County, Inc., in State Housing Initiatives Partnership (SHIP) Single Family Home Owner Development Program funds. **SUMMARY:** Palm Beach County Housing and Community Development through its Commission of Affordable Housing (CAHAC) provides SHIP financing to local developers to facilitate affordable housing development for homeownership. This Agreement provides \$750,000 to assist in the acquisition of a 3.5 acre parcel of land for the development of a 19 unit home ownership project located in the Kennedy Estates near the Town of Jupiter. This project will provide home ownership opportunities to 12 extremely-low and seven (7) low-income households. The Commission on Affordable Housing recommended this project for funding on September 25, 2008 and the Board of County Commissioners on December 16, 2008 provided conceptual approval (Agenda Item No. 3I-4). **These are State funds which require no local match.** District 1 (TKF)
  
14. **Staff recommends motion to conceptually approve:** a forgivable Loan in the amount of \$200,000 with Housing Trust Group, LLC, for the construction of "Crestwood Apartments," through the Commission on Affordable Housing's Special Needs-Barrier Free Assistance Program for the development of ten (10) special needs rental units. **SUMMARY:** Approval of this agenda item will authorize the allocation of State Housing Initiatives Partnership (SHIP) funding for the development of this affordable housing project. This allocation of \$200,000 will facilitate the development of ten (10) very low-income, special needs units. This funding is the required local match for Florida Housing Finance Corporation's Universal Cycle Tax Credit application. The final award of County funding is contingent upon the Crestwood Apartments project receiving tax credit funding. If the project is not awarded the tax credit funding, the \$200,000 in SHIP funding will not be allocated to this project. This project is to be located in unincorporated Palm Beach County on Purdy Lane, west of Haverhill Road. The Commission on Affordable Housing Advisory Committee reviewed this request and made the \$200,000 funding recommendation on February 26, 2009. Staff will present the County Agreement to the Board of County Commissioners for final approval at a later date. **These are State funds which require no local match.** District 2 (TKF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to approve:

A) Consultant Services Authorization No. 2 to the Contract with Carollo Engineers (R2008-0526) for technical services related to the Water Treatment Plant (WTP) No. 2 anionic exchange treatment system in the amount of \$430,731; and

B) Budget Transfer of \$500,000 within the Water Utilities Capital Improvement Fund.

**SUMMARY:** This Consultant Services Authorization includes design, permitting, and bidding services for an anionic exchange treatment system to replace the existing ozone treatment system at WTP No. 2. The anionic exchange process will remove the color compounds, improve the water quality, and reduce energy compared to the existing ozone treatment process. Staff recommends a budget transfer to allow the ozone replacement project to be implemented at WTP 2 prior to WTP 8. The contract with Carollo Engineers includes the Small Business Enterprise (SBE) participation goal of 40%, which exceeds the 15% goal established by the Palm Beach County Ordinance (No. 2002-064). This Consultant Services Authorization includes 34.59% overall SBE participation. The consultant's cumulative SBE participation, including this Authorization, is 38.13% overall. (WUD Project No. 09-046) District 2 (MJ)

2. Staff recommends motion to approve: Change Order No. 8 to the Contract with Poole and Kent Company, Inc. (R2005-1928) for the Lake Region Water Treatment Plant (LRWTP) increasing the contract price by \$96,310.62. **SUMMARY:** This Change Order authorizes the Contractor to make changes to the construction of certain portions of the Water Treatment Plant as necessitated by construction conditions. This consists of various civil, mechanical and electrical changes. Total change orders to date, excluding Change Order No 1, \$7,549,033.78 sales tax recovery program and Change Order No. 6, \$500,000 South Florida Water Management District Acceleration for the Lake Region Plant, equals \$567,044 (2.80% increase). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.0% overall. This Change Order includes zero overall SBE participation. The original contract with the Poole and Kent Company, Inc. provides for SBE participation of 22.92% overall. (WUD Project No. 03-169) District 6 (JM)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to receive and file: a Deed of Conservation Easement with South Florida Water Management District, for the Limestone Creek Natural Area. **SUMMARY:** The Board of County Commissioners (BCC) authorized the Chairman to execute a Deed of Conservation Easement for the Limestone Creek Natural Area on September 12, 2006. A Resolution (R2005-1770) establishing standard form conservation easements and authorizing the Chairman or Vice Chairman of the Board to execute the standard form conservation easements was initially approved at the September 13, 2005 Board Meeting. District 1 (JB)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to approve: Task Order No. 0410-09 to a continuing Contract (R2008-0410) with Taylor Engineering for an amount not to exceed \$362,811.85 for completion of the Army Corps of Engineers (ACOE) required Environmental Impact Statement (EIS) for the South Palm Beach & Lantana Erosion Control Project (Project). **SUMMARY:** The BCC approved the Contract with Taylor on March 11, 2008 (R2008-0410). Eight (8) task orders totaling \$1,183,831.34 have been issued under the Contract. Task Order No. 0410-09 authorizes Taylor to perform an EIS which evaluates the environmental, historic, economic and social values that the Project may impact as well as alternatives to the proposed Project. It was recently determined by the ACOE that an EIS must be completed in order to meet federal agency obligations under the National Environmental Policy Act (NEPA). The Town of South Palm Beach (SPB) will reimburse \$72,562.37 of the cost. The County's share is funded by a combination of Tourist Development Tax, interest, and ad valorem. There is no (0%) Small Business Enterprise subconsultant participation on this Task Order. Taylor committed to an overall 15% Small Business and Minority Business (SBE-MBE) participation in the Contract. Taylor has achieved 16.1% cumulative SBE-MBE participation on the Contract including this Task Order. District 4 (JM)

3. Staff recommends motion to:

**A) ratify** the signature of the Chairman on a Florida Boating Improvement Program (FBIP) Grant Application submitted to Florida Fish and Wildlife Conservation Commission (FWCC) on April 2, 2009, requesting \$500,000 for the Juno Dunes Natural Area Public Use Facility and Wetlands Restoration Project;

**B) adopt** Resolution for assistance under the FBIP for grant funding for Juno Dunes Natural Area Public Use Facility and Wetlands Restoration Project in the amount of \$500,000;

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

**D) authorize** the Director of Environmental Resources Management Department to serve as Project Manager with FWCC for this project.

**SUMMARY:** This Grant Application requests up to \$500,000 from the FWCC FBIP grant to cover a portion of the costs for the public use facility within the Florida Inland Navigation District (FIND) leased area of the Juno Dunes Natural Area. Although no County match will be required for the grant, a project sharing budget is submitted with the Grant Application. District 1 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

4. Staff recommends motion to:

**A) ratify** the Chairman's signature on an Emergency Watershed Protection Program (EWPP) funding application and two (2) associated eligibility forms that were submitted on April 6, 2009 to the Natural Resources Conservation Service (NRCS) of the U.S. Department of Agriculture for the Cypress Creek Floodplain Easement/Restoration Project;

**B) authorize** the County Administrator, or his designee, to sign any future certifications, standard forms, or other documents related to the application that may be required prior to the presentation to the Board of a contract for the sale of the floodplain easement; and

**C) authorize** the Director of the Department of Environmental Resources Management, or his designee, to serve as the Project Manager with NRCS for this project.

**SUMMARY:** NRCS has up to \$30 million in federal economic stimulus funds available through the EWPP to purchase permanent easements on floodplain lands in Florida from willing sellers (private landowners, the State, and local governments). An easement will provide NRCS with the authority to restore and enhance the floodplain's functions and values through restoration of topographic diversity, restoration and creation of wetlands, planting of native vegetation, and other activities. The landowner will retain rights such as quiet enjoyment, control of public access, and recreational uses. The criteria for selection of the recipients and the amount of funding that can be provided to an individual recipient have not yet been determined. Department of Environmental Resources Management staff has prepared an application for EWPP funding for the Cypress Creek Floodplain Easement/Restoration Project. The emergency authorization process was used because there was insufficient time to submit the item through the regular agenda process and meet the original submission deadline of March 27, 2009 or the revised submission deadline of April 10, 2009 that was advertised on March 26, 2009. If the application for funding is approved, a contract for the sale of the conservation easement to NRCS and a budget amendment will be presented to the Board for review and approval after the funding amount has been determined. An application for EWPP funding typically requires a minimum 25% cost share by the applicant. However, under the American Recovery and Reinvestment Act (ARRA), NRCS can fund up to 100% of the project-related costs for an EWPP project. The County will have funds available for providing up to 50% of the costs of the project, and has included that information in the application to increase the chance that it will be successful. District 1 (SF)

M. PARKS & RECREATION

1. Staff recommends motion to approve: Agreement with Students in the Arts TV/G-Star TV, Inc. for the period April 21, 2009, through August 31, 2009, in an amount not-to-exceed \$1,000 for student programs. **SUMMARY:** This funding is to assist with costs for G-Star students to participate in Palm Beach County School District extracurricular programs involving student competitions. Approximately 75 students took part in the programs. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to December 10, 2008. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 3 (AH)



3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

2. **Staff recommends motion to approve:** Agreement with the City of Delray Beach for the period April 21, 2009, through December 30, 2009, in an amount not-to-exceed \$5,000 for the Delray Beach Sister Cities Safari Dinner event. **SUMMARY:** This funding is to offset the cost of program expenses for the annual Delray Beach Sister Cities Safari Dinner event. The event is attended by approximately 150 participants. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to January 1, 2009. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)
3. **Staff recommends motion to receive and file:** original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for U.B. Kinsey/Palmview Elementary School for the period August 1, 2008, through June 30, 2009, in an amount not-to-exceed \$7,000 for string orchestra and concert chorus trips to the Orlando Music Festival and the Heritage Festival in Atlanta, Georgia. **SUMMARY:** This fully executed Request for Funding Form is for a School Board RAP allocation made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747), as amended. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)
4. **Staff recommends motion to receive and file:** original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for Secondary and Career Education Department for the period February 1, 2009, through July 31, 2009, in an amount not-to-exceed \$2,500 for funding of the 8<sup>th</sup> Annual Race for the Arts. **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)
5. **Staff recommends motion to receive and file:** First Amendment to Agreement (R2007-1743) with Corn-Maya, Inc. for the Adult Soccer Program to extend the project completion date from August 26, 2008, to December 31, 2008, and the reimbursement submission date from November 26, 2008, to March 30, 2009. **SUMMARY:** This Amendment extends the project completion date for Corn-Maya, Inc.'s Adult Soccer Program to December 31, 2008, in order to allow additional time the agency needed to complete the program and to finalize payments for program expenses. It also extends Corn-Maya's reimbursement submission deadline to March 30, 2009, in order to accommodate additional time the agency needed to submit its reimbursement request for this completed project. The Amendment will allow fiscal staff to complete the project reimbursement process and disburse the final reimbursement check to Corn-Maya. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

6. Staff recommends motion to:

**A) approve** \$52,000 from Palm Beach County - Florida Boating Improvement Program (PBC-FBIP) funding for Lake Park Harbor Marina Emergency Boat Ramp Remediation;

**B) direct** staff to prepare the necessary standard FBIP Project Agreement for the project;

**C) authorize** signature of the Project Agreement by the County Administrator or his designee; and

**D) approve** a Budget Transfer of \$52,000 within the Park Improvement Fund from FBIP reserves to Lake Park Harbor Marina Boat Ramp Remediation.

**SUMMARY:** The Town of Lake Park has submitted an application for PBC-FBIP funding in an amount not-to-exceed \$52,000 for the emergency repair of the existing boat ramps at the Lake Park Harbor Marina. The boat ramps have been undermined at the seaward toe, leaving the precast slab unsupported, thus requiring that they be repaired as soon as possible to prevent structural failure and/or extended loss of service. Project eligibility and the project application submitted by Lake Park have been reviewed by staff and meet requirements set forth in Resolution 99-77, as amended, which established the PBC-FBIP. District 1 (AH)

7. Staff recommends motion to:

**A) ratify** the signature of the Chairman on a Waterways Assistance Program Grant Application, submitted to Florida Inland Navigation District (FIND) on March 19, 2009, requesting \$987,000 for the DuBois Park Marina and Shoreline Stabilization project;

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

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

**SUMMARY:** This Grant Application requests up to \$987,000 from the FIND Waterways Assistance Program (WAP) for construction of the DuBois Park Marina and Shoreline Stabilization project. This project includes construction of 24 dock slips along the peninsula, shoreline revetment and stabilization, and construction of an approximately one-acre snorkeling area. The total cost of the project is estimated at \$3,548,435. The balance of the project will be funded by the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue and a \$500,000 Florida Fish & Wildlife Conservation Commission Florida Boating Improvement Program grant. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

8. Staff recommends motion to:

**A) ratify** the signature of the Chairman on a Florida Boating Improvement Program Grant Application submitted to Florida Fish and Wildlife Conservation Commission on March 30, 2009, requesting \$170,000 for the design and permitting of the Waterway Park boat launching facility;

**B) adopt** Resolution for assistance under the Florida Boating Improvement Program for grant funding for the Waterway Park project in the amount of \$170,000;

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

**D) authorize** the Director of the Parks and Recreation Department to serve as Liaison Agent with Florida Fish and Wildlife Conservation Commission for this project.

**SUMMARY:** This Grant Application requests up to \$170,000 from the Florida Fish and Wildlife Conservation Commission (FWCC) Florida Boating Improvement Program (FBIP) for the design and permitting of the Waterway Park boat launching facility. If awarded, the grant will be matched with funding from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue. District 1 (AH)

9. Staff recommends motion to approve:

**A) Tri-Party Agreement** with 814 Community Center LLC and TAB Development, Inc. in an amount not-to-exceed \$500,000 for the period April 21, 2009, through April 20, 2012, for construction of the U.B. Kinsey Educational and Community Center; and

**B) Budget Transfer** of \$500,000 within the \$25 Million GO Parks and Cultural Improvements Bond Fund – 2003 to TAB Development Educational and Community Center.

**SUMMARY:** This allocation provides funding for construction of the U.B. Kinsey Educational and Community Center at 814 Division Street in West Palm Beach by TAB Development, Inc. Expenses eligible for reimbursement include construction costs for a 15,324 square foot two-story facility with a first floor lobby, elevator, library, restrooms, multi-purpose community room, classrooms, kitchen with storage, pantry and mechanical room, and second floor upper balcony, learning center gallery, staff offices, copy/storage room, work room, classrooms, meeting rooms, and computer room, as well as an outside gazebo and landscape areas. Funding is from the 2002 \$50 Million Recreation and Cultural Facilities Bond referendum. District 7 (PK)

10. Staff recommends motion to approve: Budget Transfer of \$350,000 in the Park Improvement Fund from Reserves to Aquatic Facilities Drain Improvements. **SUMMARY:** This Budget Transfer will provide the necessary funding to modify drains at our pools and waterparks to comply with the Virginia Graeme Baker Pool and Spa Safety Act which went into effect in December 2008. The federal regulations require public pools and spas to be equipped with certified drain grates/covers that meet the required standards, and safety measures to prevent entrapment and evisceration. These new unfunded federal regulations will be enforced by the Consumer Product Safety Commission, which has asked local authorities such as the Department of Health, to assist with the inspection and enforcement of this Act. Funding is from the Park Improvement Fund Reserve. Countywide (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

11. Staff recommends motion to receive and file: Agreement with Boca Raton Champions Golf Charities, Inc. for the period March 16, 2009, through June 1, 2009, in the amount of \$50,000 for the 2009 Allianz Championship. **SUMMARY:** On February 3, 2009 (Agenda Item No. 6E2), the Board authorized budget transfers from the District 4 Transportation Improvement Fund in the amount of \$50,000 to the Recreation Assistance Program (RAP) to help offset costs for the 2009 Allianz Championship. The Board also authorized preparation of a RAP Agreement and directed staff to have it executed by Boca Raton Champions Golf Charities, Inc. and returned to the Board Chairman for execution on behalf of the Board of County Commissioners. The fully executed Agreement is now being presented to the Board for assignment of a Resolution Number and to receive and file. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to November 1, 2008. Funding is from the Recreation Assistance Program District 4 Funds. District 4 (AH)
  
12. Staff recommends motion to approve: Special Events permit to the Tropic Thunder 2009 World Championship Invitational Offshore Powerboat Races to be coordinated through the Parks and Recreation Department utilizing Burt Reynolds Park October 20, 2009, through October 25, 2009. **SUMMARY:** Campbell Offshore Racing, LLC would like to conduct a for-profit event, the Tropic Thunder 2009 World Championship Invitational Offshore Powerboat Races, using Burt Reynolds Park as a day dock for storage of boats between races. This for-profit event requires a special events permit. In accordance with Ordinance 04-022, all permits requested for use of reserved park/facility areas for for-profit activities requires Board of County Commissioner approval. Campbell Offshore Racing, LLC will be required to meet all permit requirements and pay all fees associated with event coordination at Burt Reynolds Park and other affected properties. District 1 (AH)

N. LIBRARY

1. Staff recommends motion to:
  - A) approve** a Public Library Construction Grant Application for \$500,000 to the Florida Department of State, Division of Library and Information Services for the Acreage Branch Library; and
  - B) approve** Certification of Exclusive Use as a Public Library; and
  - C) authorize** the Chairman to execute the grant agreement and any other necessary forms and certifications.

**SUMMARY:** The Grant Application is for \$500,000 with local matching funds of \$500,000. If awarded, grant funds will be used towards the cost of construction, thus freeing up other funds for furnishing and equipping the library branch. The projected cost of the Acreage Branch Library is \$14,545,507. The project will be completed whether the grant is funded or not. The facility will be used exclusively for public library purposes, and the operational costs will be funded through the Library's operating budget. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

R. HUMAN RESOURCES

1. Staff recommends motion to approve: Amendment No. 2 to Contract with NMS Management Services, Inc. (R2007-0708), for the County's drug testing program, to exercise the option to renew for one (1) year, beginning May 1, 2009, through April 30, 2010, at an annual cost of \$41,450. **SUMMARY:** The Board of County Commissioners approved contract R2007-0708 on May 1, 2007 for a term of one (1) year with two (2) – one (1) year options to renew. The Board of County Commissioners approved Amendment Number One on July 8, 2008 (R2008-1230). They are exercising this option to renew with the same terms and conditions. Countywide (EC)

S. FIRE RESCUE

1. Staff recommends motion to receive and file: two (2) original standard agreements for the Fire Rescue Department:

**A)** Interlocal Agreement for Swimming Lessons with the City of Riviera Beach; and

**B)** Independent Contractor Agreement for Swimming Lessons with the Young Men's Christian Association of South Palm Beach County, Inc.

**SUMMARY:** On September 27, 2005, the Board adopted Resolution No. R2005-1906 authorizing the County Administrator, or his designee (the Fire Rescue Administrator) to execute standard agreements with municipalities and independent contractors to provide swimming lessons to members of the public through the Palm Beach County Drowning Prevention Coalition's Learn to Swim Program. Pursuant to Countywide PPM CW-O-051, two (2) standard County agreements that have been executed by the County Administrator, or his designee (the Fire Rescue Administrator) are being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (PK)



3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEM SERVICES

1. Staff recommends motion to:

**A) approve** Change Order No. 2 to the Contract with Metatomix, Inc. (R2004-2414), to reprioritize and extend the scope of work for Phase II by \$380,750 for a total contract amount of \$678,354.50; and

**B) receive and file** Task Orders No. 2 and 6 for adding new data sources at no additional cost; Task Order No. 3 for software maintenance in the amount of \$60,000; Task Order No. 4 for audit query capabilities in the amount of \$14,250, and Task Order No. 5 for printing and logging capabilities in the amount of \$99,750 paid by the Sheriff's Office to Metatomix, Inc.

**SUMMARY:** Palm Beach County ISS and Metatomix, Inc. have been working to complete Phase II of the Visual Planning Technologies/Law Enforcement eXchange Project to integrate disparate law enforcement information systems. On November 6, 2007, the Board of County Commissioners approved Amendment No. 7 for \$297,604.50. This Change Order increases that amount by \$380,750. Phase II objectives include connecting additional Palm Beach County law enforcement agencies and programming additional application functionality. Additional Phase II work will be detailed as required and authorized via Task Orders under this Contract. Change Order No. 2 details new system requirements mandated by FBI Criminal Justice Information System (CJIS) Security Guidelines and the reprioritization of objectives to accommodate a mandated audit interface. Change Order No. 2 includes two (2) data sources that were postponed, maintenance and new objectives identified to augment the information sharing functionality of the Law Enforcement eXchange (LEX) system for an amount not to exceed \$281,000. Receive and file items include Task Order No. 5 for Metatomix to add report printing functionality to the LEX Application and create a log of all print transactions for a cost of \$99,750. The Sheriff's Office has obtained Byrne grant funds, a portion of which is allocated for law enforcement information sharing initiatives. The Sheriff's Office has agreed to use these funds to pay Metatomix for the additional functionality listed in Task Order No. 5. In addition, Task Orders No. 2 and 6 (data sources in original scope); Task Order No. 3 (software maintenance \$60,000); and Task Order No. 4 (audit query capabilities \$14,250), were all less than \$100,000, and authorized by the Director of ISS. All work under these Task Orders was reviewed and approved by the LEX Board of Directors. Countywide (PK)

2. Staff recommends motion to approve: renewal of Oracle Database Software Maintenance Agreement for the period April 24, 2009, to April 23, 2010 in the amount of \$888,350.67. **SUMMARY:** This Agreement renewal provides software update license and support maintenance for the County's Oracle database management software. Negotiations with Oracle resulted in a waiver of a 3% annual increase that would otherwise be assessed thereby avoiding a cost increase of \$26,650. This renewal also continues the practice of establishing coterminous end dates for all County Oracle software maintenance. Countywide (PK)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. Staff recommends motion to approve:

**A)** Budget Amendment of \$123,654 in the Palm Tran Grants Fund in order to reconcile the FY 2009 budget to the actual grant award from the Florida Department of Transportation Section 5311; and

**B)** Budget Amendment of \$123,654 in the Palm Tran Operating Fund in order to reconcile to the transfer made from the Palm Tran Grants Fund.

**SUMMARY:** In 2004, Palm Beach County executed a Resolution and a five (5) year agreement with the Florida Department of Transportation (FDOT) to provide operating funding for mass transit of Federal Transit Administration (FTA) Section 5311 funds passed through the State for the non-urbanized (rural) areas of Palm Beach County; and Authorizing the County Administrator or Palm Tran Director as the appropriate staff to sign the annual interim year Notification of Funding form, on behalf of the Board (R2004-1778). Palm Tran estimates every year the amount to be received from FDOT and allocates the required match on its budget. The match funds are accounted for as the cost of providing mass transit services in rural Palm Beach County including operating, maintenance, and administrative costs. Grant and match included in the FY 2009 budget was \$255,000, with the actual award being \$378,654. No additional County funds are required. District 6 (DR)

2. Staff recommends motion to approve: First Amendment to the Funding Agreement with South Florida Regional Transportation Authority (SFRTA) for the funding of bus service between the Boca Raton Tri-Rail station, Florida Atlantic University, and Palm Beach Community College campus and Federal Highway. Palm Beach County shall receive reimbursement from SFRTA in an amount not to exceed \$350,000. **SUMMARY:** This First Amendment to agenda item R2007-2302 will provide funding for services to be provided during the second year of service (January 2009 through December 2009), and includes an additional \$2.50 per hour to cover allowing students at the colleges to board designated stops for free. Countywide (DR)

3. Staff recommends motion to approve: Amendment No. 3 to the Interagency Lease Agreement (R97-20481) with the Solid Waste Authority (SWA) to exercise the option to extend the term of the lease agreement through November 17, 2012. **SUMMARY:** In November 1997, the Board of County Commissioners entered into a lease agreement (R97-2048D) with the SWA for the storage of Palm Tran buses at the Belle Glade Regional Transfer Station at a cost of ten dollars (\$10) per year. Section 1.03 of the agreement granted an option to extend the Terms and Conditions of the lease for four (4) additional periods of five (5) years each. Palm Tran needs to continue utilization of the SWA facility for bus storage, fueling, and cleaning of its buses. Countywide (DR)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN (Cont'd)

4. Staff recommends motion to:

**A) adopt** Resolution authorizing the conveyance of three (3) 2000 Gillig Low Floor buses; and

**B) approve** Agreement regarding the conveyance of three (3) 2000 Gillig Low Floor buses to the Suwannee Valley Transit Authority (SVTA), Suwannee County, Florida.

**SUMMARY:** Palm Tran needs to dispose of three (3) 2000 Gillig Low Floor buses. These buses have reached their useful life, and in accordance with the Federal Transit Administration (FTA) guidelines, may be disposed of. The Suwannee Valley Transit Authority (SVTA) has approached Palm Tran and expressed their desire to acquire these buses. SVTA has affirmed that it is an entity qualified and eligible to receive a conveyance of personal property from Palm Beach County in accordance with the requirements of Section 125.38, F.S., and that it desires to use the Buses for the public or community interest and welfare. These buses were purchased using 100% Federal funds. Countywide (DR)

BB. SHERIFF

1. Staff recommends motion to approve: a Budget Transfer of \$45,000 from the Law Enforcement Trust Fund (LETF) to the Palm Beach County Sheriff's Office (PBSO) to provide financial support to the Urban League of Palm Beach County, Inc. by funding the cost of sending 80 teens and 20 chaperones to the 24<sup>th</sup> Annual Preventing Crime in the Black Community Conference in Jacksonville, Florida on May 20 – 23, 2009. **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 2009 estimated donation requirement will not be finalized until year-end close-out. 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 \$762,632. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$717,632. 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)

CC. SUPERVISOR OF ELECTIONS

1. Staff recommends motion to approve: Precinct boundary changes submitted by Susan Bucher, Supervisor of Elections, as required by Section 101.001(1), Florida Statutes. **SUMMARY:** Precinct boundary changes as indicated. District 6 (LSJ)

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4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A. Proclamation honoring Dr. Malecki for 26 years of service to the residents of Palm Beach County. (Sponsored by Commissioner Greene)
  
- B. Staff recommends motion to adopt: Presentation of Annual Service Awards to 318 County employees with 20, 25, 30 and 35 years of service. **SUMMARY:** This is Palm Beach County's 43<sup>rd</sup> Annual Service Awards Ceremony to honor County employees for their dedicated service. Countywide (MC)

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5. PUBLIC HEARINGS - 10:00 A.M. (Motion to receive and file: Proof of publication)

A. Staff recommends motion to:

**A) approve** the filing of the Federal Transit Administration (FTA) Grant Application for Public Transportation Capital Assistance funds allocated to Palm Beach County under the American Recovery and Reinvestment Act (ARRA) of 2009 in the amount of \$21,235,245;

**B) authorize** the Palm Tran Director or Assistant Executive Director through the County Administrator to execute, on behalf of the Board, and to transmit electronically the Board's approval of the ARRA grant award;

**C) approve** Budget Amendment of \$16,018,750 in the Palm Tran Grants Fund contingent upon actual grant award; and

**D) approve** Budget Amendment of \$5,216,495 in the Public Building Improvement Fund contingent upon actual grant award to recognize capital project funding.

**SUMMARY:** The allocation of ARRA funds for Public Transportation Capital Assistance for the Miami Urbanized Area which includes Palm Beach County is \$139,733,611. The funds are split between Miami Dade, Broward, South Florida Regional Transportation Authority, and Palm Beach County. ARRA provides new funding for public transportation capital projects. The grant will fund equipment and facilities, replacement vehicles (hybrid), shelters, Park-N-Ride facilities, and capital maintenance equipment (energy efficient cooling fans). Projects need to be listed on the approved Metropolitan Planning Organization (MPO) Transportation Improvement Plan. The MPO has prioritized the different transit projects in Palm Beach County that are seeking funding under the ARRA, and priorities include Palm Tran's projects as well as projects from the City of West Palm Beach and the City of Delray Beach. ARRA funds are to be obligated within a limited timeframe. A grant application for at least 50 percent of the funds apportioned under ARRA must be submitted to FTA no later than May 29, 2009. Projects submitted on the grant application must be ready to go, and all federal conditions must be met and ready for approval. All remaining Transit Capital Assistance program funds must be obligated by November 1, 2009. Palm Tran will submit a grant application for the projects that currently meet all federal conditions to obligate the funds, and when all other projects meet the federal conditions, the ARRA grant will be amended to include the remaining projects.

The following is the list of priorities from the MPO the ARRA grant will fund: 1) Belle Glade Facility; 2) Park and Ride Facilities; 3) Palm Tran Replacement Buses; 4) Capital Maintenance Items; 5) Security; 6) Transit Enhancements – City of Delray Beach Shelters (to be included in amendment - project needs proof of right-of-way acquisitions and interlocal agreement); and 7) Alternative Fuel Trolleys for the City of West Palm Beach Downtown Development Authority.

ARRA capital projects are funded at 100% cost for the federal share, no County funds are required. Countywide (DR)

5. PUBLIC HEARINGS CONTINUED

B. **Staff recommends motion to approve:** Budget Amendments and Transfers in various funds reflecting adjustments for balances brought forward, other revenues, reserves and operating expenses. The total amount of the adjustments is an increase of \$21,844,475 in 253 funds. **SUMMARY:** These Budget Amendments and Transfers are necessary to adjust FY 2009 budgets to reflect differences between actual and estimated revenues and expenditures of FY 2008. These Amendments adjust the balances brought forward, various revenue, expenditure, and reserve accounts to their audited balances. The proposed increases include \$22,929,234 additional reserves for balances brought forward in Countywide tax equivalent funds and are available for offsetting next year's revenue requirements. The adjustment is a result of:

A) \$17,998,197 reflects various adjustments including additional refund of Tax Collector and Property Appraiser Commissions, grant match savings, expenditures less than and revenue greater than originally estimated, and

B) \$4,931,037 additional excess fees: Sheriff's Office \$3,445,976, Clerk & Comptroller \$3,679, and Supervisor of Elections \$1,481,382.

Also included are downward budget adjustments for Sales Tax, Communication Services Tax, Electricity Franchise Fees, and \$2 Recording Fees that are generating less than originally budgeted. Countywide (PK)

C. **Staff recommends motion to:**

A) **approve** the electronic filing of Grant Applications for funds available under the American Recovery and Reinvestment Act (ARRA) of 2009 under the program Clean Cities FY 2009 Petroleum Reduction Technologies for the Transportation sector in the amount of \$3,302,500;

B) **approve** the electronic filing of Grant Applications for funds available under the American Recovery and Reinvestment Act (ARRA) of 2009 under the program Transit Investments for Greenhouse Gas and Energy Reduction "TIGGER" in the amount of \$3,302,500;

C) **authorize** the Palm Tran Executive Director or Assistant Executive Director through the County Administrator to execute, on behalf of the Board, and to transmit electronically the Board's approval of the ARRA grant awards; and

D) **approve** Budget Amendment of \$6,605,000 in the Palm Tran Grants Fund contingent upon actual grant awards.

**SUMMARY:** Palm Tran will submit on behalf of Palm Beach County electronic applications for funds available on a competitive basis for projects that will reduce gas emissions. The Programs under TIGGER and Clean Cities specifically identify as eligible activities, the incremental cost between a diesel bus and a hybrid bus. The applications will request the funds needed to change the current orders for bus replacements from regular diesel buses to hybrid. Fifty (50) buses from Palm Tran's bus fleet are projected to reach their useful life between 2009 and 2010. Overall, these two (2) grant applications will allow 30 replacements to be hybrid buses. The applications will also seek funding to purchase an additional 20 electrical fans that will replace existing hydraulic fan systems in Palm Tran's buses with EMP's mini-HYBRID thermal systems that will lead to an increase in average miles per gallon achieved by transit buses, and result in a decrease in company fuel costs and gas emissions. The applications need to be submitted on-line through the Grants.gov system. Should grants be awarded, the funds need to be obligated by activities that can be initiated no later than June 17, 2009. Countywide (DR)

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6. REGULAR AGENDA

A. AIRPORTS

1. Staff recommends motion to:

**A) discontinue** regular operation of the Park and Ride lot at Palm Beach International Airport (PBI); allowing temporary re-opening for overflow parking;

**B) discount** the Long Term parking rate, decreasing the daily maximum rate after five (5) days continuous parking from \$12 to \$9; and

**C) increase** the Park and Ride daily maximum rate from \$6 to \$9 for overflow parking.

**SUMMARY:** The Department of Airports completed construction of a second Long Term parking garage in 2008, adding 3,000 parking spaces adjacent to the terminal. Construction of the second garage restores “close in” terminal parking convenience to the passenger and eliminates the need to operate the Park and Ride shuttle lot. Closing Park and Ride will save \$700,000 per year, primarily in shuttle bus fuel and operating costs. Eliminating shuttle operations will also reduce traffic congestion, carbon emissions, fuel consumption, and customer complaints. Former Park and Ride customers will likely use Long Term parking; therefore, the Department is recommending a discount rate: day one (1) through five (5) will remain at \$12 per day; day six (6) and thereafter will reduce to \$9 per day. The Department estimates annual parking revenues will increase by \$815,000 due to the proposed changes, subject to customer demand. Lastly, staff is recommending that the Park and Ride daily maximum rate be changed to \$9 per day if the lot is needed for overflow. A review of other Florida airport parking rates shows that PBI’s Park and Ride rate is below market. On February 25, 2009, the Aviation and Airports Advisory Board voted 7-2 to discontinue regular operations of the Park and Ride lot, except for overflow. The dissenting voters voiced a need for a middle ground for parking rates. Subsequent to that meeting, staff developed the plan to decrease the Long Term rate after day five (5) from \$12 to \$9. Due to airline and economic conditions, Department operating revenues have declined \$5.7 million since 2007; debt service costs have increased due to parking garage construction, therefore, the parking recommendations would be implemented immediately upon Board approval. The Department operates as an enterprise fund, which requires all costs to be supported by Airport revenues. General County funds do not pay, finance, or pledge any Airport costs or debt. Countywide (JMB)

B. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to:**

**A) approve** a new portion of the Land Development schedule of user fees to allow charges and establish a schedule of the charges for the review and processing time from the Roadway Production and the Traffic Engineering Divisions to be added to the cost of right-of-way construction permits and services; and

**B) adopt** a Resolution revising a schedule to increase the user fees approximately 10% to more closely match actual Palm Beach County (County) costs in the review and preparation of various Land Development permits and services, and to include the addition of a fee schedule for the Roadway Production and Traffic Engineering Divisions. This action will repeal the latest fee revision, Resolution R99-1071.

**SUMMARY:** Approval of this motion would allow for and establish a new fee schedule to defray the plan review costs of the Roadway Production and the Traffic Engineering Divisions, for the required review of plans and permit applications proposing construction within County rights-of-way. Approval will also update the current Land Development Fee Schedule to increase the user fees approximately 10% to up date the current costs. This action will repeal the latest fee revision, Resolution R99-1071. Countywide (MRE)

6. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

**A) adopt** a Resolution authorizing the conveyance of the County's interest in a 686 square foot parcel of vacant County-owned land in Boynton Beach to Southern Homes of Palm Beach, LLC, for \$17,836 with reservation of mineral and petroleum rights, but without rights of entry and exploration;

**B) approve** a County Deed in favor of Southern Homes of Palm Beach, LLC; and

**C) approve** a Canal Easement in favor of Southern Homes of Palm Beach, LLC.

**SUMMARY:** The County acquired a 2.94 acre parcel of submerged land underlying three finger canals in unincorporated Boynton Beach by Tax Deed in May 1971. The canals are located along the Intracoastal Waterway in Boynton Beach between Turner Road and Bamboo Lane. The assessed value of the County's entire parcel is \$891. The County has previously sold 115 square feet to the Anya Group in 2005 (R2005-1333), a 414 square foot parcel to Patricia H. Mikulec in 2008 (R2008-0464) and a 142 square foot parcel to Southern Homes of Palm Beach, LLC in 2008 (R2008-1354); each approved by the Board for \$26.08/sf. This property is being sold to the Southern Homes of Palm Beach, LLC for \$17,836 (rounded to \$26/sf) without competitive bidding under the alternative disposition procedures established by Ordinance 2002-067. This requires a finding by the Board that Southern Homes of Palm Beach, LLC is "the only person capable of reasonably utilizing the property for the use which the Board has determined to be the highest and best use of the property." Staff recommends this finding to ensure that Southern Homes of Palm Beach, LLC, as the adjacent upland riparian lot owner, retains access to the canal immediately behind its Waterside Village subdivision. The County will retain mineral rights in accordance with Florida Statutes Section 270.11, but will not retain rights of entry and exploration. The County is also granting to Southern Homes of Palm Beach, LLC an exclusive Canal Easement to allow for the installation of docks, boat slips and appurtenant facilities and equipment in the County's canal located adjacent to the Waterside Village subdivision. The Canal Easement may be assigned to the Waterside of Boynton Homeowner's Association, Inc. without the County's consent, provided the homeowner's association assumes the obligations of the Canal Easement. The easement area is L-shaped and is approximately 20' x 450' for a total of approximately 8,919 square feet (0.20 acres). This Canal Easement is being granted at no charge, as numerous other adjacent upland riparian lot owners use the canal and have docks and pilings that encroach onto the County's submerged lands. (PREM) District 4 (HJF)

D. HOUSING AND COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: execution of a Subordination Agreement in connection with a Mortgage executed by Village Centre Apartments, Ltd. in favor of Palm Beach County. **SUMMARY:** On October 16, 2007, the Board of County Commissioners entered into a funding agreement with Village Centre Apartments, Ltd. allocating a total of \$1,300,000 in County funds for the development and construction of Village Centre Apartments (a low to moderate-income home ownership project). The project owner now wishes to borrow \$200,000 from the State's Florida Housing Finance Corporation and is requesting Palm Beach County to subordinate its interest in the existing County Mortgage to that of the new mortgage with the State. This project is to be located in the City of West Palm Beach's Northwood redevelopment area. Evaluation of this request indicated that the County's financial interest in the encumbered Village Centre Apartments property will not be adversely affected as a result of this transaction. District 7 (TKF)



6. REGULAR AGENDA

D. HOUSING AND COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to approve: the Program Guidelines for the proposed Neighborhood Stabilization Program (NSP) funded First Mortgage Loan Program and Residential Redevelopment Program. **SUMMARY:** The First Mortgage Loan Program and the Residential Redevelopment Program were approved by the Board of County Commissioners on November 18, 2008, as part of the County's application to the U.S. Department of Housing and Urban Development (HUD) which awarded \$27,700,340 to the County under the NSP. On November 18, 2008, the Board of County Commissioners approved the allocation of \$12,845,811 to the First Mortgage Loan Program. It is projected to assist income eligible households to acquire foreclosed and vacant residential properties as their primary residence under this program. In addition, the Residential Redevelopment Program was allocated \$5,000,000 to fund non-profit organizations, public agencies and municipalities to acquire vacant, abandoned, and foreclosed upon residential properties for resale or rental to income-eligible households. HUD advised of their approval of the County's application on January 12, 2009. Per program requirements, funds should be fully expended by September 4, 2010. **These are Federal Community Development Block Grant funds that require no local match.** Countywide (TKF)

E. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff request Board direction: on the 2007 Biennial Update of Impact Fees. **SUMMARY:** On April 15, 2008, staff presented a preliminary report on the 2007 Biennial Update of Impact Fees and requested Board direction on impact fee increases and other Amendments to Article 13 of the ULDC. Staff recommended increasing Park, Library, Fire Rescue, and Public Building impact fees to the levels in the consultant's report; decreasing Law Enforcement impact fees where calculated in the consultant's report; leaving Road and School impact fees unchanged from their current levels; not establishing a new Solid Waste impact fee. This recommendation would have resulted in a 9.33% (\$936) fee increase compared to a 76% (\$7,616) increase calculated in the consultant's report. The Board directed staff to leave the Road, Park, School, Library, Public Building, and Fire Rescue fees unchanged; modify Article 13 to decrease Law Enforcement impact fees where calculated by the methodology; and the Board directed staff to not establish a Solid Waste impact fee. The Board also requested staff to return in April 2009 for an update and further consideration of the 2007 Biennial Update of Impact Fees. Countywide (LB)

6. REGULAR AGENDA

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

2. Staff recommends motion to:

**A) adopt** a Resolution authorizing the issuance of not to exceed \$16,200,000 Public Improvement Revenue Bonds (Four Points and Other Public Buildings Projects), Series 2009 (the "Bonds") in order to finance the cost of renovation, construction and equipping of public improvement facilities and all other cost necessary or incidental thereto; covenanting to budget and appropriate from legally available non-ad valorem revenues amounts sufficient to pay the principal of and interest on said bonds; providing for the rights of the holders of said bonds; appointing the Clerk of the Circuit Court as registrar and paying agent for the Bonds; authorizing the proper officials of the County to do all other things deemed necessary or advisable as to the sale and delivery of the Bonds; approving the form of a solicitation for competitive bids to purchase the Bonds; and providing for an effective date for this Resolution; and

**B) approve** Nabors, Giblin & Nickerson as bond counsel for the Bonds.

**SUMMARY:** The Bonds are financing various facility improvement projects that are included in the FY 2009 capital budget. The improvements include building code upgrades at Four Points and hardening of the entire facility to act as an Emergency Operations Center annex; replacement of cooling towers and chillers at the Governmental Center and other capital improvements to County facilities. The County is competitively bidding the sale of the bonds through its financial advisor to banks and the costs of issuance include bond counsel, financial advisor and bank counsel fees. The County currently has two (2) bond counsel firms, Greenberg Traurig and Nabors, Giblin & Nickerson, under contract serving as bond counsel and disclosure counsel, respectively on the Series 2009 Water & Sewer Revenue Bonds under the Reclaimed Water Agreement with Florida Power and Light. Staff is recommending that Nabors, Giblin & Nickerson serve as bond counsel for the \$16.2 Million Public Improvement Revenue Bonds, Series 2009. The County is currently reviewing its policies with respect to the selection of bond underwriters, bond counsel and disclosure counsel. The County requires bond counsel services prior to the conclusion of this review. Loans directly with Banks do not require disclosure counsel or the need to fund a debt service reserve. Countywide (PFK)

6. REGULAR AGENDA

F. PARKS AND RECREATION

1. Staff recommends motion to:

**A) approve** in concept the future development of a community center within the proposed neighborhood park project at Gramercy Park provided that sufficient capital funding is identified for construction and a partnering not-for-profit agency is identified to operate the facility;

**B) authorize** staff to identify conditions for a property exchange with the Department of Environmental Resources Management (ERM), initiate limited preliminary design, and provide a funding evaluation for the project; and

**C) reallocate** \$1,000,000 in project funding within the 2002 \$50 Million Recreational and Cultural Facilities Bond referendum from South Florida Science Museum, Inc. for the Dekelboun Science Center project to Palm Beach County for construction of a future community center at the proposed Gramercy Park Neighborhood Park project.

**SUMMARY:** On September 10, 2002, the Board approved a proposed project list for the 2002 \$50 Million Recreational and Cultural Facilities Bond referendum that included \$4,000,000 (\$3,000,000 from District 2 and \$1,000,000 from District 7) for South Florida Science Museum, Inc. for construction of the new Dekelboun Science Museum. A funding Agreement for this project has not yet been provided to the Board because the Science Museum has not yet presented project exhibits required for Bond Agreements. The District 7 Commissioner has requested that the Board redirect its \$1,000,000 previously earmarked for the Science Museum toward construction of a future community center at the County's proposed Gramercy Park Neighborhood Park. District 2 (PK)



6. REGULAR AGENDA

G. WATER UTILITIES

1. Staff recommends motion to approve:

- A) a termination of existing Interlocal Agreement with the City of Pahokee;
- B) an Interlocal Agreement with City of Pahokee for Construction Management Services;
- C) a delegation of the authority to execute an Authorization Form to the County Administrator, or his designee; and
- D) transfer lead department from Engineering and Public Works to Water Utilities for use of Countywide Community Revitalization Team existing budgeted funds.

**SUMMARY:** The County has an existing Interlocal Agreement with Pahokee (R2007-0367, as amended by R2008-0933) (Existing Interlocal) in which the County is to reimburse Pahokee, through Countywide Community Revitalization Team funds, for various sanitary sewer improvement projects within Pahokee's service area. Under the terms of the Existing Interlocal, Pahokee is to bid, administer, construct, inspect the project, and be reimbursed for these services. The Palm Beach County Water Utilities Department (WUD) is assisting Pahokee on the sanitary sewer improvements projects, and Pahokee wishes for the County, through WUD, to take over construction management services for the projects, as well as other required potable water or wastewater projects that may arise. The new Interlocal Agreement authorizes the County to manage the pre-design, design, bid, construction, and close-out services of authorized potable water and wastewater projects within Pahokee's service area. The City of Pahokee will authorize the County's construction management services, and provide an Authorization Form to the County Administrator, or his designee for execution. In addition, as the County, and not Pahokee, will be performing the construction management services, the Existing Interlocal is no longer necessary and should be terminated. Management of the Canal Point low pressure sewer and associated Pahokee wastewater treatment plant headworks project has been transferred from Engineering and Public Works to Water Utilities. Palm Beach County Water Utilities Department is to be compensated from funding sources dedicated to the City of Pahokee. There is no financial liability to Palm Beach County or to Water Utilities Department by this Agreement. District 6 (MJ)

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7. BOARD APPOINTMENTS

A. **COMMUNITY SERVICES**  
**(Treasure Coast Health Council, Inc.)**

1. **Staff recommends motion to approve:** reappointment of the following six (6) members for a term of two (2) years to the Treasure Coast Health Council, Inc.:

<b><u>Nominee</u></b>	<b><u>Category/Seat No</u></b>	<b><u>Term</u></b>
Edward Fischman	Health Care Provider/Seat 2	02/06/09-02/05/11
Emmy Rayne	Health Care Consumer/Seat 3	02/06/09-02/05/11
Norma Schattner	Health Care Consumer/Seat 4	02/06/09-02/05/11
Lillian DeCicco	Health Care Provider/Seat 5	02/06/09-02/05/11
Robert Hays	Health Care Purchaser/Seat 7	02/06/09-02/05/11
Marnie Ritchie Poncy	Health Care Consumer/Seat 9	02/06/09-02/05/11

**SUMMARY:** The Treasure Coast Health Council, Inc. consists of 12 members: seven (7) representatives for Palm Beach County; one (1) member appointed by Indian River County, one (1) member appointed by Martin County, one (1) member appointed by Okeechobee County, and two (2) members appointed by St. Lucie County. Appointees shall be representatives of health care providers, health care purchasers, and non-governmental health care consumers, not to exclude elected government officials. A majority of the Council members must be health care purchasers and health care consumers and the Council must include a representative number of persons over 60 years of age. Appointments shall be for a term of two (2) years. Countywide (TKF)

B. **FIRE RESCUE**  
**(Regional Hazardous Materials Oversight Committee)**

1. **Staff recommends motion to approve:** appointment of two (2) individuals to the Regional Hazardous Materials Oversight Committee beginning on May 1, 2009, through April 30, 2012:

<b><u>Nominee</u></b>	<b><u>Seat No.</u></b>	<b><u>Category</u></b>
Darrell Donatto	4	PBC Fire Chief's Association
Dianne Strock	2	PBC Health Department

**SUMMARY:** The Hazardous Materials Oversight Committee was created in 1998 by Ordinance No. 98-13. Appointments to this five (5) member Committee are for three (3) year terms and are composed of members from specific areas of representation. The terms of the Committee members are staggered to eliminate replacing the entire Committee at one time. The two (2) vacancies have occurred as previous nominees are not eligible for reappointment. Countywide (SB)

7. BOARD APPOINTMENTS

C. **PUBLIC AFFAIRS**  
**(Education & Government Programming Advisory Board)**

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

**A)** reappointment of three (3) At-Large members to the Education and Government Programming Advisory Board for a term of three (3) years.

<u>Nominee:</u>	<u>Requirement</u>	<u>Seat</u>	<u>Nominated By</u>	<u>Term</u>
Keith Betts	Broadcast Engineer	2	Comm. Koons Comm. Marcus Comm. Vana Comm. Greene Comm. Aaronson	05/01/09 - 4/30/12
Marta Casas-Celaya	Cable Industry	4	Comm. Koons Comm. Marcus Comm. Vana Comm. Abrams Comm. Greene Comm. Aaronson	04/18/09 - 4/17/12
Deborah Stewart	PBC Public School System	6	Comm. Koons Comm. Marcus Comm. Vana Comm. Greene Comm. Aaronson	05/01/09 - 4/30/12

**B)** appointment of one (1) individual to fill the Municipal Government Representative Seat 8 on the Education and Government Programming Advisory Board for a term of three (3) years.

<u>Nominee</u>	<u>Requirement</u>	<u>Seat</u>	<u>Nominated By</u>	<u>Term</u>
Lynn L. Allison	Municipal Government	8	Comm. Koons Comm. Marcus Comm. Vana Comm. Abrams Comm. Greene Comm. Aaronson	05/01/09 - 4/30/12

**SUMMARY:** The Education and Government Programming Advisory Board was created by Resolution No. R91-1489 and amended by Resolution No. R92-388 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 (2) Citizens-at-Large. The members are appointed by the Board of County Commission and provide assistance in the operation of Channel 20. On March 2, 2009, a memo was sent to the Board of County Commissioners requesting nominations, appointments or reappointments. Countywide (MJ)

7. BOARD APPOINTMENTS

D. PLANNING, ZONING & BUILDING  
(Construction Industry Licensing Board)

1. Staff recommends motion to approve: appointment of the following individual to the Construction Industry Licensing Board (CILB) to complete a 2.5 year term from April 21, 2009, to September 30, 2011:

<u>Appoint</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Nominated by</u>
George H. Sparling	3	Building Contractor	Comm. Koons Comm. Greene Comm. Vana

**SUMMARY:** The Construction Industry Licensing Board was established by Special Act, Chapter 67-1876, Laws of Florida as amended. The Special Act sets forth the membership of the Board, which consists of 12 members. The above named has been recommended by the Construction Industry Management Council (CIMC) as building contractor. George Sparling is replacing Richard Williams, who had resigned and whose term has since expired. Memorandums were sent to the Board of County Commissioners on February 11, 2009 advising of the vacant position; No other nominations were received. Countywide (GB)

E. COUNTY ADMINISTRATION

1. Staff recommends motion to approve: appointment of Commissioner Steven L. Abrams to the following Advisory Boards:
- A. Kravis Center (Ex-Officio Member)
  - B. Metropolitan Planning Organization (**Note:** Alternate for now, will take over Commissioner Greene’s regular seat May 1, 2009)
  - C. Overall Economic Development Program Committee
  - D. Palm Beach Broadband
  - E. Florida Association of Counties

**SUMMARY:** A number of County and statutorily created advisory boards require representation by the Board of County Commissioners (BCC). With the resignation of Mary McCarty in January, several of these boards were left without a BCC representative. Newly appointed Commissioner Abrams wishes to be appointed to the above advisory boards to now represent the BCC. This action still leaves several boards without representation, and staff will coordinate with the Board to fill those seats. Countywide (DN)

F. COMMISSION DISTRICT APPOINTMENTS

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**APRIL 21, 2009**

**8. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**9. COMMISSIONER COMMENTS**

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

**B. District 2 - COMMISSIONER JEFF KOONS, CHAIRMAN**

**C. District 3 - COMMISSIONER SHELLEY VANA**

Proclamation declaring April 21, 2009 as "Traffic Safety Distinguished Citizens Day" in Palm Beach County.

**D. District 4 - COMMISSIONER STEVEN L. ABRAMS**

**E. District 5 - COMMISSIONER BURT AARONSON, VICE CHAIRMAN**

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

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

**10. 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**

**APRIL 21, 2009**

**ADD-ON, TIME CERTAIN 11:30 A.M.:**

Recess as the Board of County Commissioners and convene as the Solid Waste Authority

Emergency Meeting of the Solid Waste Authority

- I. Call to Order/Roll Call
- II. Proof of Publication
- III. Election of Officer – Elect a Secretary for the Solid Waste Authority Board

Adjourn as the Solid Waste Authority and reconvene as the Board of County Commissioners

<b><u>PAGE</u></b>	<b><u>ITEM</u></b>	
9	3C-8	<b><u>REVISED TITLE:</u> Staff recommends motion to approve:</b>  <b>A)</b> an Interlocal Agreement with the City of Delray Beach (City) not to exceed \$30,000 <u>annually for a three (3) year</u> period relating to the Downtown Roundabout Shuttle System; and...  <b>B)</b> a Budget Transfer of <del>\$30,000</del> <u>\$90,000</u> in the Transportation Improvement Fund from Reserves for District 4 to Delray Beach-Downtown Roundabout Shuttle System – District 4. (Engineering)
21	3I-14	<b><u>DELETED:</u> Staff recommends motion to conceptually approve:</b> a forgivable loan in the amount of \$200,000 with Housing Trust Group, LLC, for the construction of “Crestwood Apartments,” through the Commission on Affordable Housing’s Special Needs-Barrier Free Assistance Program for the development of ten (10) special needs rental units. (HCD) (Further staff review)
33	4A	<b><u>REVISED TITLE:</u></b> Proclamation honoring Dr. Malecki for <del>26</del> <u>28</u> years of service to the residents of Palm Beach County. (Sponsored by Commissioner Greene)
33	4C	<b><u>ADD-ON:</u></b> Proclamation declaring April 28, 2009 as “Workers Memorial Day” in Palm Beach County. (Sponsored by Commissioner Vana)
34	<b>Note:</b>	Public Hearing 5D – 9:30 a.m. Public Hearings 5A, 5B and 5C – 10:00 a.m.

**ADD-ON, REVISED MOTION & TITLE & SUMMARY: Staff recommends motion to continue Public Hearing until 11:00 a.m.: then**

~~**A) approve** Stipulated Settlement Agreement with the Department of Community Affairs in the case of Department of Community Affairs et. al. v. Palm Beach County et. al., Case No.: 07-5238 GM (University Drive Comprehensive Plan Amendment); and~~

~~**B) adopt** Remedial Plan Amendment Ordinance provided for by the Stipulated Settlement Agreement.~~

**SUMMARY:** Palm Beach County adopted Ordinance 2007-008, as part of its 07-1 Round of Comprehensive Plan Amendments on August 27, 2007, which provided for the removal of University Drive from Lox Road to Palmetto Park Road and Riverside Drive from Palmetto Park Road to Glades Road from the Transportation Element and Map Series in the Palm Beach County Comprehensive Plan. The Department of Community Affairs (“DCA”) objected to the removal of the roadway segments, contending that the Amendment failed to mitigate the traffic impacts caused by the proposed removal of the University Drive and Riverside Drive roadway extensions. The DCA filed a Notice of Intent to find the Comprehensive Plan Amendment “not in compliance,” and initiated the above-styled formal administrative proceeding challenging the Amendment. The City of Coconut Creek, the City of Coral Springs, and the City of Tamarac intervened on behalf of the Department of Community Affairs, while property owners in the area, Triple H. Ranch Property, Ltd., and DeBuys Property Investment Group, Ltd., and the City of Parkland intervened on the side of the County. Staff engaged in tentative settlement negotiations with the DCA and the parties have drafted a Stipulated Settlement Agreement and associated Remedial Plan Amendment, which provides for additional traffic mitigation measures, including the identification of SR 7 as a Transit Oriented Corridor, County support for a SR 7 Land Use Study and a PD&E Study to further identify traffic mitigation opportunities, and a commitment to fund County bus service on SR 7 commensurate with rider demand. The DCA Secretary will decide whether to sign the Stipulated Settlement Agreement after the County executes the Agreement; accordingly, the County will need to adopt the Remedial Plan Amendment at a separate public hearing date no more than 60 days after the DCA Secretary executes the Stipulated Settlement Agreement. District 5 (ATP) (County Attorney)

~~**DELETED: Staff recommends motion to: A) approve** a new portion of the Land Development schedule of user fees to allow charges and establish a schedule of the charges for the review and processing time from the Roadway Production and the Traffic Engineering Divisions to be added to the cost of right-of-way construction permits and services; and....(Engineering) (Further staff review)~~

**ADD-ON: Staff recommends motion to approve:**

**A)** Budget Transfer of \$157,885 within the \$25M GO Parks and Cultural Improvements Bond Fund – 2005 from Neighborhood Parks to the Mangonia Park 53<sup>rd</sup> Street Park and Baseball Field lighting project; and

**B)** Budget Transfer of \$44,353 from the 1999 Recreation and Cultural Facilities Bond Riviera Beach Northwest Community Center to the Mangonia Park 53<sup>rd</sup> Street Park and Baseball Field lighting project.

**SUMMARY:** These budget transfers provide funding for the construction of lighting facilities at the Mangonia Park 53<sup>rd</sup> Street Park and Baseball Field. Funding is from the 2002 \$50M Recreation and Cultural Bond’s District 7 Neighborhood Parks remaining balance and the 1999 \$50M Recreation and Cultural Facilities Bond’s unexpended balance for the completed Riviera Beach Northwest Park Community Center project. The District 7 Commissioner supports these transfers totaling \$202,238. District 7 (PK) (Parks & Recreation)

- 44            7E-1            **REVISED TITLE: Staff recommends motion to approve:** appointment of Commissioner Steven L. Abrams to the following Advisory Boards: (County Administration)
- A.      Kravis Center (Ex-Officio Member)
  - B.      Metropolitan Planning Organization (**Note:** Alternate for now, will take over Commissioner Greene’s regular seat May 1, 2009)
  - ~~C.      Overall Economic Development Program Committee~~
  - DC.    Palm Beach Broadband
  - ~~ED.~~    Florida Association of Counties
  - E.      Education Commission
- 46            9B            **ADD-ON:** Proclamation declaring May 2009 as “Juror Appreciation Month” in Palm Beach County. (Sponsored by Commissioner Koons)
- 46            9D            **ADD-ON:** Proclamation declaring April 26, 2009 as “Youth Orchestra of Palm Beach County Day” in celebration of its 15<sup>th</sup> Anniversary and its past and continued success. (Sponsored by Commissioner Abrams)

**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 (\*).