

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

**APRIL 10, 2007**

**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 - 46)**
  
- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 47)**
  
- 5. PUBLIC HEARINGS - 9:30 A.M. (Page 48)**
  
- 6. REGULAR AGENDA (Pages 49 - 51)**
  
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- 8. MATTERS BY THE PUBLIC - 2:00 P.M. (Page 57)**
  
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to receive and file:** Resolution No. R80-07 by the City Commission of the City of West Palm Beach, supporting and endorsing the principals of the Municipal Home Rule Powers Act.
  
2. **Staff recommends motion to receive and file:** Resolutions by the following municipalities expressing opposition to House Bill 529 (H529), known as the “Consumer Choice Act of 2007”, urging Florida Legislature representatives to refrain from any form of support or co-sponsorship of H529 and to vote in opposition to H529, requesting Governor Crist to advise the House and Senate leadership that he does not support H529 in advance of the opening of the 2007 Regular Session:
  - A) City of Boca Raton (Resolution No. 20-2007);
  - B) City of Delray Beach (Resolution No. 15-07);
  - C) Town of Juno Beach (Resolution No. 2007-6);
  - D) Town of Lake Clarke Shores (Resolution No. 07-04)
  - E) Town of Ocean Ridge (Resolution No. 2007-03); and
  - F) Town of Palm Beach (Resolution No. 10-07)
  
3. **Staff recommends motion to receive and file:** Resolution No. R2007-65 by the City Commission of the City of Hollywood, Florida in support of the Florida Department of Transportation and its affiliated regional transportation agencies to recommend strategic investment in the Florida East Coast Corridor areas to expand local and regional passenger services in that area to meet the growing transit needs and complement freight industry growth in the southeast Florida area.
  
4. **Staff recommends motion to approve:**
  - A) entering into a Contract with Federal Emergency Management Agency (FEMA) for a grant to complete the design of drainage improvements as part of the Hazard Mitigation Grant Program; and
  - B) Budget Amendment of \$48,750 in the Capital Outlay Fund to recognize funding from FEMA for the Hazard Mitigation Grant and appropriate it to Grove Street Outfall (Briarwood). Additionally, a \$1,300 administrative cost allowance may be received increasing the Grant amount to \$50,050.

**SUMMARY:** FEMA has approved a Phase I Grant in the amount of \$48,750 for the design of a drainage system serving the Grove Street area located along Military Trail between Southern Boulevard and Belvedere Road. The grant requires a 25% cost share with the County, meaning the total design cost is \$65,000. Additionally, a Phase II Grant for construction of the drainage facilities has been approved contingent upon the cost-benefit ratio meeting FEMA’s requirements after the completion of the design. The Phase II approval will be brought back to the Board at the conclusion of the Phase I contract. District 6 (MJ)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

5. Staff recommends motion to approve: an Escrow Agreement with The Scripps Research Institute (Scripps) and U.S. Bank. **SUMMARY:** On May 2, 2006, the Board approved a Grant Agreement with Scripps (R2006-0803). The Grant Agreement requires Scripps to establish an escrow account and to deposit \$5,000,000 in the account. The County has the right to withdraw funds from the escrow account under certain limited circumstances. Countywide (LMB)
  
6. Staff recommends motion to receive and file: original executed Memorandum of Agreement between the City of Miramar and the Palm Beach County Sheriff's Office for the Ft. Lauderdale Urban Area Security Initiative (UASI) FY2006 Grant Program for a total grant amount of \$1,684,487. **SUMMARY:** This grant agreement was accepted by the BCC on December 19, 2006 (Agenda Item 3BB2), subsequently the agreement was fully executed. The agreement provides \$698,600 in reimbursable funding for various direct law enforcement oriented domestic security activities and \$985,887 in reimbursable funding for Regional Security projects, effective until January 31, 2008. Countywide (DW)
  
7. Staff recommends motion to approve: a \$35,010 Contract with Florida Atlantic University Board of Trustees (FAU) commencing retroactively on April 1, 2007 and ending September 30, 2007 to establish measurable benchmark performance standards and assess businesses and citizens input of the County's Strategic Economic Development Plan. This Contract is currently funded in the Department's 2006-2007 fiscal year budget. **SUMMARY:** In fiscal years 2005 and 2006, FAU assisted in the production of a phased economic development planning process and in the update of the County's Strategic Economic Development Plan. The proposed \$35,010 Contract with FAU will assist in the implementation of the County's adopted Strategic Economic Plan. The scope of services outlined for this Contract is to: a) establish a monitoring system of the Palm Beach County Strategic Economic Development Plan (SEDP) action items within the five (5) strategic directions of prosperity, sustainability, quality of life, equity & education, and positioning; b) identify a process for confirming the lead agency and partner agency participation for each SEDP action item; c) work with lead agencies and the Economic Development Office to identify potential funding sources to implement the Palm Beach County SEDP; d) establish focus groups, identify participants, set up process for input gathering and for progress assessment on each action item; and f) provide quarterly updates on the progress of the SEDP implementation and assessment. Countywide (DW)
  
8. Staff recommends motion to approve:
  - A) expenditure in the amount of \$60,000 from the Capital Outlay Fund to increase funding for the Schall Circle Neighborhood Park project;
  - B) a Budget Transfer of \$30,000 from the Transportation Improvement Fund Reserves for District 2 to the Schall Circle Neighborhood Park project;
  - C) a Budget Transfer of \$30,000 in the Capital Outlay Fund from CCRT Recoup Funding to Schall Circle Neighborhood Park project; and
  - D) a Budget Amendment of \$30,000 in the Capital Outlay Fund to recognize and appropriate the transfer from the Transportation Fund.

**SUMMARY:** The above project was reviewed and recommended for funding by the Countywide Community Revitalization Team (CCRT) Committee in September 2000 and approved by the Board of County Commissioners on October 24, 2000. The additional funds are needed to replace a drainage ditch near the park site. District 2 (AH)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

9. Staff recommends motion to approve:

**A)** a Grant Agreement with the Lake Okeechobee Regional Economic (LORE) Alliance of Palm Beach County, Inc. to administer a conceptual design and facade/exterior improvement program totaling \$200,000 for projects that will increase the economic vitality in the County's Lake Okeechobee region;

**B)** a Budget Transfer of \$200,000 within the Capital Outlay Fund from the CCRT Business Frontage Improvement Grant Project to transfer to the Economic Development Fund; and

**C)** a Budget Amendment of \$200,000 in the Economic Development Fund to recognize the transfer from the Capital Outlay Fund to increase the project budget.

**SUMMARY:** This Agreement will assist LORE in administering a conceptual design and facade/exterior improvement program for participating business/property owners. The scope of services outlined for this FY 2007 contract includes: 1) coordinating a survey team with local government representatives and professionals to identify a minimum of ten (10) targeted project sites; 2) selecting qualified architect(s) to preserve the character of the area and to create conceptual design drawings with timelines and costs; 3) qualifying businesses/property owners for conceptual designs and facade/exterior improvements through an application process; 4) providing lists of licensed landscape architects, professional engineers and licensed/bonded construction companies that work in the Lake region and are in good standing; 5) coordinating with the business incubator and financial institutions; and 6) completing a total of five (5) projects with at least one (1) project in each of the Cities of Belle Glade, South Bay, Pahokee and unincorporated Canal Point within 24 months. These funds will cover \$60,000 for architectural services, \$120,000 for facade/exterior improvements and \$20,000 for administration for a total of \$200,000. Funds for improvements will be 100% matched or better by business/property owners. District 6 (DW)

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	November 13, 2006
Public Hearing	December 19, 2006
Zoning	January 4, 2007
Regular	January 9, 2007
Joint School Board/League of Cities	January 17, 2007
Workshop	January 23, 2007
Workshop	February 13, 2007

3. Staff recommends motion to approve: Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER (Cont'd)

4. Staff recommends motion to receive and file: change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during January 2007. Countywide

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: a Contract with Lanzo Lining Services, Inc., the lowest responsive, responsible bidder, in the amount of \$159,885, for the construction of Loxahatchee River Road and Eagle's Nest Drive culvert improvements. **SUMMARY:** The plans consist of all work necessary to line the existing culverts under Loxahatchee River Road and Eagle's Nest Drive with a flexible tube. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the project by Lanzo Lining Services, Inc., is 14.95% overall. The second low bidder, Insituform Technologies, Inc., committed to 12.92% SBE participation. Since no bidders were responsive to the SBE requirement, as per our ordinance, the contract should be awarded to Lanzo Lining Services, Inc., since they have more than 7% SBE participation. District 1 (MRE)

2. Staff recommends motion to:

**A) approve** Amendment Number Three (R2001-2157) to the County Incentive Grant Program (CIGP) Agreement with the State of Florida Department of Transportation (FDOT), approved on December 18, 2001, to add Transportation Regional Incentive Program (TRIP) funds to the Agreement. This Amendment will add an additional amount of \$17,483,000, which will bring the total Agreement amount to \$23,983,000 for the construction of SR-704/Okeechobee Boulevard from west of SR-7 to east of Jog Road widening and resurfacing improvements; and

**B) adopt** a Resolution concerning this Agreement.

**SUMMARY:** This action approves an Amendment to the CIGP Agreement with FDOT for the widening and resurfacing of SR-704/Okeechobee Boulevard from 0.5 miles west of SR-7 to 0.1 miles east of Jog Road. This Amendment adds funding of \$17,483,000 from the TRIP to the CIGP Agreement. Districts 2 & 6 (PFK)

3. Staff recommends motion to approve: a Subordination of Utility Interests from Seacoast Utility Authority (Seacoast) releasing their interests to Palm Beach County (County) in a parcel of land located on the west side of Military Trail south of Hood Road. **SUMMARY:** This action approves a Subordination of Utility Interests which releases the interests of Seacoast in a parcel of land required for a right turn lane on Military Trail. This Subordination of Utility Interests requires the County to pay for any future relocation costs of the utility facilities when and if requested by the County. District 1 (PFK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

4. Staff recommends motion to adopt: a Resolution declaring the acquisition of property known as Parcel GW-01, as a Partial Take in Fee Simple for Right-of-Way, for the improvement of the intersection of Gateway Boulevard and Congress Avenue. **SUMMARY:** This action will adopt a Resolution to authorize the filing of eminent domain proceedings against one (1) parcel whose total appraised value is \$7,000. District 3 (PM)
  
5. Staff recommends motion to approve: a Budget Transfer of \$88,000 in the Transportation Improvement Fund from Reserve for District 2 to Edgehill Road, Upland Way, and Westchester Drive Speed Humps - District 2. **SUMMARY:** The District 2 Transportation Improvement Fund will pay for the requested speed humps on Edgehill Road, Upland Way and Westchester Drive to improve safety and reduce speeding. District 2 (MRE)
  
6. Staff recommends motion to approve:
  - A) a Joint Project Participation Agreement (JPA) with the City of West Palm Beach for the construction of an emergency mast arm traffic signal at the intersection of Broadway Avenue (SR 5/US 1) and 49<sup>th</sup> Street; and
  - B) a Budget Amendment of \$350,000 in the Transportation Improvement Fund to recognize the participation of the City of West Palm Beach in this project and appropriate it to West Palm Beach Signal-Broadway Avenue and 49<sup>th</sup> Street.

**SUMMARY:** The City of West Palm Beach will reimburse the County for the full cost of the design and construction of an emergency mast arm traffic signal on Broadway Avenue (SR 5/US 1), a State and US road, at the intersection with 49<sup>th</sup> Street, a City-maintained roadway. The City has built and currently operates a fire station on the corner of the intersection. There is no County participation in funding the cost of this project. District 2 (MRE)
  
7. Staff recommends motion to approve:
  - A) a Research Agreement with the University of Florida (UF), Board of Trustees to provide software services to develop additional features for enhancing the recently developed Traffic Crash Data Entry, Query, Reporting, and Mapping System for the Engineering Department, for a total cost not-to-exceed \$26,600; and
  - B) a Budget Transfer of \$26,600 in the County Transportation Trust Fund from Traffic Operations - Professional Service lines link to Crash Data Entry System.

**SUMMARY:** The proposed Research Agreement will add new Geographic Information System analysis and visualization features for enhancing the recently developed Crash Data System for a cost not-to-exceed \$26,600. Most of the phases of the Crash Data System were developed by UF in 2006, with funding provided by a federal grant through the Florida Department of Transportation. The remaining phases of the system, which were not included in the first Agreement, were developed by UF under a subsequent Agreement, with funding provided by the County. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

- 8. **Staff recommends motion to approve:** Agreements with Keshavarz & Associates, Inc., (KAI), and Last Devenport, Inc. (LDI) to provide the necessary professional services for civil engineering services on a task order basis for Countywide projects, as required. **SUMMARY:** These Agreements will provide the necessary professional services for civil engineering services throughout the County for all user departments. At the option of the County, these Agreements will be renewed annually for a period of one (1) year, with a maximum of two (2) renewals. Countywide (PFK)
  
- 9. **Staff recommends motion to approve:** an Agreement with Civil Design, Inc. (CDI) to provide the necessary professional services for the design of projects within MSTU Districts "A" through "E" on a task order basis, for Countywide projects, as required. **SUMMARY:** This Agreement will provide the necessary professional services for the design of various projects within MSTU Districts "A through E" throughout the County for all user departments. At the option of the County, this Agreement will be renewed annually for a period of one (1) year, with a maximum of two (2) renewals. Countywide (PFK)
  
- 10. **Staff recommends motion to approve:** the renewal of the Landscape Architectural Service Agreement with the following:

<u>Firm Name</u>	<u>Original Agreement Date</u>	<u>Resolution No.</u>
Land Stewardship Company	March 14, 2006	R2006-0441.1

**SUMMARY:** This Agreement is being considered for renewal for required professional services, on a task order basis. Countywide (PFK)

- 11. **Staff recommends motion to approve:** the First Amendment to Resolution No. 2006-0813, a Research Agreement with the University of Florida (UF) to provide software services to develop additional phases for the new Traffic Crash Data Entry, Query, Reporting, and Mapping System approved on May 16, 2006. **SUMMARY:** This Research Agreement provides for the development of additional phases for the new Traffic Crash Data Entry, Query, Reporting, and Mapping System. Some of the software development phases involve close coordination with the County Information Systems Services (ISS) Department. This coordination requires more time than previously envisioned. This Amendment will extend the date for completion of the work from March 1, 2007 to December 31, 2007. Except for the time extension, all terms and conditions of the Agreement remain in full force and effect. Countywide (LB)
  
- 12. **Staff recommends motion to approve:** a Contract not-to-exceed the total value of \$150,000 for task orders which may be issued to Florida Blacktop, Inc., the lowest responsive, responsible bidder, for the Annual Concrete Bus Stop Pad Construction Contract. **SUMMARY:** The Contract consists of various tasks, including construction of bus turn-out bays, concrete pads for placement of bus stop shelters, asphalt and concrete pathways and miscellaneous concrete works. All tasks will be initiated by Work Order on an as needed basis as required by Palm Tran, the sole user. Work under the Contract is federally funded. Palm Beach County programs for Local Business Preference, Living Wage and Small Business Participation are superseded or negated by the Federal requirements and contract pages concerning these Palm Beach County provisions have been denoted as not applicable. The contractor has satisfied the Federal contract requirements. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

13. Staff recommends motion to approve: an Agreement with Roy-Fisher Associates, Inc. (RFA) to provide the necessary professional services for Landscape Architectural Services on a task order basis for Countywide projects, as required. **SUMMARY:** This Agreement will provide the necessary professional services for Landscape Architectural Services throughout the County for all user departments. At the option of the County, this Agreement will be renewed annually for a period of one (1) year, with a maximum of two (2) renewals. Countywide (PFK)

14. Staff recommends motion to:

**A) approve** a Budget Transfer of \$34,000 in the Capital Outlay Fund from Holt Estates - Design, Pavement/Drainage Improvements - Sutton Terrace to Transfers -Transfer to Municipal Service Taxing Unit (MSTU) District "F" Fund;

**B) approve** a Budget Transfer of \$56,357 in the Transportation Improvement Fund from Reserve for District 2 to Transfers - Transfer to MSTU District "F" Fund;

**C) approve** a Budget Amendment of \$90,357 in the MSTU District "F" Fund to recognize the transfer from the Capital Outlay Fund of \$34,000 and the transfer from the Transportation Improvement Fund of \$56,357, and appropriate them to Reserves;

**D) adopt** a Resolution amending the special assessment for the Sutton Terrace, from the dead end east to Military Trail paving improvement project (Project), Section 12, Township 44 South, Range 42 East, Palm Beach County Atlas Page Number 80, F 22, under the Palm Beach County MSTU Street Improvement Program, and confirming all assessments have been paid;

**E) approve** a request to issue refunds for any properties that have paid any portion of their assessments in accordance with policies and practices; and

**F) approve** official transfer of Sutton Terrace to County-owned and maintained roadway.

**SUMMARY:** The Budget Transfer of \$34,000 (A) from the Office of Community Revitalization (OCR) Capital Outlay Fund into the MSTU District "F" Fund is to complete the OCR funding portion for Sutton Terrace Street improvements paving and drainage project (Project). The Budget Transfer of \$56,357 (B) from Commission District 2 funds into the MSTU District "F" Fund is to pay the property owners assessments in full. Adoption of the amending Resolution provides that property owners' assessments have been paid in full. Sutton Terrace will be transferred from being a County courtesy maintained roadway to being a County maintained roadway. District 2/MSTU District "B" (MRE)

15. Staff recommends motion to adopt: a Resolution vacating certain interior drainage and utility easements within Sherbrooke Center Replat, Multiple Use Planned Development, recorded in Plat Book 87, Pages 56 - 58, Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located on the northeast corner of Lyons Road and Lantana Road. The petitioner is requesting the vacation because certain platted easements interior to the site conflict with the recently approved modifications to the Preliminary Development Plan. District 6 (PFK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

16. Staff recommends motion to approve:

**A)** a Budget Transfer of \$600,000 in the Municipal Services Taxing Unit (MSTU) District "D" Fund from Reserves to SR-7/US 441 from 0.7 mile north of Clint Moore Road to Glades Road Streetscape Project;

**B)** a Budget Transfer of \$600,000 in the Transportation Improvement Fund from Reserve - Irrigation Unincorporated Only Trees, Irrigation and Sod (OTIS) Program to Transfers - Transfer to MSTU District "F" Fund; and

**C)** a Budget Amendment of \$600,000 in the MSTU District "F" Fund to recognize the transfer from the Transportation Improvement Fund and appropriate it to Reserves - MSTU District "F".

**SUMMARY:** Palm Beach County (County) Engineering Services wishes to fund a Transportation Improvement Fund Unincorporated OTIS Project using Municipal Services Taxing Unit (MSTU) District "D" funds. The Transportation Improvement Transfer will reimburse MSTU District "F" \$600,000 from Transportation Improvement Fund Unincorporated OTIS funds for the construction of the Project. The Budget Amendment will recognize the transfer of \$600,000 from the Transportation Improvement Fund Unincorporated OTIS to the MSTU District "F" Fund. District 5 (MRE)

17. Staff recommends motion to adopt: a Resolution vacating a portion of a twelve (12) foot wide utility easement, lying within Lot 26, Boca Hamlet, as recorded in Plat Book 45, Pages 8 and 9, Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located south of Palmetto Park Road, east of the Florida Turnpike. The owner/petitioner is requesting the vacation to resolve a conflict with the proposed construction of a six (6) foot high masonry wall. District 4 (PFK)

18. Staff recommends motion to adopt: a Resolution transferring jurisdictional control, maintenance responsibilities, and ownership to the City of Delray Beach (City) for Jefferson Road from Military Trail east to Whatley Road, Lincoln Road from Jefferson Road south then east to Whatley Road and Whatley Road from Lincoln Road north to West Atlantic Avenue. **SUMMARY:** This action will adopt a Resolution giving the City control, responsibility, and ownership of Jefferson Road, Lincoln Road and Whatley Road. These roads are wholly within the City limits. The City has agreed to the transfer of the responsibility for operation and maintenance of the public rights-of-way of Lincoln Road, Jefferson Road and Whatley Road from Palm Beach County to the City of Delray Beach. District 4 (MRE)

19. Staff recommends motion to approve: a Joint Project Participation/Funding Agreement for the total estimated cost of \$308,370 with the Village of Wellington (Village) for the construction of utility adjustments to the water and sanitary transmission systems and other improvements along Greenview Shores Boulevard from South Shore Boulevard to Wellington Trace (Project). **SUMMARY:** As part of the Project, the County and the Village desire to jointly participate in the utility adjustments to the water distribution and sewage transmission systems, and other improvements along the right-of-way. The Village of Wellington agrees to reimburse the County for the cost of these utility adjustments and other improvements. The total estimated costs for the utility construction are \$308,370. This Agreement will allow the Village's utility adjustments and other improvements to occur as a component of the County's construction. District 6 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

20. Staff recommends motion to approve:

**A)** a Budget Transfer of \$789,953 in the Transportation Improvement Fund from Reserves - Road Program Sweeps to Boca Club Bascule Bridge repair; and

**B)** a Contract with Seacoast, Inc., the lowest responsive, responsible bidder, in the amount of \$1,695,654 for the Boca Club Bascule Bridge Maintenance and Repair Contract (Project).

**SUMMARY:** The Project consists of the metal bridge deck replacement, repairs of the steel superstructure of the lift span, painting, and replacement of the walls of the bridge tender house. The Small Business Enterprise (SBE) goal for the Project is 15%. The low bidder, Seacoast, Inc., obtained no SBE participation. However, the only other bidder, Abhe & Svoboda, Inc., achieved 6.4% participation, but falls outside the limit for ranking, based on bid amount of responsive bidders' consideration. District 4 (MRE)

21. **DELETED**

22. Staff recommends motion to approve: an Agreement with Journey's End Home Owners Association Incorporated for traffic control jurisdiction to be performed by the Sheriff's Office. **SUMMARY:** This Agreement authorizes the Palm Beach County Sheriff's Office to provide traffic control enforcement services within the above-referenced private residential community. District 3 (MRE)

23. Staff recommends motion to approve:

**A)** a Tender Agreement between Palm Beach County, Carolina Casualty Company, J.W. Cheatham, Inc., and Petro Hydro, Inc., relating to Project 2003600, State Road 80 and Forest Hill Boulevard intersection improvements; and

**B)** a Budget Transfer of \$297,417 in the Road Impact Fee Fund - Zone 3 to recognize a payment from Carolina Casualty Company as surety for Petro Hydro, Inc., and appropriate it to State Road 80 and Forest Hill intersection improvements as additional cost to complete the project by a substitute contractor.

**SUMMARY:** In February 2006, Palm Beach County and Petro Hydro, Inc., entered into a contract for Project No. 2003600 for intersection improvements at State Road 80 and Forest Hill Boulevard. In September 2006, the Board terminated Petro Hydro's rights to complete the work on the project due to their failure to prosecute the work in a manner satisfactory to the County. The parties have negotiated a settlement of the claims made by each of them and, as a result, Carolina Casualty Company is tendering J. W. Cheatham, Inc. as the completing contractor for the project, and has provided the County with a check in the amount of \$297,416.12 to cover the increased costs of completing the project. District 6 (JM)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

24. Staff recommends motion to approve:

A) a Budget Transfer of \$5,000 in the Transportation Improvement Fund from Reserve for District 2 to Cabana Colony Local Drainage; and

B) a Budget Transfer of \$5,000 in the Capital Outlay Fund from Cabana Colony Local Drainage to Countywide Industrial Lands Study - District 2.

**SUMMARY:** Pursuant to Resolution R93-802, these Budget Transfers will provide payment of \$5,000 to the Town of Lantana, as the Multi-Jurisdictional Program clearinghouse, for a County Industrial Land Study. Countywide (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: Settlement Agreement in the amount of \$75,000, inclusive of attorney's fees and costs, in the personal injury case of Janos Varga v. Palm Beach County, Case No. 2005 CA 008367 AA. **SUMMARY:** On February 17, 2004, Mr. Varga allegedly drove his car into a pothole approximately two (2) feet deep causing him to "bottom out" and get stuck. When his right rear wheel went into the pothole, his neck snapped back and he had immediate discomfort in his neck. The pothole was repaired before and after the accident due to persistent deterioration. Plaintiff sued the County seeking damages for personal injuries incurred. Staff, including the Risk Management Roundtable Committee and the Road and Bridge Department concurs that this settlement is in the best interest of Palm Beach County. Countywide (SCL)
2. Staff recommends motion to approve: Plaintiff's proposal for settlement in the amount of \$65,000, inclusive of attorney's fees and costs, in the personal injury case of Connie Rae Vangorder v. Palm Beach County, Case No. CA 06-009595 AI. **SUMMARY:** The Plaintiff alleges that while stopped behind a garbage truck on Melaleuca Road, she was rear-ended by a truck driven by a Parks employee. Plaintiff sued the County seeking damages for personal injuries incurred. Staff, including the Risk Management Roundtable Committee, as well as the Parks and Recreation Department, concur that settlement is in the best interest of the County. Countywide (SCL)
3. Staff recommends motion to approve: an Agreement for bond counsel services with the law firm of Holland & Knight, LLP. **SUMMARY:** At the March 13, 2007 meeting, the Board replaced the law firm of Moyle, Flanigan, Katz, Raymond, White & Krasker, P.A. with the law firm of Holland & Knight, LLP on the County's bond counsel rotation list. The term of the Agreement with Holland & Knight will be from the date of execution through December 31, 2008. Countywide (PFK)

F. AIRPORTS

1. Staff recommends motion to approve: the Utility Easement Agreement with Florida Power and Light Company (FPL) containing approximately 100 square feet located within Palm Beach International Airport (PBIA) lease parcel N-11 to provide electrical service to the irrigation pump for the Belvedere Streetscape project. **SUMMARY:** FPL is requesting a 10' easement to provide electrical power to the new irrigation pump for the Belvedere Streetscape project. The easement will allow electrical service to be provided over the County property. The easement will benefit the County's tenant and is therefore being provided at no cost to FPL. Countywide (LMB)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. Staff recommends motion to approve: Change Order No. 5 to the contract with David Brooks Enterprises, Inc. in the amount of \$176,295 and an additional 65 calendar days for the Administration Building and Communications Facility Project at Palm Beach International Airport (PBIA). **SUMMARY:** On August 15, 2006, the BCC approved the construction contract (R2006-1408) with David Brooks Enterprises, Inc. for construction services for the Administration Building and Communications Facility Project PBIA in the amount of \$10,997,000. On December 6, 2006, the Contract Review Committee reviewed Change Order No. 1 (increase in Builders Risk Insurance) and Change Order No. 2 (to substitute a different elevator manufacturer). Change Order No. 1 was subsequently voided and Change Order No. 2 was approved for a deduction in the amount of (\$57,880). There was no change in the contract time. On November 22, 2006, the Department of Airports approved Change Order No. 3 in the amount of \$23,903 and a time extension of 21 calendar days for the relocation of trees not in the contract. On February 12, 2007, the Department of Airports approved Change Order No. 4 in the amount of \$41,629 for underground utility conflicts. There was no change in the contract time. Change Order No. 5 includes the resolution of six (6) Contract Change Proposals (CCP's). Approval of Change Order No. 5 will allow David Brooks Enterprises, Inc. to complete the necessary work as described in the attachments. In addition, this Change Order increases the contract time by a total of 65 calendar days. The Disadvantaged Business Enterprise (DBE) participation for this Change Order is 13.64 %. The total DBE contract goal including all change orders is 8.08%. Countywide (JCM)

3. Staff recommends motion to:

**A) approve** the Agreement for Cancellation of Lease Agreement with the State of Florida Department of Juvenile Justice effective September 30, 2007;

**B) adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, authorizing the lease of certain real property to State of Florida Department of Juvenile Justice pursuant to Section 125.38, Florida Statutes; and providing for an effective date;

**C) approve** the Lease Agreement with the State of Florida Department of Juvenile Justice with a commencement date of October 1, 2007 and terminating on September 30, 2011 with an initial annual rental of \$241,201 and annual increases of three (3) percent; and

**D) approve** the State of Florida Department of Management Services Disclosure Statement pursuant to Section 255.2501, Florida Statutes.

**SUMMARY:** On June 19, 2003, the Board approved a Lease Agreement (R2003-1337) with the State of Florida Department of Juvenile Justice (DJJ) for the lease of 28,921 sq. ft. of building space, associated parking, and ground totaling 4.22 acres (Premises) located at 3400 Belvedere Road for the evaluation, processing and treatment of juveniles and administrative offices. The Lease Agreement provided for a five (5) year term effective July 1, 2003 and terminating on June 30, 2008. On September 27, 2005, the Board approved the Agreement for Modification (R2005-1863) with the DJJ which provided a reduction in the DJJ leasehold by .666 acres. The DJJ desires to terminate the existing Lease Agreement and enter into a new Agreement which will provide for a new four (4) year term effective October 1, 2007. The new Lease Agreement will add 39 months to the existing term. Countywide (LMB)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. **Staff recommends motion to adopt:** a Resolution approving a revised standard form Executive Hangar Lease Agreement (Agreement); authorizing the County Administrator or his designee to execute the standard form Agreement; authorizing certain changes to the standard form Agreement; repealing Resolution R95-846; and providing for an effective date. **SUMMARY:** The Resolution provides for a new standard form Agreement that may be executed by the County Administrator or his designee. The Resolution will allow minor modification to the standard form Agreement which will include updating insurance changes. The Agreement can be used immediately for the lease of the existing executive hangars at the North County General Aviation Airport and in the future at any other County-owned airport with similar facilities. Countywide (LMB)
  
5. **Staff recommends motion to approve:** the Access Agreement with URS Southern Corporation and the State of Florida Department of Environmental Protection (FDEP) for the purpose of conducting a soil and groundwater investigation at the former Servico Landfill located partially on Palm Beach International Airport (PBI) property. **SUMMARY:** URS Southern Corporation has an agreement with FDEP to prepare an environmental assessment in the vicinity of the former Servico Landfill. The landfill was located predominantly south of Belvedere Road and east of Australian Avenue. The purpose of the assessment is to determine if contaminants are migrating off-site of the former landfill. In order to provide the data required URS will need to conduct soil sampling and groundwater monitoring in two (2) areas located on PBI property which requires County approval for access to the property. Countywide (LMB)
  
6. **Staff recommends motion to approve:** a First Amendment to contract for consulting/professional services with Kaplan, Kirsch & Rockwell, LLP, extending the term of the contract to April 10, 2008 and increasing the not-to-exceed amount to \$100,000. **SUMMARY:** The Amendment will extend the term of the existing contract for consulting/professional services with Kaplan, Kirsch & Rockwell, LLP, (R2006-0756) to April 1, 2008, with two (2) - one (1) year options to renew. The Amendment also provides for an increase in the not-to-exceed amount from \$50,000 to \$100,000 and an expansion in the scope of services to provide for additional regulatory consulting services. Countywide (LMB)
  
7. **Staff recommends motion to receive and file:** three (3) original agreements for the Department of Airports:
  - A) Agreement to Terminate Hangar Lease Agreement with Captain's Creek, Hangar 13, Building 11730, effective February 28, 2007;
  - B) Agreement to Terminate Hangar Lease Agreement with Melvin Marx, Hangar 3, Building 11230, effective February 28, 2007; and
  - C) Contract with HYPOWER, INC. for Runway 9R-27L Omni-Directional REILS project at PBI, effective February 6, 2007.**SUMMARY:** Delegation of authority for execution of the standard County agreements above was approved by the BCC in R2004-1367 pursuant to PPM CW-0-51. Delegation of authority for execution of the standard County contract is pursuant to PPM CW-F-064. Countywide (LMB)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff recommends motion to approve:** a Stipulated Settlement of \$11,000, in the case Clemente Rodriguez vs. Palm Beach County Planning Zoning & Building Department, Case Number 502006SC015735XXXMB, for the full satisfaction of a Code Enforcement Lien that was entered against Clemente & Nimia Rodriguez on June 1, 2005. **SUMMARY:** The Code Enforcement Special Master (CESM) entered an Order on April 6, 2005 giving Clemente & Nimia Rodriguez until April 21, 2005, to cease the outdoor storage of inoperable and/or unlicensed vehicles on the property. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$50 per day was imposed. The CESM then entered a claim of lien against the Rodriguezes on June 1, 2005. The cited code violations were fully corrected as of March 30, 2006. The total accumulated lien amount through August 31, 2006, the month in which settlement discussions first began, totaled \$21,846.68, of which the Rodriguezes have agreed, pursuant to the court approved Stipulation of Settlement entered on February 15, 2007, to pay the County \$11,000 (50.4%) for full settlement of their outstanding Code Enforcement Lien. District 3 (DO)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** Amendment No. 2 to contract with H.A. Contracting Corp. (R2005-0541) to implement the final renewal of Job Order Contract - North. **SUMMARY:** This agenda item is a renewal to the Job Order Contract - North which was awarded to H.A. Contracting Corp. The contractor will continue to perform as an "annual general contractor" for implementation of maintenance and capital projects. This Job Order Contract (JOC) is an indefinite-quantity contract and this renewal has a maximum value of \$1,500,000. The renewal term is twelve (12) months or until \$1,500,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the second and final extension allowed by the Contract. The SBE goals for the JOC program are 15%. H.A. Contracting Corp.'s participation for work orders issued to date is 15.1%. (FDO Admin) Countywide (JM)
2. **Staff recommends motion to approve:** Agreement with the United States Department of Homeland Security, Immigration and Customs Enforcement, Federal Protective Service Police, Region 4 (FPS) allowing for interoperable communications through the countywide common groups of the County's 800 MHz radio system. **SUMMARY:** This Agreement provides the conditions under which the FPS can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications. The County's system will not be utilized for routine operational communications by the FPS. The terms of the Agreement are standard and have been offered to all municipalities and local branches of state and federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The FPS is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the system. The term of the agreement is five (5) years with three (3) - five (5) year renewals. The Agreement may be terminated by either party, with or without cause. (FDO/ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve: First Amendment to the Agreement with the Solid Waste Authority (SWA) of Palm Beach County (R2002-2063) to extend the term of the Agreement until November 19, 2012. **SUMMARY:** The Agreement which provides the terms and conditions under which the SWA can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications will expire on November 19, 2007. The Agreement provides for three (3) - five (5) year renewals but renewals require approval by both parties. The SWA has approved a renewal to extend the term of the Agreement until November 19, 2012. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The SWA is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. (FDO/ESS) Countywide (JM)
  
4. Staff recommends motion to:
  - A) **approve** Planning Funding Agreement with Nextel Operations, Inc. (Nextel) for Nextel to pay for the planning activities necessary for the second phase of reconfiguration of the County's frequencies on the 800 MHz radio band;
  
  - B) **approve** Reconfiguration Planning Phase Agreement with Motorola, Inc. (Motorola) for Motorola to provide reconfiguration planning phase services required for the County's frequencies on the 800 MHz radio band; and
  
  - C) **authorize** County Administrator, or his designee, to sign Consent to Release Information by Rebanding Licensee and Certificate of Completion for Planning Funding Work Agreements within the Motorola Agreement.

**SUMMARY:** The Agreement with Nextel provides the terms and conditions under which Nextel will pay for the planning activities which precede reconfiguration of the County's frequencies on the 800 MHz radio band. On August 6, 2004, the Federal Communications Commission (FCC) issued an Order that modified its rules governing the 800 MHz band. The purpose of the Order was to reconfigure the 800 MHz band to minimize harmful interference to public safety radio communication systems in the band. The County and Nextel are both licensed on frequency allocations subject to reconfiguration. Pursuant to the Order, Nextel will pay the total costs incurred by the County to effect a reconfiguration of the County's affected frequency allocations including the planning activities which precede configuration. Under the terms of the Agreement, Nextel will pay Motorola for the costs incurred by the County in developing a plan to implement the reconfiguration including developing engineering plans, and other planning activities. The Agreement with Motorola provides the terms and conditions under which Motorola will develop a plan for the County to implement the reconfiguration of the County's frequencies. (FDO/ESS) Countywide (JM)
  
5. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 5 to Contract with Hanson Professional Services, Inc. (R2005-0240) in the amount of \$8,540 to provide additional engineering services associated with the Airport Center Building renovations and site improvements. **SUMMARY:** CSA No. 5 will include design and implementation of a replacement fire pump for the former Engineering Building. Originally, the intent was to reuse the existing fire pump, but upon further evaluation, rehabilitation would not be cost effective, provide for a high level of reliability nor meet current code. CSA No. 5 must be approved by the Board as it exceeds the cumulative limits of the Department Director and the Contract Review Committee (CRC). There is no SBE participation for this Authorization. When combined with previous authorizations, the cumulative SBE participation is 17.2%, exceeding the 15% goal. (Capital Improvements Division) District 2 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. Staff recommends motion to approve: Change Order No. 35 to the contract with The Weitz Company (R2002-1868) in the amount of \$90,775.16 for the South County Courthouse. **SUMMARY:** Change Order No. 35 provides for the cost associated with modifications to the elevator 4 and 5 area of the expansion. The work includes structural modifications to the building required when the elevator locations were changed due to unforeseen underground utility conflicts. A future Change Order will cover Mechanical, Electrical, Plumbing (MEP) costs associated with the elevator relocations. Change Order No. 35 must be approved by the Board as it exceeds the cumulative limits of the Department Director and the Contract Review Committee (CRC). The M/WBE goal for this project is 15%. This Change Order includes 23.7%. When combined with previous work done under this contract, the M/WBE is 18%. (Capital Improvements Division) District 7/Countywide (JM)

7. Staff recommends motion to approve:

**A)** Budget Transfer of \$16,500 from contingency reserves in the Fire-Rescue Improvement Fund to the Fire Rescue Station No. 41 replacement project to increase the total funding from \$1,730,000 to \$1,746,500; and

**B)** Change Order No. 4 for \$5,410 and a 120-day time extension to the Contract with Republic Construction & Development Corporation (R2004-2365) for Fire Rescue Station No. 41.

**SUMMARY:** The Budget Transfer is required to fund this Change Order and a future Change Order. Change Order No. 4 is for a 120-day time extension and reimbursement to the contractor for the cost of extended builders risk insurance for the project. The request for a 120-day time extension is due to a delay in procurement of roof tile in late 2005. The cost of the insurance is associated with the delay. The project was completed and occupied by Fire Rescue in the summer of 2006. Upon approval of Change Order No. 4 and a subsequent Change Order, this project will be finalized. Change Order No. 4 must be approved by the Board of County Commissioners because this Change Order, when combined with previous approvals, would exceed the combined authority of the Contract Review Committee (CRC) and Department Director for time extensions. There is no SBE participation for this Change Order. The goal for this project is 15% and when combined with previous change orders, the total participation is 22%. (Capital Improvements Division) District 5 (JM)

8. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 9 to the contract with STH Architectural Group, Inc. (R2003-0278) in amount of \$566,700 for professional consulting services associated with the design of the new Mid-County Head Start Center. **SUMMARY:** The scope of services includes planning, design, cost estimating, permitting and construction administration services for an approximate 25,000 sq. ft. Head Start Center on a 14-acre site shared with Mid-County Senior Center at Lake Worth and Coconut Roads with an estimate construction cost of \$6,395,000. The contract includes an overall M/WBE participation goal of 27%. STH has committed to a SBE/M/WBE participation of 32.1% on this project. (Capital Improvements Division) District 3 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. Staff recommends motion to approve:

**A)** Budget Transfer of \$1,300,000 within the Public Building Impact Fees Fund from Improvement Program Reserves to increase the South County Courthouse project budget;

**B)** Budget Transfer of \$664,000 within the \$94.3M NAV Public Improvement Fund from Reserves for New Projects to increase the Operations and Support Center project budget (\$450,000) and the Airport Center renovation project budget (\$214,000);

**C)** Budget Transfer of \$1,600,000 within the \$27M Sunshine 7A '05 Fund from Improvement Program Reserves to increase the Airport Center renovation project budget;

**D)** Budget Transfer of \$3,786,355 within the Public Building Fund from reserves for Future Construction to increase the Airport Center renovation project budget; and

**E)** Budget Transfer of \$2,023,515 within the PUD Civic Site Cash Out Fund from Reserves for New Projects to increase the PBSO K9 Expansion project budget (\$422,275) and the PBSO Aviation project budget (\$1,601,240).

**SUMMARY:** These Transfers reallocate funding from five (5) capital funds to five (5) projects: 1) South County Courthouse Expansion; 2) Operations and Support Center; 3) Airport Center renovations; 4) PBSO K9 Expansion; and 5) PBSO Aviation Unit Facility. All of the projects except for Airport Center renovations have been awarded and are underway and the additional funding is necessary due primarily to a combination of unforeseen conditions, and previously unincorporated permitting and code requirements. The most significant Transfers are to fully fund the Airport Center Building Renovations project budget which was not funded as part of the FY '07 capital improvement budget since the approach to the project, timing and scope had not been finalized. These Transfers will fully fund the project at \$17,836,355 which includes funding for telephone and data infrastructure. (FDO Admin) Countywide (JM)

10. Staff recommends motion to receive and file: Notice of Exercise of the first extension option under the Lease Agreement (R2002-0889) with Floral Acres, LLC for the continued use of 38 acres located in the Ag Reserve in Boynton Beach.

**SUMMARY:** On June 4, 2002, the Board approved the Lease Agreement with Floral Acres, LLC for its use of approximately 38 acres of land located in the AG Reserve east of State Road 7 approximately 2 miles south of Boynton Beach Boulevard for the use as a container nursery and other agricultural products, and possible retail sale of agricultural products. The initial term of the Lease Agreement was for five (5) years ending on June 3, 2007, with four (4) extension options, each for a period of five (5) years. Exercise of this first option will extend the term of the Lease from June 4, 2007 through June 3, 2012. The annual rent for this extension period is \$47,271.36 with an annual three percent (3%) increase. Pursuant to the terms of the Lease Agreement, Floral Acres has the right to exercise its option and the Board has no discretionary authority to not allow the exercise of the option. All other terms and conditions of the Lease will remain in full force and effect. Florida Statutes Section 286.23 requires that a Disclosure of Beneficial Interest be obtained when a property held in a representative capacity is leased to the County, but does not require such Disclosure in connection therewith when the County leases property to a tenant. Since the Statute does not require the Disclosure and since this is Floral Acres' extension of the term of the Lease Agreement which was already approved by the Board, staff did not request such Disclosure. (PREM) District 5 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

11. **Staff recommends motion to approve:** an Easement in favor of the Lake Worth Drainage District (LWDD), over a portion of South County Regional Park in Boca Raton. **SUMMARY:** The LWDD will release a 130 foot canal reservation which borders the west portion of the South County Regional Park located northwest of Glades Road. In exchange for its release, the County will grant LWDD a 15 foot easement for the continued maintenance and management of the L-40 canal. The Easement is perpetual and exclusive and is located along the western 15 feet of the Park and east of the eastern boundary of the Southern Florida Flood Control District Levee L-40. The easement area is 15 feet x 5,818 feet, and contains 87,700 square feet (approximately 2 acres). The Easement is being granted to the LWDD at no charge, as the County will now have access to the remaining 115 feet of the previous canal reservation. (PREM) District 5 (JMB)
  
12. **Staff recommends motion to approve:** a Declaration of Easement for installation, operation and maintenance of the water and wastewater systems serving the County's Vista Office Complex at Vista Center. **SUMMARY:** The Vista Office Complex is located at 2300 North Jog Road north of Okeechobee Boulevard and west of Florida's Turnpike. The Vista Center of Palm Beach Parcel 22 plat includes the dedication of County Utility Easements for the installation, operation and maintenance of the water and wastewater systems. A portion of the water and wastewater lines was constructed approximately 60 feet east of, and outside of, the platted Utility Easements. The Declaration of Easement identifies the as-built location of these lines. The Declaration of Easement also contains language releasing a portion of the platted Utility Easements which are no longer needed. The easement area varies in length from 57.01 feet to 92.65 feet and from 20.00 feet to 26.78 feet wide, and contains 1,497 square feet or +/- 0.03 acres. The Declaration of Easement will be recorded to provide notice of the existence of the underground lines. (PREM) District 2 (JMB)
  
13. **Staff recommends motion to approve:** a Declaration of Easement for potable water and sanitary sewer lines serving the County's Operations & Support Center at Vista Center. **SUMMARY:** The County is constructing the Operations & Support Center on a 51.857 acre parcel in the Vista Center Planned Industrial Park located on the north side of Vista Parkway, north of Okeechobee Boulevard and west of Florida's Turnpike. As part of the development of this site, the County installed a water and sewer main distribution system which will be operated by Palm Beach County Water Utilities. The easement areas consists of thirteen (13) separate areas for: (i) nine (9) water lines; (ii) three (3) sanitary sewer lines; and (iii) one (1) force main and water line, covering a combined total area of 99,712 square feet or 2.289 acres. The Declaration will be recorded to provide notice of the existence and location of the water and sewer main distribution system. (PREM) District 2 (JMB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

14. Staff recommends motion to:

**A) adopt** a Resolution authorizing the conveyance of the County's interest in two (2) vacant parcels of land totaling 0.36 acres to the City of Delray Beach without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration; and

**B) approve** two (2) County Deeds in favor of the City of Delray Beach.

**SUMMARY:** The City of Delray Beach has requested the conveyance of two (2) vacant parcels of surplus County property within its jurisdiction which the County acquired by tax deeds in 2004. The .24 acre parcel is located at 315 SW 3<sup>rd</sup> Street and the .12 acre parcel is located at 232 NW 8<sup>th</sup> Avenue. The total assessed value of these properties is \$87,294. Florida Statutes Section 197.5920(3) requires the conveyance of surplus property acquired by tax deed to the municipality in which it is located. The subject parcels have been declared surplus as they serve no present or future County purpose. The conveyance of surplus property to the municipality in which it is located is a major element of Property and Real Estate Management's (PREM's) disposition program adopted by the Board upon the recommendation of the Real Estate Assets Task Force. These conveyances will relieve the County of potential liability for occurrences on the properties and also the cost of continued maintenance. The County Deed restricts use of this property to affordable or workforce housing. The City intends to convey these parcels to its newly created Land Trust which has been set up to develop properties for affordable housing. The City has consented to these restrictions and approved the County Deeds at its February 20, 2007, City Commission meeting. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. (PREM) District 7 (TKF)

15. Staff recommends motion to approve: a Utility Easement Agreement in favor of Florida Power & Light Company for electrical service to the new Sheriff's substation on Jog Road. **SUMMARY:** On October 19, 2004, the County acquired from the School Board 3.72 acres of land located on the east side of Jog Road, south of Northtree Boulevard in western Boynton Beach to construct a PBSO substation facility. FPL is installing overhead power lines with power poles, buried power lines, and a pad mounted transformer to provide service to the new PBSO substation facility. FPL requires an easement prior to installation of the new electrical service. The easement area ranges from 10 feet to 12 feet wide and is approximately 886 feet long, contains approximately 9,180.98 square feet (0.21 acres), and extends along the western, southern, and eastern portion of the County property. This perpetual non-exclusive easement is being granted to FPL at no charge, as it will provide electrical service to County facilities and is required as a condition of service. (PREM) District 3 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

16. Staff recommends motion to:

**A) adopt** a Resolution authorizing the conveyance of the County's interest in 0.07 acres of land to the City of Belle Glade without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration; and

**B) approve** a County Deed in favor of the City of Belle Glade.

**SUMMARY:** The City of Belle Glade has requested the conveyance of a parcel of County-owned surplus property acquired by tax deed in June 2006. The 0.07 acre parcel is located at 201 SW 5<sup>th</sup> Street within the City's municipal boundaries and is improved with an unoccupied two (2) story commercial structure, previously operated as a tavern with apartments on the second story. The assessed value of the parcel is \$71,734. Florida Statutes Section 197.592(3) requires the conveyance of surplus property acquired by tax deed to the municipality in which it is located. The subject parcel has been declared surplus as it serves no present or future County purpose. Staff believes that this property will be more appropriately developed, managed and maintained by the City. The conveyance of surplus property to the municipality in which it is located is a major element of Property and Real Estate Management's (PREM's) disposition program adopted by the Board upon the recommendation of the Real Estate Assets Task Force. This conveyance will relieve the County of potential liability for occurrences on this property and also the cost of continued maintenance. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. (PREM) District 6 (HJF)

17. Staff recommends motion to approve:

**A)** the first option to extend the Sublease Agreement (R97-355D) with the State of Florida, Department of Management Services (DMS) and the Department of Transportation (DOT) for the continued use of the State's 800 MHz Communications Tower at 5393 W. Indiantown Road, Jupiter; and

**B)** the first option to extend the Sublease Agreement (R97-356D) with the State of Florida, Department of Management Services (DMS) and the Department of Transportation (DOT) for the continued use of the State's 800 MHz Communications Tower at 7951 Glades Road, Boca Raton.

**SUMMARY:** Palm Beach County currently subleases a portion of two (2) Communications Tower Sites from the DMS and DOT. The Towers are located at 5393 W. Indiantown Road, Jupiter and at 7951 Glades Road, Boca Raton. The term of the Subleases expire April 13, 2007. Exercise of the extension options will extend the term of the Sublease Agreements from April 14, 2007 through April 13, 2017. All other terms of the Sublease Agreements remain unchanged. (PREM) Districts 1 & 5 (JMB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

18. Staff recommends motion to receive and file: Notice of Exercise of the extension option under the Lease Agreement with Bedner Farm, Inc. (R2001-0582) for continued agricultural use of approximately 246 acres located in Delray Beach for \$147,752. **SUMMARY:** On April 17, 2001, the Board approved the Lease Agreement with Bedner Farm, Inc. for their agricultural use of approximately 246 acres located between the Florida Turnpike and State Road 7/U.S. 441 in Delray Beach. The initial term of the Lease Agreement was for one (1) year ending on May 31, 2002, with nine (9) extension options, each for a period of one (1) year. Exercise of this option will extend the term of the Lease Agreement for one (1) year from June 1, 2007 to May 31, 2008. The annual rental cost for this extension period is \$147,752. Pursuant to the terms of the Lease Agreement, Bedner Farm, Inc. has the right to exercise its option and the Board has no discretionary authority to not allow the exercise of the option. All other terms and conditions of the Lease Agreement shall remain in full force and effect. Florida Statutes Section 286.23 requires that a Disclosure of Beneficial Interest be obtained when a property held in a representative capacity is leased to the County, but does not require such Disclosure in connection therewith when the County leases property to a tenant. Since the Statute does not require the Disclosure and since this is Bedner Farm, Inc.'s extension of the term of the Lease Agreement which was already approved by the Board, Staff did not request such Disclosure. (PREM) District 5 (HJF)
  
19. Staff recommends motion to approve: a Declaration of Easement for water and wastewater pipelines located on the eastern portion of the Mecca Property. **SUMMARY:** The Water Utilities Department has constructed water and wastewater pipelines along the eastern portion of the County-owned property to make key connections with its northern service areas and with Seacoast Utility Authority. The easement area is 50 feet wide, approximately 10,748.98 feet in length, and contains 537,449 square feet (12.34 acres). The Scripps development will not be developed on this site, and in the event that the Mecca Property is sold, this easement is required to ensure the County has the right to maintain the pipelines. The Declaration of Easement will be recorded to provide notice of the existence and location of the water and wastewater pipelines on County property. (PREM) District 1 (HJF)
  
20. Staff recommends motion to approve: a Utility Easement Agreement in favor of Florida Power & Light Company (FPL), for electrical service in connection with construction of facilities at Burt Reynolds Park in Jupiter. **SUMMARY:** FPL requires an easement to provide permanent electrical service to site improvements currently being constructed at Burt Reynolds Park, at 800 N. U.S. Highway 1, north of Indiantown Road in Jupiter. The easement area is approximately 10' x 548.10' for a total of approximately 5,481 square feet (.13 acre). The easement is non-exclusive and is being granted to FPL at no charge, as it will provide electrical service to County-owned facilities. (PREM) District 1 (HJF)
  
21. Staff recommends motion to approve: a Utility Easement Agreement in favor of the Town of Jupiter for water service in connection with construction of facilities at Burt Reynolds Park in Jupiter. **SUMMARY:** The Town of Jupiter requires a utility easement to provide permanent water service to Burt Reynolds Park, located at 800 N. U.S. Highway 1, north of Indiantown Road in Jupiter. The Park is within Jupiter's water utility service area. The easement area is approximately 12' x 199' for a total of approximately 2,388 square feet (.05 acre). The easement is non-exclusive and is being granted to Jupiter at no charge, as it will provide water service to County facilities. (PREM) District 1 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

22. Staff recommends motion to approve: exercise of the First Option to extend the term of the Lease Agreement (R2004-0802) with Jewish Community Facilities Corporation, for the continued use of a 1,770 sq. ft. building located in unincorporated Boca Raton, at an annual rate of \$10. **SUMMARY:** The County on behalf of the Palm Beach County Sheriff's Office currently leases a 1,770 sq. ft. building at the Jewish Federation of South Palm Beach County, Richard and Carole Siemens Jewish Campus. The facility is located at 9378 SW 210<sup>th</sup> Street in Boca Raton, for use as a community policing station with offices for sworn and non-sworn personnel. The initial term of the Lease Agreement was for three (3) years ending on May 3, 2007, with two (2) extension options, each for one (1) year. This option will extend the term of the Lease Agreement for one (1) year, from May 4, 2007 through May 3, 2008. The County has the right to terminate the Lease Agreement at any time upon ninety (90) days written notice. The annual rent for this extension period is \$10 and the County is responsible for all utility costs. (PREM) District 5 (HJF)
23. Staff recommends motion to approve: a Temporary Construction Easement (TCE) in favor of the Florida Department of Transportation (FDOT) at the Canal Point Community Center Park. **SUMMARY:** In conjunction with its improvements to State Road 15 (U.S. 98), FDOT has requested a TCE over Canal Point Community Center Park located between State Road 15 and Everglades Avenue, in Canal Point. This TCE allows FDOT to grade, slope and tie FDOT's improvements into the Park property. The easement area is approximately 10' wide and 404.01' long (4,040 square feet, or .09 acre) along the northwestern portion of the Park. This TCE will automatically terminate upon the completion of the road work, but not later than June 30, 2010. The TCE is non-exclusive and provides that FDOT shall restore any improvements or landscaping within the TCE area upon completion. The TCE will benefit the Park and will be granted at no charge to FDOT. (PREM) District 6 (HJF)
24. Staff recommends motion to approve: BMC Replat No. 2. **SUMMARY:** In 2003, the County sold 8.5 acres of County-owned land controlled by the Department of Airports to BMC, LLC (BMC) for a commercial shopping center project at the northeast corner of Belvedere Road and Military Trail (R2003-0313). The Agreement for Purchase and Sale required BMC, at its sole cost and expense, to delete approximately 2.27 acres of adjoining Runway Protection Zone (RPZ) Property from the BMC Plat and to replat the RPZ Property. BMC Replat No. 2 designates the RPZ Property for County runway protection purposes. The County is required to execute the replat as the property owner. (PREM) District 2 (HJF)
25. Staff recommends motion to approve: a Utility Easement Agreement in favor of Florida Power & Light Company (FPL) for underground electrical services to the County's Operations & Support Center at Vista Center. **SUMMARY:** The County is constructing the Operations & Support Center on a 51.857 acre parcel on the north side of Vista Parkway, north of Okeechobee Boulevard and west of Florida's Turnpike. FPL requires easements for installation of underground electrical services at this new facility. The easement area consists of four (4) separate areas covering a total of 20,840.92 square feet (.48 acres). Three (3) of the easement areas are for electrical service directly to the newly constructed County facilities and are required as a condition of service. The fourth easement area is a parcel 10 feet wide by 568.12 feet long for a total of 5,673.92 square feet (.13 acres) along the west property line, and is needed by FPL to provide electrical service to residential areas on the south side of Vista Parkway. Staff recommends granting the Easement without charge because three (3) of the four (4) easement areas are required to provide service to the County facilities, and the fourth could have been required as a condition of platting the property had FPL recognized the need for the easement at that time. (PREM) District 2 (JMB)

### 3. CONSENT AGENDA APPROVAL

#### H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

26. Staff recommends motion to:

**A) approve** Agreement for Exchange (Exchange Agreement) with South Florida Water Management District (SFWMD) for portions of the SFWMD's 20 Mile Bend Property located south of State Road 80 and the L-7 Levee, and east of County Road 880;

**B) approve** County Deed conveying a .90 acre parcel of land to SFWMD as part of the Agreement for Exchange;

**C) adopt** Resolution approving the Agreement for Exchange with SFWMD without reservation of mineral rights;

**D) approve** staff concluding negotiations with the Palm Beach Community College (PBCC) for the donation of land for construction of a Public Safety Training Facility; and

**E) approve** staff commencing discussions with the Florida Fish and Wildlife Conservation Commission (FWCC) to develop a business plan for a public shooting park.

**SUMMARY:** SFWMD currently owns approximately 135 acres of property immediately to the west of the County's Law Enforcement Training Facility at 20 Mile Bend. A multi-use development ultimately consisting of four uses (SFWMD Field Station, County Law Enforcement Training Facility, Palm Beach Community College Public Safety Training Facility, and Public Shooting Park) is proposed and requires a re-alignment of property ownership and joint master planning for the entire site to facilitate effective and orderly development of the property. The Exchange Agreement provides for SFWMD to; 1) convey by Quitclaim Deed 11.57 acres for an expansion to the County's Law Enforcement Training Facility; 2) convey by Quit-Claim Deed 84.61 acres for the development of a public shooting range; 3) dedicate by plat 5.51 acres for an internal circulation road; 4) grant an ingress/egress easement to access Boat Ramp Road; and 5) donate 20,000 cubic yards of fill from a nearby stormwater treatment area. The County will pay \$25,000/acre appraised value for the 11.57 acres that is being added to the Law Enforcement Training Facility and there is no compensation for the remainder of the property to be conveyed. In exchange, the County will: 1) convey by County Deed .90 acres to SFWMD; 2) grant a lease to SFWMD for the installation and maintenance of radio equipment on the existing and adjacent County tower; and 3) apply for and secure re-zoning, subdivision and storm water management conceptual approvals for the entire 200 acre parcel. Neither, the County nor SFWMD's deeds will include any reservations for phosphate, minerals, metals, and petroleum rights. The Exchange Agreement contains a 60 day inspection period to perform due diligence, including an environmental assessment. If approved by the BCC, staff will conclude its on-going negotiations with PBCC for the donation of 21.5 acres of the Law Enforcement Training Facility property for the development of a Joint Public Safety Training Facility pursuant to the terms conceptually approved by the BCC on September 25, 2005 and further defined in the Exchange Agreement. It is staff's intent to present the donation agreement to the BCC at a meeting in June. In addition, staff will formalize its discussions with the FWCC to develop a business plan for the funding, design, construction and operation of a public shooting park including public input workshops. It is staff's intent to present the business plan to the BCC in September. (PREM) Countywide/District 6 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to:

**A) adopt** a Resolution approving the Sixth Amendment to the State Housing Initiative Partnership (SHIP) Local Housing Assistance Plan for Fiscal Years 2004-2005; 2005-2006; and 2006-2007 (R1004-0741) utilizing recaptured funds of \$3,059,058 from Fiscal Years 2005-2006 and 2006-2007. These funds were derived from first-time home buyers who repaid the financial assistance received from the Commission on Affordable Housing's Purchase Assistance Program;

**B) approve** an increase in funding of \$2,059,058 for the Purchase Assistance Program to increase the total budget from \$4,121,260 to \$6,180,318 for Fiscal Year 2006-2007;

**C) approve** an increase in funding of \$1,000,000 for the Special Needs Homeownership Program to increase the total budget from \$5,885,665 to \$6,885,665;

**D) approve** a Budget Amendment of \$650,362 in the Affordable Housing Trust (SHIP) Fund to recognize recaptured funds for Fiscal Year 2006-2007 from the CAH's Purchase Assistance Program for first time home buyers; which includes a Budget Transfer of \$2,048,696 from the Reserve for Affordable Housing to increase the Purchase Assistance Program and the Special Needs Homeownership Program budgets; and

**E) approve** revisions to the funding levels for the strategies in the LHAP for Fiscal Year 2006-2007 specifying an increase in funding from \$4,121,260 to \$6,108,318 for the Purchase Assistance Program.

**SUMMARY:** Palm Beach County (PBC) receives an annual allocation from the State of Florida through the SHIP Program to implement various affordable housing programs and other related activities. For Fiscal Years 2005-2006 and 2006-2007 Palm Beach County received \$2,408,696 and \$650,362 respectively, in recaptured funds from first time home buyers which were deposited into the Robert E. Pinchuck Memorial Affordable Housing Trust Fund (HTF). In February 2007, the Commission on Affordable Housing's Advisory Committee recommended allocating \$2,059,058 to the Purchase Assistance Program and \$1,000,000 to Palm Beach County's Special Needs Homeownership account. **These are State SHIP funds that require no local match. Countywide** (TKF)

3. CONSENT AGENDA APPROVAL

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve:

**A) adopt** a Resolution of the Board of County Commissioners (BCC) of Palm Beach County, Florida, granting a County tax exemption for one (1) historic property located within the City of West Palm Beach; and

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

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

Address: 225 Dyer Road

If granted the tax exemption shall take effect January 1, 2007, and shall remain in effect for ten (10) years, or until December 31, 2016. The exemption shall apply to 100 percent of the assessed value of all improvements to each historic property, which resulted from restoration, renovation, or rehabilitation of the property. Based on the 2007 millage rate, it is estimated that approximately \$68.25 tax dollars will be exempted annually. Accompanying the resolution is a restrictive covenant, which requires the qualifying improvements be maintained during the period that the tax exemption is granted. District 2 (RB)

2. Staff recommends motion to:

**A) adopt** Resolutions of the Board of County Commissioners (BCC) of Palm Beach County, Florida, granting five (5) County tax exemptions for four (4) historic properties located within the Town of Palm Beach; and

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

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

Address: 1 County Road, The Breakers Palm Beach, Inc.  
Address: 1 County Road, The Breakers Palm Beach, Inc.  
Address: 181 Clarendon Ave  
Address: 5 Middle Road  
Address: 142 Seabreeze Avenue

If granted the tax exemption shall take effect January 1, 2007, and shall remain in effect for ten (10) years, or until December 31, 2016. The exemption shall apply to 100 percent of the assessed value of all improvements to each historic property, which resulted from restoration, renovation, or rehabilitation of the property. Based on the 2007 millage rate, it is estimated that approximately \$31,665.73 tax dollars will be exempted annually. Accompanying each resolution is a restrictive covenant, which requires the qualifying improvements be maintained during the period that each tax exemption is granted. Districts 1 & 7 (RB)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** Consultant Services Authorization No. 3, to the contract with CH2M Hill (R2006-2471), for the Asset Management and Maximo Coordination Project in the amount of \$176,920.14. **SUMMARY:** This authorization with CH2M Hill provides maintenance work process and asset management consulting services associated with Phase 2 of the Department's Asset Management Program and Maximo Computerized Maintenance Management System (CMMS) upgrade. Under this authorization, the Consultant will improve work processes, asset standards, job plans and training for operation and maintenance plants, lines and lift station functions. This work will improve the efficiency of maintenance work and the reliability of equipment. The contract with CH2M Hill includes the Small Business Enterprises (SBE) participation goal of 15%, which meets the 15% goal established by Palm Beach County Ordinance (No. 2002-064). This Consultant Services Authorization includes 17.06% overall participation. The consultant's cumulative SBE participation, including this Authorization is 15.64% overall. Countywide (JM)
  
2. **Staff recommends motion to adopt:** a Resolution revising various sections of Chapters 1, 2 and 4 of the Water Utilities Department's Uniform Policies and Procedures (UPAP) Manual. **SUMMARY:** The UPAP is a codification of the Department's fees, standards, legal documents, policies and procedures governing the provision of potable water, reclaimed water, and wastewater services. The Department performs a review of the UPAP from time to time to ensure the continued effective and efficient delivery of utility services. The proposed revisions include: adjusting the gallons per day value for Equivalent Residential Connections (ERC), providing that new single family homes with a residential fire line system will be required to have a one (1) inch meter but will be charged connection fees and guaranteed revenue fees in accordance with the lower rates for a 5/8-inch meter, and establishing design standards related to the installation of residential fire lines. The ERC adjustment is necessary to be consistent with the ERC values determined by the recent rate study. For residential fire lines, a one (1) inch meter is required to ensure sufficient pressure for proper operation. There is no capacity impact on the Department's system and, therefore, higher connection fees and guaranteed revenue fees for a one inch meter are not justified. However, since the installation of a one (1) inch meter requires a separate meter box, the installation fees for a one (1) inch meter will be charged. Countywide (MJ)
  
3. **Staff recommends motion to approve:** Work Authorization No. 1 to the Water Utilities Department Continuing Construction Contract with Foster Marine Contractors, Inc. (R2006-2732), for construction of the Century Village Reclaimed Water Pipeline Project in the amount of \$1,082,326.63. **SUMMARY:** This Work Authorization provides for construction of the Century Village Reclaimed Water Pipeline Project, Phase II. The pipeline will originate at the proposed Century Village Reclaimed Water Production Facility and extend to Okeechobee Boulevard. Once completed, the pipeline and associated Century Village Reclamation Facility (R2006-1007) will expand the Department's reclaimed water distribution system, eventually allowing for the reclamation of an additional three (3) million gallons per day of water. On February 6, 2007, the Board executed a cost-sharing Agreement with the South Florida Water Management District (R2007-0161). The District agreed to fund forty percent (up to \$1,000,000) of the construction cost of this total reclaimed water project (\$4.2 million). The balance of the total project cost will be funded through the Water Utilities Department's Capital Improvement Program. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. The contract with Foster Marine Contractors, Inc. provides for SBE participation of 14.98% overall. This authorization includes 15.00% overall participation. The cumulative SBE participation, including this Authorization, is 15.00% overall. (WUD Project No. 05-062) District 2 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. Staff recommends motion to approve: a First Amendment to Reclaimed Water Standard Development Agreement with Boynton Beach Associates XXI, LLLP, providing for connection fee credits and cash reimbursements for County-requested on-site and off-site utility improvements. **SUMMARY:** On July 31, 2006, the Department entered into a Standard Reclaimed Water Development Agreement (R2006-1939) with Boynton Beach Associates XXI, LLLP, (Associates). Subsequent to executing the Agreement, the Department identified a need to oversize and extend the new reclaimed water pipeline to serve existing developments west of the Turnpike. The Standard Reclaimed Water Agreement will be amended to identify County-required on-site and off-site reclaimed water improvements and the corresponding oversizing credits and cash reimbursements entitled to Associates for completing the improvements. The Department and Associates agree that the cash reimbursements shall not exceed \$242,500 for the off-site Turnpike crossing work to be performed by Associates. District 5 (MJ)
5. Staff recommends motion to receive and file: two (2) Standard Development Renewal Agreements and two (2) Utility Concurrency Reservation Agreements complete with executed documents received during the months of January and February, 2007:

**Standard Development Renewal Agreement**

- |  |              |
|--|--------------|
| A) Tidal Wave Investment Corporation       | 01-01073-R00 |
| B) Symphony Builders at Emerald Place, LLC | 03-00059-R01 |

**Utility Concurrency Reservation Agreement**

- |                                |              |
|--------------------------------|--------------|
| C) GKK-Hagen, Ltd.             | 05-01090-000 |
| D) GKK-Hagen, Ltd. (reclaimed) | 05-90012-000 |

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

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to approve:

**A)** Budget Amendment of \$5,110,000 in the \$75M Conservation 2001 Bond Fund to recognize proceeds from the sale of Ag Reserve property to the Solid Waste Authority (SWA);

**B)** Budget Transfer of \$2,353,831 within the \$75M Conservation 2001 Bond Fund from various projects to Property Acquisition Reserves;

**C)** Budget Transfer of \$310,265 within the \$75M Conservation 1999 Bond Fund from various projects to Property Acquisition Reserves;

**D)** Budget Transfer of \$3,727,406 within the Natural Areas Fund from Program Improvement Reserves to increase the Natural Areas Management budget for \$1,200,000 and increase Transfer to Capital Outlay Fund budget for \$2,527,406;

**E)** Budget Amendment of \$2,527,406 in the Capital Outlay Fund to recognize the Transfer from the Natural Areas Fund and to establish budget for various projects;

**F)** Budget Transfer of \$4,594,981 within the \$75M Conservation 2001 Bond Fund from Property Acquisition Reserves to Transfer to the Sunshine, Debt Service Environmentally Sensitive Land Fund; and

**G)** Budget Amendment of \$4,594,981 in the Sunshine, Debt Service Environmentally Sensitive Land Fund to recognize the Transfer from the \$75M Conservation 2001 Bond Fund.

**SUMMARY:** The Budget Amendment of \$5,110,000 will recognize land sale proceeds from the SWA for properties originally purchased in 2001 from Bowman Growers, Inc., and allocate funding to reserves. The Budget Transfers within the \$75M Conservation 2001 Bond fund and the \$75M Conservation 1999 Bond fund will transfer various project funding to replenish reserves. A portion of the Reserve balance will be used for a payment of \$4,594,981 toward the Sunshine Loan (\$7.8M) taken to acquire the RV Holding, Inc. in Cypress Creek. The Budget Transfer within the Natural Areas Fund, in combination with the Budget Amendment within the Capital Outlay Fund, will reallocate funding to natural areas project budgets transferred to bond fund reserves and allocate new funding as follows: Natural Areas Management \$1,200,000, Frenchman's Forest \$100,000, Yamato Scrub \$150,000, C-18 Triangle \$100,000, Cypress Creek \$250,000, Pondhawk \$75,000, North Jupiter Flats \$50,000, and Winding Waters \$146,540. Projects that will not be refunded are Pine Glades \$1,000,009 and Riverfront Pines \$8,221. These various budget adjustments will spend down the Conservation Bond funds and provide payment toward Environmental Resources Management's (ERM's) Sunshine Loan repayment obligation. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to approve:

**A)** Amendment No. 1 to the Grant Assistance Agreement LP6077 with the Florida Department of Environmental Protection (FDEP) (R2006-0579) to extend the Agreement period to December 31, 2010, and to provide for a \$1,250,000 reimbursement increase from \$800,000 to \$2,050,000 for projects in the Capital Outlay Fund, within the Chain of Lakes System; and

**B)** Budget Amendment of \$1,250,000 in the Capital Outlay Fund to recognize the grant Amendment revenues and increase the Westgate Community Redevelopment Agency (CRA) Stormwater Project (\$250,000) and Environmental Enhancement Project (\$1,000,000).

**SUMMARY:** On April 4, 2006, the Board of County Commissioners executed State of Florida Agreement LP6077 (R2006-0579) which provides \$800,000 for the 80-acre John Prince Park/Square Lake Restoration Project. The Amendment to the Grant Agreement provides \$250,000 for the Westgate CRA's Stormwater/Septic Project as a sub-recipient, and \$1,000,000 for Environmental Enhancement muck removal and its related outcome monitoring and outreach. The County's \$1M match requirement has been met retroactively. This Amendment is part of the State Legislature's disbursement of funds for restoring and protecting surface waters of the State. Countywide (SF)

3. Staff recommends motion to:

**A) approve** Loxahatchee River Preservation Initiative Contract SAP No. 4600000690 with the South Florida Water Management District (District) for the Palm Beach County Limestone Creek Phase II Restoration Project, commencing upon execution in FY 2007 for a period of two (2) years, in an amount not-to-exceed \$330,000;

**B) approve** Budget Transfer of \$330,000 in the Natural Areas Fund from Reserves for Improvements to Transfer to the Capital Outlay Fund to provide matching funds for the project;

**C) approve** Budget Amendment of \$660,000 in the Capital Outlay Fund to recognize the agreement revenue and a transfer from the Natural Areas Fund for \$330,000 for a total of \$660,000 in costs for the Limestone Creek Natural Area restoration project; and

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

**SUMMARY:** State matching funds, through the Loxahatchee River Preservation Initiative (LRPI) which are administered by the District, were requested. The LRPI Contract will provide \$330,000 in funding for the Limestone Creek Phase II Restoration Project (Project), on a reimbursement basis. The County's share of the \$660,000 total project cost is \$330,000 to be paid from the Natural Area Fund. The project proposes to create an oxbow developing an inter-tidal mangrove wetland and associated transitional and upland areas. Public use facilities consisting of a parking lot, interpretive kiosk, ADA accessible nature trail, hiking trails, fishing platform and observation deck will be constructed. Further evaluations will be conducted for the possibility of constructing additional oxbows on the south side of the C-18 Canal as it enters the Loxahatchee River estuary. District 1 (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. **Staff recommends motion to approve:** Agreement with the City of Riviera Beach for the period April 10, 2007, through December 30, 2007, in an amount not-to-exceed \$5,000 for the 2006 Back to School Give-A-Way event. **SUMMARY:** This funding is to offset the cost of 2006 Back to School Give-A-Way event held by the City of Riviera Beach at Barracuda Bay Waterpark prior to the beginning of the 2006-2007 school year. The event provided school supplies and local agency information to 550 needy children and their families in a festive atmosphere. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to July 10, 2006. Funding is from the Recreation Assistance Program (RAP). District 7 (AH)
2. **Staff recommends motion to approve:** Agreement with Armory Art Center, Inc. for the period April 10, 2007, through December 31, 2007, in an amount not-to-exceed \$20,000 for 2007 Summer Art Camp program. **SUMMARY:** This funding is to help offset costs for the 2007 summer art camps to be offered by Armory Art Center. Approximately 700 children and youth are anticipated to attend the summer art camps. Funding is from the Recreation Assistance Program (RAP). District 2 (AH)
3. **Staff recommends motion to approve:** Agreement with Bangladesh Association of Florida, Inc. for the period April 10, 2007, through September 30, 2007, in an amount not-to-exceed \$19,500 for the 2007 Asian Food Fair. **SUMMARY:** This funding is to help offset the cost of the 2007 Asian Food Fair held on March 24 and March 25, 2007 at Old School Square in Delray Beach. The Agreement allows for the reimbursement of eligible project costs incurred by Bangladesh Association of Florida, Inc. subsequent to January 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 2 (\$5,000), District 3 (\$5,000), District 4 (\$5,000), District 5 (\$1,000), and District 6 (\$3,500). Countywide (AH)
4. **Staff recommends motion to approve:** Agreement with Toward a More Perfect Union, Inc. (TMPU) for the period April 10, 2007, through January 31, 2008, in an amount not-to-exceed \$36,000 for the Community Youth Program. **SUMMARY:** This funding is to help offset costs for TMPU's Community Youth Program, which encourages teenagers to use creative arts and problem solving techniques to contribute to the well-being of others and their communities. The Agreement allows for the reimbursement of eligible project costs incurred by TMPU subsequent to November 1, 2006. Funding is from the Recreation Assistance Program (RAP) District 2 (\$6,000) and District 4 (\$30,000). Districts 2 & 4 (AH)
5. **Staff recommends motion to approve:** Agreement with Community Child Care Center of Delray Beach Foundation, Inc. (Community Child Care Center) for the period April 10, 2007, through December 30, 2007, in an amount not-to-exceed \$10,000 for the Beacon Center Media Club Teen Program. **SUMMARY:** This funding is to help offset costs for the Beacon Center Media Club Teen Program, which serves approximately 100 participants. The Agreement allows for the reimbursement of eligible project costs incurred by Community Child Care Center subsequent to July 1, 2006. Funding is from the Recreation Assistance Program (RAP). District 4 (AH)
6. **Staff recommends motion to approve:** Agreement with the City of West Palm Beach for the period April 10, 2007, through September 28, 2007, in an amount not-to-exceed \$7,500 for the Kaleidoscope 2007 event. **SUMMARY:** This funding is to help offset costs for Kaleidoscope 2007 held by the City of West Palm Beach on January 28, 2007 in downtown West Palm Beach. The event attracted approximately 25,000 attendees and 16,000 student, parent, and teacher participants. The Agreement allows for the reimbursement of eligible project costs incurred by West Palm Beach subsequent to January 28, 2007. Funding is from the Recreation Assistance Program (RAP). District 2 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

7. **Staff recommends motion to approve:** Agreement with Florence Fuller Child Development Centers, Inc. (Florence Fuller) for the period April 10, 2007, through May 28, 2007, in an amount not-to-exceed \$5,000 for the After School Program. **SUMMARY:** This funding is to help offset costs for Florence Fuller's After School Program, which serves approximately 110 participants. The Agreement allows for the reimbursement of eligible project costs incurred by Florence Fuller subsequent to December 8, 2006. Funding is from the Recreation Assistance Program (RAP). District 4 (AH)
8. **Staff recommends motion to approve:** Agreement with Compass, Inc. for the period April 10, 2007, through April 30, 2007, in an amount not-to-exceed \$5,000 for the 2006 Pridefest Festival. **SUMMARY:** This funding is to help offset costs for the 2006 Pridefest Festival held in the City of Lake Worth by Compass, Inc. on March 23 and 24, 2006. Approximately 10,000 participants attended this event. The Agreement allows for the reimbursement of eligible project costs incurred by Compass subsequent to February 1, 2006. Funding is from the Recreation Assistance Program (RAP). District 2 (AH)
9. **Staff recommends motion to approve:** Agreement with ASPIRA of Florida, Inc. for the period April 10, 2007, through April 1, 2008, in an amount not-to-exceed \$20,000 for the Media Art Literacy - Mural Project. **SUMMARY:** This funding is to help offset costs for the Media Art Literacy - Mural Project offered by ASPIRA Palm Beach, a branch of ASPIRA of Florida, Inc. The project is a 26-week program in which approximately 15 youth will meet for four (4) hours once a week to learn skills to create a mural and documentary video pertaining to life growing up in a multi-cultural society. The Agreement allows for the reimbursement of eligible expenses incurred prior to January 1, 2007. Funding is from the Recreation Assistance Program (RAP). District 2 (AH)
10. **Staff recommends motion to approve:** Agreement with Knights of Pythagoras Mentoring Network, Inc. (Knights of Pythagoras) for the period April 10, 2007, through April 30, 2007, in an amount not-to-exceed \$4,000 for the Y2K '06 Tennis Jamboree and miscellaneous programs. **SUMMARY:** This funding is to help offset costs for the Y2K '06 Tennis Jamboree and other miscellaneous programs. The Agreement allows for the reimbursement of eligible project costs incurred by Knights of Pythagoras subsequent to October 1, 2006. Funding is from the Recreation Assistance Program (RAP). District 7 (AH)
11. **Staff recommends motion to receive and file:** the following original executed Amendment to Request for Funding Form for School Board Recreation Assistance Program project for Cypress Trails Elementary School's purchase of a sound system (R2005-1140) to extend the project completion date from December 31, 2006, to May 31, 2007. **SUMMARY:** This fully executed Amendment to Request for Funding Form is being processed in accordance with the Interlocal Agreement for the Funding of Recreation Assistance Program (RAP) Projects (R2003-1747) approved by the Board on October 21, 2003. District 6 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

12. Staff recommends motion to receive and file: the following original executed Amendment to Request for Funding Form for School Board Recreation Assistance Program project for Loxahatchee Groves Elementary School's purchase and installation of a Pre-K special needs playground (R2006-2742) to extend the project completion date from January 1, 2007, to December 31, 2007. **SUMMARY:** This fully executed Amendment to Request for Funding Form is being processed in accordance with the Interlocal Agreement for the Funding of Recreation Assistance Program (RAP) Projects (R2003-1747) approved by the Board on October 21, 2003. District 6 (AH)
  
13. Staff recommends motion to receive and file: the following original executed Amendment to Request for Funding Form for School Board Recreation Assistance Program project for Timber Trace Elementary School's purchase and installation of playground equipment (R2006-2741) to extend the project completion date from February 28, 2007, to December 30, 2007. **SUMMARY:** This fully executed Amendment to Request for Funding Form is being processed in accordance with the Interlocal Agreement for the Funding of Recreation Assistance Program (RAP) Projects (R2003-1747) approved by the Board on October 21, 2003. District 1 (AH)
  
14. Staff recommends motion to receive and file: First Amendment to Agreement (R2006-2488) with The Acreage Athletic League, Inc. for funding of uniforms and equipment for the Acreage Coyotes. **SUMMARY:** This fully executed First Amendment to Agreement extends the project completion date for the previously approved Agreement from December 30, 2006, to March 31, 2007, in order to allow additional time to accommodate dates of payment and completion of the reimbursement process. The Amendment is in accordance with Resolution R2005-1738, authorizing the delegation of authority for amending RAP agreements to the County Administrator or his designee. All other terms of the Agreement remain the same. Funding for the project is from the Recreation Assistance Program (RAP). District 6 (AH)
  
15. Staff recommends motion to receive and file: First Amendment to Agreement (R2006-0697) with Morikami, Inc. for the purchase of a semi-permanent tent structure. **SUMMARY:** This fully executed First Amendment to Agreement increases the amount of project funding by \$25,000 from the FY 2007 RAP allocation for District 5, as authorized in the funding Agreement for this project approved by the Board on April 18, 2006. The total allocation for this project is now \$50,000. The Amendment also extends the project completion date from December 31, 2006, to March 30, 2007, in order to complete the project reimbursement process in a timely fashion. The Amendment is in accordance with Resolution R2005-1738, authorizing the delegation of authority for amending RAP agreements to the County Administrator or his designee. All other terms of the Agreement remain the same. Funding for the project is from the Recreation Assistance Program (RAP). District 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

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

A) Kathy Andio, Water Exercise Instructor, North County Aquatic Center (AND1095380207530500A);

B) Kathryn Vienneau, Jazzercise Instructor, Coconut Cove Recreation Center (VIEN1093430207525400A);

C) David Wright, USA Head Swim Coach, Aqua Crest Pool (WRI176520307530300C);

D) George Tillman, Basketball Referee, Westgate Park & Recreation Center (TILL10680002075201A);

E) Carrengton Johnson, Basketball Referee, Westgate Park & Recreation Center (JOHNS10657802075201A); and

F) James Grice, Basketball Official, Caloosa Park (GRI1630203075201A).

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

17. Staff recommends motion to approve: Recreation Assistance Program allocation of \$25,000 from District 5 for soccer summer camp program fees. **SUMMARY:** This allocation provides \$25,000 to fund Parks and Recreation soccer summer camp fees at Our Lady Queen of Peace Mission. Funding is from the Recreation Assistance Program (RAP). District 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

18. Staff recommends motion to approve:

**A)** Agreement with the City of Boynton Beach for the period April 10, 2007, through April 9, 2012, in an amount not-to-exceed \$35,000 for funding of Little League Park Field Improvements;

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

**C)** a Budget Transfer of \$25,000 in the Transportation Trust Fund increasing the annual transfer from the Transportation Improvement Fund and decreasing the annual transfer from the General Fund;

**D)** a Budget Transfer of \$25,000 in the General Fund decreasing the annual transfer to the County Transportation Trust Fund and increasing the annual transfer to the Park Improvement Fund; and

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

**SUMMARY:** This funding is to help offset the cost of improvements to the City of Boynton Beach's Little League baseball field at Little League Park in an amount not-to-exceed \$35,000. The budget transfers and budget amendment increase the Gas Tax support and decrease the ad valorem support of the County Transportation Trust Fund, thereby allowing for the allocation of \$25,000 in ad valorem support to the District 7 Recreation Assistance Program. At the November 21, 2006 Board Meeting, the flexibility of up to \$200,000 in transfers was approved for this purpose. This project uses \$25,000 of the \$200,000 available balance in transfers for District 7. The additional \$10,000 for this project is from RAP - District 3. Districts 3 & 7 (AH)

19. Staff recommends motion to:

**A) adopt** a Resolution authorizing the Director of Parks and Recreation, as the Project Manager, to apply for a Florida Fish and Wildlife Conservation Commission, Florida Boating Improvement Program Grant, for funding in the amount of \$500,000 for Moroso Park boating improvement project; and

**B) authorize** the Director of Parks and Recreation, as the Project Manager, to execute and administer the grant application on behalf of Palm Beach County.

**SUMMARY:** The Florida Fish and Wildlife Conservation Commission (FF&WCC) offers grants to local governments through its Florida Boating Improvement Program for public recreation projects directly related to the waterways. The grant application requests up to \$500,000 from the FF&WCC, Florida Boating Improvement Program for development and construction costs related to Moroso Park. The grant application must be submitted to the FF&WCC by April 27, 2007. The grant application requires a resolution authorizing the Project Manager to apply for and administer the grant on behalf of the applicant. The \$500,000 FBIP grant will be matched with \$500,000 from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond referendum. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

20. Staff recommends motion to approve: Budget Transfer of \$23,000 in Park Improvement Fund from the Florida Boating Improvement Program reserve to Phil Foster Park Boat Ramp improvements. **SUMMARY:** This funding will provide necessary maintenance/improvements to two (2) boat ramps located at Phil Foster Park. Over time, sand has built up at the base of the boat ramps, and dredging is needed to return the ramps to their original design/functional depths. Funding is from the Park Improvement Fund Florida Boating Improvement Program reserve. District 1 (AH)

N. LIBRARY

1. Staff recommends motion to approve: Read Down Your Fines overdue fines amnesty program for children participating in the Palm Beach County Library's Summer Reading Program. **SUMMARY:** During the Library System's 2007 Summer Reading Program (June 11 – August 3), children up to the age of sixteen (16) can spend time reading in the library and get financial credit to pay for overdue fines on their library cards (one hour = one dollar). The credit would not apply to charges for lost or damaged materials. Countywide (TKF)

P. COOPERATIVE EXTENSION SERVICE

1. Staff recommends motion to approve: Amendment No. 1 to the Grant Agreement with Ray's Heritage, LLC (R2007-0200) for its new year-round processing and packaging facility in Belle Glade, which amends the date and time frame of reimbursable expenditures. **SUMMARY:** On February 6, 2007, the Board approved a Grant Agreement with Ray's Heritage, LLC to allow for the reimbursement of eligible pre-agreement expenses subsequent to January 1, 2006 and expenses not incurred more than twenty-four (24) calendar months subsequent to the effective date of the Grant Agreement. Amendment No. 1 to the Grant Agreement will allow Ray's Heritage, LLC to recoup eligible pre-agreement expenses incurred subsequent to January 1, 2004. District 6 (AH)

S. FIRE RESCUE

1. Staff recommends motion to receive and file: four (4) original standard agreements for the Fire Rescue Department:

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

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

C) Interlocal Agreement for Swimming Lessons with the City of Delray Beach; and

D) Independent Contractor Agreement for Swimming Lessons with the Jewish Community Center of the Greater Palm Beaches, 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, four (4) standard County agreements that have been executed by the Fire Rescue Administrator are being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (SB)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE (Cont'd)

2. Staff recommends motion to approve: an Extension to 2005-2006 State Homeland Security Grant Program (SHSGP) Memorandum of Understanding FM 235 with the State of Florida, Department of Financial Services, Division of State Fire Marshal, providing for the extension of the grant period through December 31, 2007. **SUMMARY:** On January 9, 2007, the Board ratified a Memorandum of Understanding (MOU) with the State of Florida, Department of Financial Services, Division of State Fire Marshal (SFM) (R2007-0066), providing grant funding in the amount of \$10,830.62. A Modification to the MOU extending the term of this Program through February 28, 2007 was also approved at the January 9, 2007 meeting (R2007-0067). The State is now extending the term of this Program through December 31, 2007 and is requesting the Board approve a new Extension Agreement. There is no cost share requirement associated with this Agreement. Fire Rescue will use this grant funding to provide training in disciplines related to Urban Search and Rescue. Countywide (SB)

3. Staff recommends motion to approve: the write-off of uncollectible Fire Rescue receivables to remove these amounts from the County's financial books for the following period:

October 1, 2002 through September 30, 2003                      \$22,750

**SUMMARY:** In accordance with the Palm Beach County Fire Code, Palm Beach County Fire Rescue assesses fees for excessive false alarms. The County also has agreements for mutual aid with qualified municipalities for the provision of emergency services throughout Palm Beach County. For the period October 1, 2002 to September 30, 2003, there is currently \$22,750 in receivables related to these services that are deemed to be uncollectible and staff recommends that this amount be written-off the County's financial books. The write-off of these accounts does not eliminate the County's authority to continue to pursue collection of these accounts. This recommended write-off does not include emergency transport fees for which Fire Rescue seeks Board approval separately on an annual basis. Countywide (SB)

4. Staff recommends motion to approve: an Interlocal Agreement relating to the sale of a Fire Rescue vehicle and equipment with Fentress County, Tennessee. **SUMMARY:** Fire Rescue currently has an engine (1997 Ferrara Fire Apparatus; VIN 1FV6JLCB0WH806215) that is scheduled to come out of our fleet. The estimated fair market value of the engine is \$20,000. Approval of this Agreement will authorize the sale and title transfer of the vehicle to Fentress County, Tennessee, to be used as the main emergency unit for the Clarkrange Volunteer Fire Department to respond to fire emergencies within their response area. Countywide (SB)

5. Staff recommends motion to approve: the First Amendment to the Interlocal Agreement with the City of Belle Glade (City) for the provision of Fire Protection and Emergency Medical Services (Agreement No. R2005-2442) effective retroactively to October 1, 2006, providing for the payment of \$50,000 for equipment and vehicles transferred to the County. **SUMMARY:** Palm Beach County currently provides fire rescue services to the City of Belle Glade through the Fire Rescue MSTU. The County and the City entered into an Interlocal Agreement setting out certain details of the services, including the transfer of certain vehicles and equipment from the City to the County. The City has recently satisfied an interest in one (1) of the fire rescue apparatus and transferred said vehicle to the County. Approval of this First Amendment provides for a payment of \$50,000 to the City for the vehicles and equipment transferred upon receipt of documentation verifying that any secured interests have been paid in full. District 6 (SB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. **Staff recommends motion to receive and file:** the executed Agreement with Boca Raton Community Hospital to provide grant funding in the amount of \$4,250 to purchase medical decontamination equipment as approved by the Ft. Lauderdale Urban Areas Security Initiative (UASI). **SUMMARY:** Resolution R2006-2669 authorized the County Administrator or his designee to execute standard UASI sub-grant agreements with various governmental and private agencies on behalf of the Board of County Commissioners. Countywide (DW)
  
2. **Staff recommends motion to receive and file:** a standard Agreement with Xavier Garcia, d/b/a El Cid Animal Clinic for veterinary services in an amount not-to-exceed \$10,000, for the period October 1, 2006, through September 30, 2007 for the Public Safety Department. **SUMMARY:** Resolution R97-583 authorized the County Administrator or his designee to execute standard contracts with various Florida licensed veterinarians to provide needed part-time, relief and emergency "on-call" professional medical services for shelter animals. Countywide (DW)
  
3. **Staff recommends motion to receive and file:** the executed Agreement with Palm Beach County Medical Society to provide grant funding in the amount of \$15,000 for advanced training to the Special Medical Response Team as approved by the Ft. Lauderdale Urban Areas Security Initiative (UASI). **SUMMARY:** Resolution R2006-2669 authorized the County Administrator or his designee to execute standard UASI sub-grant agreements with various governmental and private agencies on behalf of the Board of County Commissioners. Countywide (DW)
  
4. **Staff recommends motion to:**
  - A) receive and file** the executed contract with Florida Department of Community Affairs to receive \$150,000 in residual grant funds from the Office for Domestic Preparedness (ODP) for the period January 1, 2006 to April 30, 2007; and
  - B) approve** a Budget Amendment of \$126,659 in the Emergency Management Grant Fund to adjust grant budget to actual.

**SUMMARY:** Palm Beach County was awarded a total of \$150,000 in residual funds from the State Homeland Security Grant Program. The grant will be used to allow all County departments to establish their Continuity of Operations Plans and to update the Terrorism Incident Response Annex of the Comprehensive Emergency Management Plan. No County match is required. Countywide (DW)
  
5. **Staff recommends motion to receive and file:** two (2) original executed standard interlocal agreements, as approved by the Fort Lauderdale Urban Areas Security Initiative (UASI):
  - A) Agreement** with Village of Wellington to provide \$20,000 for equipment to enhance security at their water treatment facilities; and
  - B) Agreement** with City of Lake Worth to provide \$4,830 to reimburse their personnel costs in training first responders.

**SUMMARY:** Resolution R2006-2669 authorizes the County Administrator or his designee to execute standard UASI sub-grant agreements with various governmental and private agencies on behalf of the Board of County Commissioners. Countywide (DW)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. **Staff recommends motion to approve:** an Agreement with SunFest of Palm Beach County, Inc. (SunFest, Inc.) to provide shuttle service for the SunFest 2007 event in downtown West Palm Beach. **SUMMARY:** SunFest 2007 begins Thursday, May 3, 2007 and ends Sunday, May 6, 2007. The Agreement specifies the payment obligations of SunFest, Inc. to Palm Beach County for passengers using the SunFest bus shuttle services at a rate of \$2.15 per boarding. The \$2.15 boarding fee also includes the price of the return trip. Palm Tran will designate a minimum of one (1) and a maximum of two (2) sites for pick-up. Countywide (DR)

BB. SHERIFF

1. **Staff recommends motion to:**
  - A) **accept** a Florida Department of Law Enforcement, State Homeland Security Grant in the amount of \$189,267 for the implementation of Florida's Domestic Security Strategic Plan for the grant period of October 1, 2006, through June 31, 2007; and
  - B) **approve** a Budget Amendment of \$189,267 increasing the Sheriff's Grant Fund.

**SUMMARY:** The Agreement is provided by the Florida Department of Law Enforcement. The Palm Beach County Sheriff's Office (PBSO) will utilize all equipment purchased through this grant program for the purpose of protecting the citizens of Palm Beach County and neighboring communities. The PBSO will work in partnership with local, state, and federal agencies in joint efforts to combat and respond to terrorist attacks. There is no required match. No County funds are required. Countywide (DW)
2. **Staff recommends motion to receive and file:** Grant Adjustment Notice amending the Regional Domestic Security Task Force Grant which includes an extension of the ending date from December 31, 2006 to February 28, 2007. **SUMMARY:** On November 23, 2005, the Palm Beach County Sheriff's Office received an award (R2006-0405) to purchase equipment under the Regional Domestic Security Task Force program. These funds and related equipment which were approved by FDLE for purchase will be used in the implementation of Florida's Domestic Security Strategic Plan. A time extension was required to complete the expenditure of project funds. There is no match requirement associated with this award. No additional County funds are required. Countywide (DW)
3. **Staff recommends motion to receive and file:** Grant Adjustment Notice amending the National Institute of Justice "DNA Capacity Enhancement Program" Grant which includes an extension of the ending date from March 31, 2007 to September 30, 2007. **SUMMARY:** On August 15, 2006, the Board accepted an award to the Palm Beach County Sheriff's Office (PBSO) from the National Institute of Justice (NIJ) in the amount of \$152,103 for the "DNA Capacity Enhancement Program" (R2006-1505). The objective of this grant is to update the PBSO's DNA Section infrastructure in preparation for an increase in DNA casework, improved efficiency using the 5,000 square feet of newly renovated DNA laboratory space, and a centralized DNA training area. The Palm Beach County Sheriff's Office has been given an extension to allow the grant funds to be fully expended. There is no grant match required, nor are any County funds required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF (Cont'd)

4. **Staff recommends motion to receive and file:** Grant Adjustment Notice amending the National Institute of Justice "Solving Cold Cases with DNA Program" Grant which includes an extension of the ending date from May 31, 2007 to December 31, 2007. **SUMMARY:** The Palm Beach County Board of County Commissioners previously, on December 20, 2005 (R2005-2439), accepted an award of \$192,431 for the "Solving Cold Cases with DNA Program". The National Institute of Justice (NIJ) also awarded the PBSO an additional \$182,330 for the "Solving Cold Cases with DNA Program", increasing the total award for the program to \$374,761. The objective of this grant is to combine the efforts of the PBSO Special Investigations Bureau, Crimes Against Children/Sexual Assault Unit and the Violent Crimes Bureau with the experience of the Serology/DNA Section of the Crime Laboratory to solve cold cases. The goal is to screen all of the cold cases for potential biological evidence for the purpose of conducting DNA analysis such that the laboratory CODIS administrator will enter any qualifying DNA profile into CODIS. At the time of the grant application, it was estimated that there are approximately 250 cold cases from the Crimes Against Children/Sexual Assault Unit and Violent Crimes Bureau, of which 85 may meet the criteria set forth by this grant. The Palm Beach County Sheriff's Office has been given an extension to allow the grant funds to be fully expended. There is no grant match required, nor are any County funds required in FY 2007. Countywide (DW)
  
5. **Staff recommends motion to receive and file:** Grant Adjustment Notice amending the Florida Department of Law Enforcement's Florida Consortium "Paul Coverdell National Forensic Sciences Improvement Act" Grant to extend the ending grant period from March 31, 2007 to September 30, 2007. **SUMMARY:** The Board of County Commissioners accepted this grant on April 18, 2006 (R2006-0715). The National Institute of Justice (NIJ) awarded funds to the Florida Department of Law Enforcement (FDLE) under the "Paul Coverdell National Forensic Sciences Improvement Act". This award will be used to pay overtime to evidence personnel to improve the status of the impound lot, perform a complete inventory of all evidence and input old cases in to the electronic evidence database Justice Trax-LIMS plus. This grant will also be used to purchase bicycle racks, barcode printers, and a hand held computer for evidence reconciliation and provide funds for a towing company to rearrange vehicles in the impound lot. The Palm Beach County Sheriff's Office has been given an extension to allow the grant funds to be fully expended. There is no grant match required, nor are any County funds required in FY 2007. Countywide (DW)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF (Cont'd)

6. **Staff recommends motion to approve:** a Budget Transfer of \$181,096 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff's Office (PBSO) for donations to support or operate drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood or school resource officer programs of various non-profit organizations. **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 abuse education, drug prevention, crime prevention, and safe neighborhood programs. The PBSO's FY 2007 estimated donation requirement is \$173,915. The funds are requested to aid qualified organizations that meet the requirements set forth in F.S. 932.7055. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The current State LETf balance is \$1,519,054. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,337,958. 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 County funds are required. Countywide (DW)

Child Protection Team of Palm Beach, Inc.	\$ 3,000
Extended Arm, Inc.	\$ 8,000
Florida Sheriff's Youth Ranches – Harmony in the Streets	\$129,096
NOPE Task Force, Inc.	\$ 10,000
Palm Beach County Coalition for Children	\$ 1,000
Palm Beach Recovery Coalition, Inc.	\$ 10,000
Urban League of Palm Beach County	\$ 20,000
Total Amount of Donations	\$181,096

7. **Staff recommends motion to:**

**A) accept** the National Institute of Justice "DNA Capacity Enhancement Program" Cooperative Agreement in the amount of \$205,343 for the period of October 1, 2006 to September 30, 2007; and

**B) approve** a Budget Amendment of \$205,343 increasing the Sheriff's Grant Fund.

**SUMMARY:** The National Institute of Justice has awarded the Palm Beach County Sheriff's Office (PBSO) \$205,343 for the "DNA Capacity Enhancement Program". The objective of this program is to continue to increase the efficiency of the PBSO DNA Section through organization of crime scene stain evidence, the increase of bench space for conducting serological and DNA analysis, and to update PBSO's electronic data capture capabilities. There is no grant match required, no additional positions are created, and no County funds are required in FY 2007. Countywide (DW)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF (Cont'd)

8. Staff recommends motion to receive and file:

A) Grant Adjustment Notice amending the Regional Domestic Security Task Force Grant which includes an extension of the ending date from December 31, 2006 to February 28, 2007; and

B) Grant Adjustment Notice amending the Regional Domestic Security Task Force Grant which includes an extension of the ending date from February 28, 2007 to June 30, 2007.

**SUMMARY:** On November 23, 2005, the Palm Beach County Sheriff's Office (R2006-0405) received an award to purchase equipment under the Regional Domestic Security Task Force Program. These funds and related equipment, which were approved by FDLE for purchase, will be used in the implementation of Florida's Domestic Security Strategic Plan. A time extension was required to complete the expenditure of project funds. There is no match requirement associated with this award. No additional County funds are required. Countywide (DW)

\* \* \* \* \*

**4. SPECIAL PRESENTATIONS – 9:30 A.M.**

- A.** Proclamation of the Board of County Commissioners of Palm Beach County, Florida, celebrating Greenacres a “One of the 100 Best Communities for Young People”. (Sponsored by Commissioner Koons)
- B.** Proclamation of the Board of County Commissioners of Palm Beach County, Florida, declaring April 2007 as “Child Abuse Prevention Month” in Palm Beach County. (Sponsored by Commissioner Koons)
- C.** Proclamation of the Board of County Commissioners of Palm Beach County, Florida, declaring April 2007 as “Fair Housing Month” in Palm Beach County. (Sponsored by Commissioner Greene)
- D.** Proclamation of the Board of County Commissioners of Palm Beach County, Florida, declaring April 2007 as “Pets are Wonderful Month” in Palm Beach County. (Sponsored by Commissioner Greene)
- E.** Proclamation of the Board of County Commissioners of Palm Beach County, Florida, declaring April 2007 as “Water Conservation Month” in Palm Beach County. (Sponsored by Commissioner Newell)
- F.** Proclamation of the Board of County Commissioners of Palm Beach County, Florida, declaring April 2007 as “Drowning Prevention Awareness Month” in Palm Beach County. (Sponsored by Commissioner Newell)
- G.** Proclamation declaring the week of April 22 – 28, 2007 as “Victims’ Rights Week” in Palm Beach County. (Sponsored by Commissioner McCarty)
- H.** Proclamation declaring the month of April 2007 as “Sexual Assault Awareness Month” in Palm Beach County. (Sponsored by Commissioner McCarty)
- I.** Certificate of Appreciation to Vivian Palmer for her years of dedicated service to the Palms West Chamber of Commerce and Central Palm Beach County. (Sponsored by Commissioner Santamaria)
- J.** Proclamation declaring April 15, 2007 as “Yom Hashoah Remembrance Day” in Palm Beach County. (Sponsored by Commissioner Aaronson)
- K.** Proclamation declaring April 15, 2007 through April 21, 2007 as “Days of Remembrance of the Victims of the Holocaust” in Palm Beach County. (Sponsored by Commissioner Aaronson)
- L.** Proclamation declaring the week of April 8 – 14, 2007 as “Public Safety Telecommunicators Week” in Palm Beach County. (Sponsored by Commissioner Santamaria)

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

- A. **Staff recommends motion to amend:** the Certificate of Public Convenience and Necessity (COPCN) for Barton Protective Services, LLC d/b/a Allied Barton Protective Security Services, LLC to read "Allied Barton Security Services, LLC." **SUMMARY:** To enable Barton Protective Services (Barton) to renew their State EMS/ALS license, the State requires that Barton's County COPCN reflect exactly the name which will appear on their renewed State license. District 6 (DW)
  
- 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 \$75,626,502 in 182 funds. **SUMMARY:** These budget amendments and transfers are necessary to adjust FY 2007 budgets to reflect differences between actual and estimated revenues and expenditures of FY 2006. These amendments adjust the balances brought forward, various revenue, expenditure and reserve accounts to their audited balances. The proposed increases include \$28,473,652 additional reserves for balances brought forward in Countywide tax equivalent funds. The adjustment is a result of: A) \$12,389,032 additional excess fees: Clerk & Comptroller \$9,295,245, and Tax Collector \$3,093,787; B) a decrease of \$9,046,995, resulting from more expenditures than originally estimated/budgeted by the Sheriff's Office - according to the Sheriff's Office, actual expenditures were more than estimated/budgeted due to unanticipated hurricane-related expenses \$4,718,787(eligible for FEMA reimbursement), worker's compensation \$2,700,000, and overtime \$1,628,208. The Sheriff's FY 2007 budget was increased by \$12,095,680, based on the carry-forward estimate for the Mobile Data project. However, only \$3,048,685 was unexpended and returned to the County, leaving a \$9 million deficit in the Mobile Data Project; C) \$9,465,828 additional revenue: FEMA \$8,345,468 and other revenue sources \$1,120,360; and D) \$15,665,787 net under expended Countywide: grant match, a savings of \$3,742,798; and other Countywide, \$11,922,989 less in expenditures than originally estimated. The additional available resources are being placed in reserves for offsetting next year's revenue requirements. Countywide (PFK)

\* \* \* \* \*

6. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to accept: Presentation of the 2007 Legislative Session update. **SUMMARY:** A presentation reviewing Palm Beach County's 2007 Legislative Agenda priorities, appropriation's status and legislative session update with the Board of County Commissioners. Countywide (DSW)
2. Staff recommends motion to approve: the Criminal Justice Commission's recommendation to appoint Michael L. Rodriguez as Executive Director, Criminal Justice Commission (CJC), effective immediately upon ratification by the Board of County Commissioners. **SUMMARY:** On January 21, 2007, the position was advertised statewide and posted in several national publications. Forty-nine (49) applications were received. The CJC's Selection Committee narrowed the list down to nine (9) applicants. Interviews were held March 12, 2007 and the Committee selected three (3) finalists. Countywide (DW)

B. COMMUNITY SERVICES

1. Staff recommends motion to approve:

**A)** Contract with Haitian American Community Council for the period October 1, 2006, through September 30, 2007, in the amount of \$137,200 for services designed to ensure that early entrants, asylees, refugees and new immigrants transition to their new home in South Florida; and

**B)** Waiver of Section 305.07 of the Palm Beach County Administrative Code which states that County assistance shall not exceed 25% of a delegate agency's total operating budget.

**SUMMARY:** Continued County funding for this agency was not initially recommended by staff due to administrative and fiscal concerns documented over the previous contract period. The same concerns recently caused The Children's Services Council to withdraw their funding from the agency. The County contract is now being presented per Board direction provided during the FY 2007 budget process. With approval of this item, the County will be the principal funder of this agency. Staff will provide additional performance reviews, fiscal monitoring and technical assistance as needed to ensure that contract terms are met. The information submitted in this item reflects part of the total funding approved by the Board of County Commissioners for FY 2007, which is \$13,373,836. This Contract was presented to the Board on February 27, 2007, and deferred for a 30 day period. (Financially Assisted Agency Program) Countywide (TKF)

6. REGULAR AGENDA

C. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: the Procedures for the Selection and Rotation of Disclosure Counsel on future County bond issues. **SUMMARY:** Because of an increased emphasis on disclosure in official statements for the sale of County Bonds and requirements for continuing disclosure required by the Securities and Exchange Commission, County staff and the County's financial advisor are recommending the appointment of disclosure counsel for County bond issues. Disclosure Counsel will be responsible for the preparation of the County's official statement and other disclosure matters for initial bond issues and ongoing disclosure in the County's Comprehensive Annual Financial Report. We are recommending that the firms on the County's Bond Counsel Rotation List provide disclosure counsel services because of their familiarity with County bond issues and our ongoing disclosure requirements. The County's Underwriting Policies and Procedures will be amended to reflect that under normal circumstances the fee for Disclosure Counsel will not exceed 50% of the Bond Counsel fee for each bond issue. Countywide (PFK)
  
2. Staff recommends motion to adopt: a Resolution authorizing the issuance of its Taxable Public Improvement Revenue Bond Anticipation Notes (Convention Center Hotel Project), Series 2007 in the aggregate principal amount of not exceeding \$11,550,000 for the purpose of paying the principal of and the interest due on the County's \$10.5 Million Taxable Public Improvement Revenue Bond Anticipation Notes (Convention Center Hotel Project), Series 2005 on or before the maturity date thereof and paying costs of issuance for the 2007 Bond Anticipation Notes; providing for the application of the proceeds of the 2007 Notes; authorizing the issuance of Public Improvement Revenue Bonds (Convention Center Hotel Project) in an aggregate principal amount at least sufficient to pay the principal of, and interest on, the 2007 Notes when due or upon the earlier redemption thereof; determining certain details of the 2007 Notes; providing for the negotiated sale of the Notes with Wachovia Bank, National Association; appointing a paying agent and registrar for the 2007 Notes; authorizing the proper officers of the County to do all other things deemed necessary or advisable as to the sale and delivery of the 2007 Notes; providing for this Resolution to supersede Resolution No. R2005-0808 to the extent inconsistent herewith; and providing for an effective date. **SUMMARY:** On April 19, 2005, the Board authorized the sale of \$10.5 Million Taxable Public Improvement Revenue Bond Anticipation Notes (Convention Center Hotel Project), Series 2005 to provide initial financing for the cost of acquiring the convention center hotel site, paying preliminary architectural, engineering and legal fees associated with the convention center hotel project, including the acquisition of the convention center hotel site and cost of issuance of the Notes. The original BAN comes due on April 30, 2007. The above BAN is payable on November 1, 2010 and interest is payable semiannually beginning on November 1, 2007. The County expects to pay off the Notes when it issues the financing for the hotel project. Countywide (PFK)

6. REGULAR AGENDA

D. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: a repayment of \$3,096 to the Robert E. Pinchuck Memorial Housing Trust Fund (HTF) from Housing and Community Development's (HCD) earned program income derived from the repayment of rehabilitation loans made to private property owners. This repayment will resolve a monitoring finding by the Florida Housing Finance Corporation (FHFC) who provides State Housing Initiative Program (SHIP) funding to Palm Beach County. **SUMMARY:** The Commission on Affordable Housing's (CAH) Utility Connection/Impact Fee Program provides up to \$10,000 for the cost of: initiating new water or sewer service; water or sewer service connection fees; or utility and road impact fees for an eligible primary residence. This program serves very low (50% and below of the area median income) and low income (51% to 80% of the area median income) households. In Fiscal Year 2003-2004, Marvin and Betty Prince received \$3,096 to finance the initiation of a new water service and connection fees. Based on verification of the household income they were determined at that time to be low income and deemed eligible to participate in the program. The FHFC contracts with Florida Planning Group, Inc., to monitor SHIP Programs throughout the State. The CAH was monitored on May 25, 2006 for Fiscal Year 2003 – 2004. After Florida Planning Group, Inc. reviewed the Prince's file, this family was deemed a moderate income household and ineligible. Florida Planning Group indicated that the CAH should have projected the husband's over-time income for a full twelve (12) months even though he may not actually earn it. Ms. Prince (the wife) attended a meeting with CAH staff to discuss repayment options. She however is now a single parent and the sole financial provider for her family of three (3) and cannot repay the assistance. HCD will use program income from a rehabilitation loan to a private rental housing developer to repay the HTF. Countywide (TKF)

E. SHERIFF

1. Staff recommends motion to approve: Budget Transfer of \$2,600,000 from General Fund Contingency to the Sheriff's Office to purchase replacement vehicles. **SUMMARY:** The Budget Transfer will continue the on-going initiative to bring the fleet of deputy vehicles up to readiness regarding age of vehicle and cumulative mileage. The additional funding requested will address part of the backlogged routine replacement. Countywide (DW)

\* \* \* \* \*

7. BOARD APPOINTMENTS

A. **ADMINISTRATION**  
**(Overall Economic Development Program)**

1. **Staff recommends motion to approve:** appointment of two (2) members to the Overall Economic Development Program (OEDP) Committee:

<b><u>Nominee</u></b>	<b><u>Seat Requirement/Nominated by</u></b>	<b><u>Seat No.</u></b>	<b><u>Term Expires</u></b>
Alison Pruitt	Marine Industries Association of Palm Beach County, Inc.	12	07/13/08
Kathy Andress	Port of Palm Beach District	19	07/13/08

**SUMMARY:** The OEDP Committee is comprised of twenty-five (25) members in accordance with Resolution No. 2005-1921. The new appointees, Alison Pruitt and Kathy Andress, will replace William Yeargin and Jean L. Enright, Ph. D. who have recently resigned. Ms. Pruitt and Ms. Andress will complete the remaining terms of four (4) years, beginning April 10, 2007 through July 13, 2008. The OEDP Committee reviews and makes recommendations to the Board of County Commissioners on important economic development programs, projects and issues. Countywide (DW)

B. **AIRPORTS**  
**(Aviation and Airports Advisory Board)**

1. **Staff recommends motion to approve:** appointment of Ronald M. Ash to At-Large Seat No. 8 on the Aviation & Airports Advisory Board to complete term of Bernice Haydu. The term will expire on January 11, 2008:

<b><u>Nominee</u></b>	<b><u>Seat No.</u></b>	<b><u>Seat Requirement</u></b>	<b><u>Nominated By:</u></b>
Ronald M. Ash	8	Favorable reputation for experience in architecture, engineering, banking, insurance, law, accounting non-residential construction business or consumer.	Comm. Greene Comm. Marcus Comm. Koons Comm. McCarty Comm. Aaronson

**SUMMARY:** Per Resolution No. R96-205, the Aviation & Airports Advisory Board consists of nine (9) members. Seven (7) members are District appointments (Seats 1 through 7) and two (2) members are At-Large appointments (Seats 8 & 9). Ms. Haydu submitted a letter of resignation due to health reasons. Mr. Ash meets the membership requirements and is willing to serve. Countywide (LMB)

**(Citizens' Committee on Airport Noise)**

2. **Staff recommends motion to approve:** appointment of the following individual to the Citizens' Committee on Airport Noise (CCAN) to complete term expiring January 11, 2008:

<b><u>Nominee</u></b>	<b><u>Seat No.</u></b>	<b><u>Nominated by</u></b>
Jeffrey Phipps	9	Economic Council of Palm Beach County

**SUMMARY:** Per Resolution No. R2002-0544, the Citizens' Committee on Airport Noise consists of 13 seats of which six (6) (Seat No. 8 through Seat No. 13) are recommended for appointment by the organizations approved by the BCC. The Economic Council of Palm Beach County has recommended Jeffrey Phipps. Countywide (LMB)

7. BOARD APPOINTMENTS

C. **COMMUNITY SERVICES**  
**(Citizens Advisory Committee on Health and Human Services)**

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

A) reappointment of three (3) members to Seats 1, 4, and 7 of the Palm Beach County Citizens Advisory Committee on Health and Human Services for the terms indicated:

<b><u>Reappointment</u></b>	<b><u>Category/Seat No.</u></b>	<b><u>Term</u></b>	<b><u>Nominated by:</u></b>
Thomas A. Arnedos	Health Services/Seat 1	4/10/07-9/30/09	Comm. Marcus Comm. Koons Comm. Greene Comm. Newell Comm. Aaronson
Dr. Cynthia R. Smith	Health Services/Seat 4	4/10/07-9/30/09	Comm. Marcus Comm. Koons Comm. Greene Comm. Aaronson
Barbara H. Jacobowitz	Support Services/Seat 7	4/10/07-9/30/09	Comm. Marcus Comm. Koons Comm. Greene Comm. Aaronson

B) appointment of two (2) new members to vacant Seats 5 and 10 on the Citizens Advisory Committee on Health and Human Services for the terms indicated:

<b><u>Nominee</u></b>	<b><u>Category/Seat No.</u></b>	<b><u>Term</u></b>	<b><u>Nominated by:</u></b>
Michael E. Gauger	Support Services/Seat 10	4/10/07-9/30/09	Comm. Marcus Comm. Koons Comm. Greene Comm. Newell Comm. Aaronson
Brenda Gail Oakes	Human Services/Seat 5	4/10/07- 9/30/09	Comm. Greene Comm. Koons Comm. Aaronson

**SUMMARY:** The Citizens Advisory Committee on Health and Human Services consists of eleven (11) members with at least one (1) member being a resident west of the 20 Mile Bend and at least one (1) member being a representative of the Palm Beach County League of Cities. Founding members were appointed for 1, 2 and 3 year terms with subsequent terms for three (3) years. Resolution R2001-0913 requires the Executive Committee of the Citizens Advisory Committee to solicit and recommend member nominations for transmittal to the Board of County Commissioners. The Executive Committee has recommended these appointments and reappointments. The Board of County Commissioners was notified by memos dated February 13, 2007 and March 5, 2007, and requested to provide nominations. Countywide (TKF)

7. BOARD APPOINTMENTS

D. **ENVIRONMENTAL RESOURCES MANAGEMENT**  
**(Artificial Reef and Estuarine Enhancement Committee)**

1. **Staff recommends motion to approve:** one (1) appointment of an at-large member to the Artificial Reef and Estuarine Enhancement Committee (AREEC) for three (3) years beginning April 10, 2007, through April 10, 2010:

<b><u>Appointment:</u></b>	<b><u>Representing</u></b>	<b><u>Seat No.</u></b>	<b><u>Nominated By</u></b>
James J. Barry	Local Government Entity	3	Comm. Marcus Comm. Koons Comm. Newell Comm. McCarty Comm. Greene Comm. Aaronson

**SUMMARY:** Resolution No. R96-1489 provides for a nine (9) member AREEC. The membership consists of one (1) representative of the County Commission; two (2) members representing other local governmental entities; one (1) representing commercial scuba diving interest; one (1) member representing commercial marine industry; one (1) member representing commercial fishing interests; one (1) member representing a recreational fishing club; one (1) member representing a recreational scuba diving club; and one (1) member representing an environmental organization. A Memorandum dated March 2, 2007 was sent to the Board advising that the term of Seat 3 had expired. This appointment is for a three (3) year term expiring April 10, 2010. The nominee meets his respective seat requirement and wishes to serve on the AREEC. Countywide (HF)

7. BOARD APPOINTMENTS

E. **PUBLIC SAFETY**  
**(Consumer Affairs Hearing Board)**

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

A) appointment of two (2) new members to the Consumer Affairs Hearing Board for terms expiring December 31, 2008:

<b><u>Nominee</u></b>	<b><u>Seat No.</u></b>	<b><u>Requirement</u></b>	<b><u>Nominated by</u></b>
Pedro M. Guilarte	2	Chamber of Commerce Representative	Hispanic Chamber of Commerce Comm. Koons

OR

Javaid Igbal	2	Chamber of Commerce Representative	LakeWorth Chamber of Commerce
Herbert Milstein	9	Special Technical	N/A

B) reappointment of two (2) members to the Consumer Affairs Hearing Board for terms expiring December 31, 2008:

<b><u>Nominee</u></b>	<b><u>Seat No.</u></b>	<b><u>Requirement</u></b>	<b><u>Nominated by</u></b>
Harold Murphy	5	Mgmt/Business Expertise	N/A
Daniel Friedman	1	Attorney	N/A

**SUMMARY:** The Palm Beach County Consumer Affairs Ordinance established a Hearing Board. The nine (9) members are selected for countywide representation and serve two (2) year terms for a maximum of six (6) years. The board serves in both an advisory capacity to the County Commissioners and as an appeals board to hear and act on consumer concerns about unfair/deceptive business practices and appeals relating to the towing, vehicle for hire, moving and price gouging ordinances. The Hearing Board represents various trades, organizations and the general public. After these four (4) appointments, the Hearing Board still needs two (2) nominees to fill positions for: 1) certified contractor; and 2) person interested in consumer protection. Countywide (DW)

7. BOARD APPOINTMENTS

F. **WATER UTILITIES**  
**(Water Utilities Advisory Board)**

1. **Staff recommends motion to approve:** the reappointment of two (2) at-large members to the Water Utilities Advisory Board (WUAB) for a term of three (3) years, effective May 2, 2007:

<b><u>Seat No.</u></b>	<b><u>Nominee</u></b>	<b><u>Requirement</u></b>	<b><u>Nominated by:</u></b>
8	Seymour Lubetkin	Customer/resides in PBC	Comm. Greene Comm. Koons Comm. Marcus Comm. Aaronson
9	Lawrence Gold	Customer/resides in PBC	Comm. Greene Comm. Koons Comm. Marcus Comm. Aaronson

**SUMMARY:** The Water Utilities Advisory Board consists of 11 citizen members; all of which must reside within Palm Beach County. At-Large members must be current customers of the Water Utilities Department. On May 1, 2007, Seymour Lubetkin and Lawrence Gold's terms will expire as at-large members of the Water Utilities Advisory Board. Mr. Lubetkin and Mr. Gold have actively served on the WUAB for 22 and five (5) years respectively, and both continue to meet the requirements for membership. Mr. Lubetkin and Mr. Gold have expressed their desire to continue to serve on this board. Countywide (MJ)

G. **PLANNING, ZONING & BUILDING**  
**(Nuisance Abatement Board)**

1. **Staff recommends motion to approve:** reappointment of the following members to the Nuisance Abatement Board (NAB):

<b><u>Name</u></b>	<b><u>Membership Requirement</u></b>
Linda L. O'Rourke	PBC resident
Craig B. Kunkle, Jr.	PBC resident

**SUMMARY:** The NAB is composed of five (5) members. All members must be residents of Palm Beach County. Ms. O'Rourke and Mr. Kunkle meet the residency requirement provided for in the Nuisance Abatement Ordinance. Ms. O'Rourke's and Mr. Kunkle's recent term expired February 24, 2007. These reappointments shall be for a two (2) year term, expiring on February 24, 2009. Countywide (RB)

H. **COMMISSION DISTRICT APPOINTMENTS**

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APRIL 10, 2007

8. MATTERS BY THE PUBLIC – 2:00 P.M.

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**APRIL 10, 2007**

**9. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**APRIL 10, 2007**

**10. COMMISSIONER COMMENTS**

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

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

**C. District 3 - COMMISSIONER WARREN H. NEWELL**

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

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

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

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

**11. ADJOURNMENT**

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

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**APRIL 10, 2007**

<b><u>PAGE</u></b>	<b><u>ITEM</u></b>	
7	3A-4	<b><u>REVISED TITLE:</u> Staff recommends motion to approve: A) <u>a Federally funded subgrant Agreement with the Florida Division of entering into a Contract with Federal Emergency Management Agency (FEMA) for a grant to complete the design of drainage improvements as part of the Hazard Mitigation Grant Program; and...</u></b>
18	3F-4	<b><u>DELETED:</u> Staff recommends motion to adopt:</b> a Resolution approving a revised standard form Executive Hangar Lease Agreement (Agreement); authorizing the County Administrator or his designee to execute the standard form Agreement; authorizing certain changes to the standard form Agreement; repealing Resolution R95-846; and providing for an effective date. (Further staff review) (Airports)
45	3BB-7	<b><u>DELETED:</u> Staff recommends motion to: A) accept</b> the National Institute of Justice "DNA Capacity Enhancement Program" Cooperative Agreement in the amount of \$205,343 for the period of October 1, 2006 to September 30, 2007; and ... (Moved to May 1, 2007) (Sheriff)
49	6A-3	<b><u>ADD-ON:</u> Staff recommends motion to approve:</b>  <b>A)</b> a Development Agreement with Ocean Properties, LTD, Convention Center Hotel Development LLC, Convention Center Residential Development LLC, Convention Center Garage Development LLC and Convention Center Tunnel Development LLC to construct the Convention Center Hotel, Residential Condominiums, Garage and Tunnel;  <b>B)</b> a Hotel Lease with WPB West, LLC, an affiliate of Ocean Properties, LTD;  <b>C)</b> a Residential Land Lease with WPB West, LLC, an affiliate of Ocean Properties, LTD; and  <b>D)</b> a Hotel Room Block Agreement with WPB West, LLC, an affiliate of Ocean Properties, LTD.  Board Approval is subject to final review and approval by external Bond Counsel.  <b>SUMMARY:</b> On June 1, 2004, the Board of County Commissioners selected Ocean Properties, LTD (OPL) as the developer for the Convention Center Hotel. These Agreements are the required documents to allow the construction of the Convention Center Hotel to move forward in accordance with the terms presented to the Board of County Commissioners by OPL and in accordance with the Settlement Agreement. <u>Countywide</u> (JM) (Administration)

51 6F-1 **ADD-ON: Staff recommends motion to approve:** an Amendment to the Agreement (R2002-0278) with Ogletree, Deakins, Nash, Smoak & Stewart, P.A., for Legal Services, pursuant to which David M. DeMaio, Esq. will continue to represent the interests of the County, Maurice Rosenstock and Daniel Hyndman in the case of James McCarthy v. Palm Beach County, et al., Case No. CA 01-13485 AO, at a new schedule of rates, in an amount not-to-exceed \$180,000, and costs not-to-exceed \$35,000. **SUMMARY:** James McCarthy claims that he was arrested in December 1997, and charged with twenty-two (22) counts of grand theft, as a result of false information provided to the State Attorney's Office by Maurice Rosenstock and Daniel Hyndman. David DeMaio is a former Assistant United States Attorney who has handled similar lawsuits, and David DeMaio has represented the Palm Beach County Sheriff's Office and the City of West Palm Beach. His law firm represents the County in labor matters. Countywide (AJM) (County Attorney)

51 6G-1 **ADD-ON: Staff recommends motion to:**

**A) deny** the Village of Wellington and the District Six Commissioner's request for a span wire traffic signal at Forest Hill Boulevard and Quercus Lane (which, if approved, would be installed with District Six funds); and

~~**B) If the Board determines that a signal should not be installed, staff requests Board direction on the contingent concept to not construct the new northbound lane on Forest Hill Boulevard in the area and consider the initiation of a CRALLS for this road section; and**~~

~~**C) B) requests**~~ the Board reaffirm the intention of constructing improvements in a priority fashion along this road segment and direct staff to take all actions necessary to accomplish the above directions.

**SUMMARY:** The County is completing plans to widen Forest Hill Boulevard from four (4) lanes to six (6) lanes between Wellington Trace and Southern Boulevard and is awaiting a drainage permit to be able to bid the work. It is on the Five-Year Road Program for construction this year and there is a development that is phased to the construction. About 1,200 feet south of the Southern Boulevard intersection is the intersection at Quercus Lane. On the east side is a fully built out community of approximately 86 homes with a single entrance/exit at Forest Hill Boulevard, while the neighborhood on the west side has approximately 17 homes. They have requested a traffic signal and the Village Council and the District Commissioner supports the request. The recent signal warrant study showed that no single hour of the eight (8) hours required to meet the warrant was met. An additional study showed an average of 12 seconds of delay was experienced during the peak morning hour. During a Village Council meeting there was discussion that the southbound third lane should definitely be constructed to eliminate the current merge condition. There was no consensus on the need for the new third northbound lane. There seemed to be Council consensus that the entire widening project could be supported if a signal was installed for the neighborhood. Additional information/justification on the signal request can be found in the Background Section of this item. District 6 (MRE) (Engineering)

**NOTE:** Items that were revised, added, deleted, or backup submitted and were not listed on the preliminary addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (\*).