

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

MAY 15, 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 6 - 29)

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

- 5. REGULAR AGENDA** (Pages 32 - 35)
TIME CERTAIN – 11:00A.M. (Welcome to British Consulate)

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to receive and file:

A) Resolution No. 24-2007 of the City of Lake Worth, Florida, urging members of the Florida Legislature to support House Bill 1363 entitled "Organized Criminal Activity" to create additional penalties for gang members; and

B) Resolution No. 26-07 of the City Commission of the City of Delray Beach, 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 service.

2. Staff recommends motion to approve:

A) Budget Amendment of \$3,745,900 in the 1st Cent Tourist Development Local Option Tax Fund to set up revenues, reserves and a transfer of funds to the Public Building Improvement Fund for design and other costs for the Convention Center Parking Garage and Tunnel; and

B) Budget Amendment of \$1,000,000 in the Public Building Improvement Fund to recognize the transfer from the 1st Cent Tourist Development Local Option Tax Fund for design and other costs for the Convention Center Parking Garage and Tunnel.

SUMMARY: On April 10, 2007, the Board approved a Development Agreement with Ocean Properties 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. These Budget Amendments set up the budget for the design and other costs for the parking garage and tunnel. Countywide (PFK)

3. **Staff recommends motion to approve:** an Agreement with Bryan Boysaw & Associates under the Community Development Block Grant (CDBG)/Economic Development Set-Aside Program for \$60,000. **SUMMARY:** On December 5, 2006, the Board of County Commissioners (BCC) approved four (4) CDBG/Economic Set-Aside projects for Fiscal Year 2006/2007 funding (*Item 5A-3*). Through the funding granted, Bryan Boysaw & Associates will create four (4) full-time equivalent positions. The Agreement with Bryan Boysaw & Associates is retroactive and commenced on April 2, 2007. Countywide/District 7 (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:

Meeting Type	Meeting Date
Workshop	August 22, 2006
Joint Meeting w/League of Cities	August 22, 2006
Child Care Facilities Board	December 5, 2006
Regular	December 5, 2006
Zoning	February 22, 2007

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER (Cont'd)

- 3. **Staff recommends motion to approve:** Contracts (regular & hurricane-related) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
- 4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during March 2007. Countywide

C. ENGINEERING & PUBLIC WORKS

- 1. **Staff recommends motion to approve:**
 - A) a Financial Assistance Agreement with Keep Palm Beach County Beautiful (KPBCB) to provide a reimbursement contribution not-to-exceed \$10,000 from District 1;
 - B) a second Financial Assistance Agreement with KPBCB to provide a reimbursement contribution not-to-exceed \$10,000 from District 4;
 - C) a Budget Transfer of \$20,000 in the Transportation Improvement Fund from Reserve for Districts 1 and 4 (\$10,000 each District) to Cabana Colony Local Drainage; and
 - D) a Budget Transfer of \$20,000 in the Capital Outlay Fund from Cabana Colony Local Drainage to KPBCB.

SUMMARY: These items provide funding of \$20,000 to KPBCB for Fiscal Year 2007. The efforts of KPBCB serve a public purpose by promoting and facilitating public and community area enhancement programs and by promoting, facilitating, and reviewing beautification grants for the purpose of enhancing thoroughfare roadways throughout Palm Beach County. Countywide (MRE)

- 2. **Staff recommends motion to approve:** the renewal of the Traffic Signal Design Services Agreement with the following firm:

<u>Firm Name</u>	<u>Original Agreement Date</u>	<u>Resolution No.</u>
Progressive Design and Engineering, Inc.	May 3, 2005	R2005-0858

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

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to approve: a Contract with Florida Highway Products, Inc. (FHP), the lowest responsive, responsible bidder, not-to-exceed the total value of \$50,000 for task orders which may be issued for the Annual Micro-Surfacing Contract. **SUMMARY:** The Annual Micro-Surfacing Contract consists of overlaying existing pavement on various roads. The Small Business Enterprise (SBE) goal for the project is 15%. The SBE participation committed for the project by FHP is 8.67% overall. The second low bidder, North Florida Emulsions, Inc., committed to 9.72% SBE participation. Since the second low bidder's bid price was more than 10% higher than the low bidder, as per our SBE Ordinance, the contract must be awarded to FHP. Countywide (MRE)
4. Staff recommends motion to approve: a Contract with Florida Highway Products, Inc. (FHP) the lowest responsive, responsible bidder, not-to-exceed the total value of \$100,000 for task orders, which may be issued for the Annual Open Graded Asphalt Pavement Contract. **SUMMARY:** The Annual Open Graded Asphalt Pavement Contract consists of furnishing all management and supervision, materials, labor and equipment necessary to maintain traffic and place a cold-mix open graded asphaltic concrete pavement surface on the roadways. The Small Business Enterprise (SBE) goal for the project is 15%. The SBE participation committed for the project by FHP is 8.42% overall. The second low bidder, North Florida Emulsions, Inc., committed to 13.73% SBE participation. Since the second low bidder's bid price was more than 10% higher than the low bidder, as per our SBE Ordinance, the contract must be awarded to FHP. Countywide (MRE)
5. Staff recommends motion to approve: a \$1,544,959 Contract with Ranger Construction Industries, Inc. (Ranger), the lowest responsive, responsible bidder, for the construction of Royal Palm Beach Boulevard and Orange Boulevard intersection improvements (Project). **SUMMARY:** This Contract will provide all the work necessary to construct the project. The Small Business Enterprise (SBE) goal for the project is 15% overall. The SBE participation committed for the project by Ranger is 15.05%. District 6 (MRE)
6. Staff recommends motion to approve: a Budget Transfer of \$10,000 in the Transportation Improvement Fund from District 2 Reserves to the Street Lighting Program. **SUMMARY:** The District 2 Commissioner has authorized funding to study street lighting options in the Wynnewood and Woodcrest communities. The study will address underground and overhead utilities issues, feasibility of installations, and all costs associated with installation and ongoing operation and maintenance costs. District 2 (MRE)
7. Staff recommends motion to approve: a Budget Transfer of \$8,000 in the Transportation Improvement Fund from Reserve for District 1 to Idlewilde Road speed humps - District 1. **SUMMARY:** The District 1 Transportation Improvement Fund will pay for the requested speed humps on Idlewilde Road east of Prosperity Farms Road, to improve safety and reduce speeding. District 1 (MRE)
8. Staff recommends motion to approve: a Budget Transfer of \$22,000 in the Transportation Improvement Fund from Reserve for District 3 to Yellow Brick Road improvements - District 3. **SUMMARY:** This Budget Transfer will fund the resurfacing, signing, and striping of Yellow Brick Road. District 3 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

9. Staff recommends motion to approve: a \$740,705.80 Contract with Rosso Paving & Drainage, Inc. (Rosso), the lowest responsive, responsible bidder, for the construction of Cain Boulevard and Glades Road intersection improvements (Project). **SUMMARY:** This Contract will provide all the work necessary to construct the project. The Small Business Enterprise (SBE) goal for the project is 15% overall. The SBE participation committed for the project by Rosso is 58.22%. District 5 (MRE)

10. Staff recommends motion to update: the Traffic Performance Standards (TPS) Appeals Board membership as established in the Countywide Traffic Performance Standards Ordinance 90-40. **SUMMARY:** The Board of County Commissioners recently updated the Appeals Board membership. Staff now requests that the following additional members be added to the Board eligible list. These appointments will be for a period of two (2) years. All appointees are eligible to serve at a given meeting, but only one (1) in each category will be seated for a given hearing. Countywide (LB)

Nominees

Professional Traffic Engineer Employed by another Florida County
Don Donaldson, P.E., County Engineering Director, Martin County

Professional Traffic Engineer Employed by the Florida Department of Transportation, District IV
Jonathan Overton, P.E., Traffic Operations
Steve Braun, P.E., Environmental Management

D. COUNTY ATTORNEY

1. Staff recommends motion to receive and file: the fully executed Resignation, Appointment and Acceptance Agreement between Wachovia Bank, National Association, U.S. Bank National Association, Boca Raton Jewish Community Day School, Inc., and Palm Beach County, Florida. **SUMMARY:** Resolution No. R99-1593 authorized issuance of bonds for the Boca Raton Jewish Community Day School, Inc. project. Under the terms of the bond documents Wachovia Bank served as Trustee. Wachovia resigned as Trustee and U.S. Bank became the Successor Trustee. The parties then executed the Resignation, Appointment and Acceptance Agreement. The fully executed Resignation, Appointment and Acceptance Agreement should now be received and filed in the Minutes Department. Countywide (PFK)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: Agreement with Oakwood Center of the Palm Beaches, Inc. for the period of June 1, 2007, through May 31, 2008, in an amount of \$146,443, for 15 permanent housing beds for disabled, homeless individuals. **SUMMARY:** This Agreement with Oakwood Center of the Palm Beaches, Inc. is a collaborative with the Division of Human Services funded under a Housing and Urban Development (HUD) Shelter Plus Care Program Grant. The grant provides rental assistance for permanent housing beds for fifteen (15) homeless, disabled individuals. No local match is required by the County for this grant. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to approve: Contracts with listed provider agencies for the period March 1, 2007, through February 29, 2008, totaling \$5,094,024 for Ryan White Part A HIV Emergency Relief Formula funds:

A) Compass, Inc.	\$	275,099
B) Comprehensive AIDS Program	\$	1,224,440
C) Comprehensive Community Care Network, Inc	\$	406,787
D) Florida Housing Corporation	\$	50,000
E) Gratitude House	\$	30,325
F) Health Care District of Palm Beach County	\$	656,001
G) Legal Aid Society of Palm Beach County	\$	139,274
H) Minority Development & Empowerment, Inc.	\$	139,272
I) Oakwood Center of the Palm Beaches, Inc.	\$	58,787
J) Palm Beach County Health Department	\$	1,497,171
K) Treasure Coast Health Council- Medical	\$	426,848
L) Treasure Coast Health Council-Support	\$	<u>190,020</u>
Total	\$	5,094,024

SUMMARY: A Notice of Grant Award from the Department of Health and Human Services Health Resources and Services Administration (HRSA) was received on March 5, 2007, that conveys an award for the contract period March 1, 2007, through February 29, 2008. Total funds awarded are \$5,769,416, of which \$576,941 is allocated for Grantee Administration (which includes \$190,020 for Support Services subcontracted to Treasure Coast Health Council listed above); and \$288,471 for Quality Management. Additional funds for this contract period are expected from HRSA under a separate supplemental grant award. The grantee, Palm Beach County, is responsible for selecting and contracting with service providers. The HIV Care Council is charged with the sole responsibility of determining service priorities and the allocation of funding the service priorities. The grant award is for the provision of services related to HIV affected clients, such as case management, medical care, dental care and substance abuse treatment. The agencies listed were selected through the Request for Proposal (RFP) process and have been recommended to receive funding. (Ryan White) Countywide (TKF)

3. **DELETED**

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. Staff recommends motion to:

A) approve the 2007 U.S. Department of Housing and Urban Development (HUD) Renewal Application for the Supportive Housing Program for the period of January 1, 2009 to December 31, 2009 in the amount of \$ 438,254;

B) approve the Shelter Plus Care Renewal Application for the period of June 1, 2008 to May 31, 2009 in the amount of \$161,100; and

C) delegate authority to the County Administrator, or his designee to sign the U.S. Department of Housing and Urban Development (HUD) Supportive Housing Program grant agreements.

SUMMARY: The Supportive Housing Program (SHP) will continue funding 30 transitional housing beds and supportive services, including specialized Case Management for the Homeless Outreach Teams (HOT). A cash match is required (20% Supportive Services - \$46,940 and 25% Operating - \$44,831) in the amount of \$91,771. This match will be budgeted in the FY 2009 budget process. The Shelter Plus Care Grant provides Sponsor Based Rental assistance for fifteen (15) disabled individuals. There is no cash match requirement for the grant, but an in-kind match is provided by the partner agency in the form of supportive services. (Human Services) Countywide (TKF)

5. Staff recommends motion to approve: Lease Agreement with Susan Stechnij and Santiago Boiton for the period June 1, 2007, through May 30, 2008, in an amount not-to-exceed \$27,900 to provide temporary housing for Community Action Program (CAP) clients. **SUMMARY:** The Community Action Program receives funds through the Community Services Block Grant (CSBG) to provide temporary shelter for low-income individuals and families. Clients who meet certain income criteria receive housing for a maximum of one (1) year with the average stay being three (3) to six (6) months. The leased property at 164 E. 2nd Street in Pahokee provides for:

Suite 1 & Suite 2 2 Room suites w/private bath furnished
w/central A/C (electricity included)

This Lease was prepared by Property and Real Estate Management Division and includes an option to renew for twelve (12) months, if funding is available at the current lease rate. The total cost of the lease is \$27,900, which consists of \$23,250 in Federal funds and \$4,650 in County funds. The Lease spans two (2) fiscal years. County match is included in the FY 2007 budget and will be requested in the FY 2008 budget. (Community Action Program) District 6 (TKF)

6. **Staff recommends motion to approve:** Lease Agreement with Operation Hope, Inc. in an amount not-to-exceed \$22,200, for the period June 1, 2007, through May 31, 2008 to provide temporary housing for Community Action Program (CAP) clients. **SUMMARY:** The Community Action Program receives funds through the Community Services Block Grant (CSBG) to provide temporary shelter for low-income individuals and families. Clients who meet certain income criteria receive housing for a maximum of one (1) year with the average stay being three (3) to six (6) months. The leased property at 3501 Old Dixie Highway in Riviera Beach provides for five (5) rooms (2 person occupancy). This Lease was prepared by Property and Real Estate Management Division and includes an option to renew for twelve (12) months, if funding is available at the current lease rate. The total cost of the lease is \$22,200, which consists of \$18,500 in Federal funds and \$3,700 in County funds. The Lease spans two (2) fiscal years. County match is included in the FY 2007 budget and will be requested in the FY 2008 budget. (Community Action Program) District 7 (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to adopt: a Resolution approving a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) in the amount of \$6,250 for pavement rehabilitation at North Palm Beach County General Aviation Airport. **SUMMARY:** The Florida Department of Transportation has issued a Joint Participation Agreement reflecting their commitment of funding to the above referenced project in the amount of \$6,250 or 2.50% of the eligible project costs, whichever is less. Countywide (LMB)

2. Staff recommends motion to adopt: a Resolution approving a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) in the amount of \$3,750 for Runway 33 threshold improvements at Palm Beach County Park Airport (Lantana). **SUMMARY:** The Florida Department of Transportation has issued a Joint Participation Agreement reflecting their commitment of funding to the above referenced project in the amount of \$3,750 or 2.50% of the eligible project costs, whichever is less. Countywide (LMB)

3. Staff recommends motion to approve: Change Order No. 7 to the Contract with David Brooks Enterprises, Inc. in the deductive amount of (\$120,805) for the Administration Building and Communications Facility Project at Palm Beach International Airport (PBIA). There is no change in contract time in Change Order No 7. **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 at PBIA in the amount of \$10,997,000. On December 6, 2006, the Contract Review Committee rejected Change Order No. 1 (Increase in Builders Risk Insurance) and approved Change Order No. 2 (To substitute a different elevator manufacturer) for a deduction in the amount of (\$57,880). There was no change in the contract time. On March 21, 2007, the Contract Review Committee 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. On April 10, 2007, the BCC approved Change Order No. 5 (R2007-0479) for permitting changes in the amount of \$176,295 and an increase in the contract time by a total of 65 calendar days. On April 10, 2007, the Department of Airports approved Change Order No. 6 in the amount of \$33,895 for changes in site work and door schedules. Approval of Change Order No. 7 will provide a credit to the contract in the amount of (\$120,805) to provide a spray stucco finish to the exterior of the building in lieu of the coquina finish originally in the contract. The Disadvantaged Business Enterprise (DBE) participation for this Change Order is 0%. The total DBE contract goal including all change orders is 8.53%. Countywide (JCM)

4. Staff recommends motion to approve: Termination of the North County General Aviation Airport Hangar Lease Agreement with ES Holdings, LLC, dated April 11, 2006 (R2006-0837), effective May 15, 2007 for failure to make required rental payments. **SUMMARY:** On May 16, 2006, the Board approved the North County General Aviation Airport Hangar Lease Agreement with ES Holdings, LLC for Hangar No. 11730-12. Since January 1, 2007, ES Holdings has failed to make its monthly rental payments as required by the Lease Agreement. Staff is recommending termination of the Lease Agreement effective May 15, 2007. Countywide (JB)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

5. **Staff recommends motion to approve:** a Third Amendment to the Contract for Pay Telephone Concession at Palm Beach International Airport (PBIA) with Embarq Payphone Services, Inc., f/k/a Sprint Payphone Services, Inc., extending the term of the Contract through February 29, 2008. **SUMMARY:** On July 24, 2002, the Board approved a Contract for Pay Telephone Concession at PBIA (Contract No. 01-186/PR) with Sprint Payphone Services, Inc. In March 2006, Sprint Payphone Services changed its name to Embarq Payphone Services, Inc. The initial term of the Contract expired on February 28, 2005. The County exercised its two (2) options to extend the Contract, which were for a period of one (1) year each. Under the current Contract, Embarq Payphone Services pays the County for the right to provide pay telephone services at PBIA. It is anticipated that the County will have to pay for the provision of pay telephone services when the contract is re-bid. Due to declining revenues, few companies are interested in providing pay telephone services as a concession. Extending the term of the Contract will ensure pay telephone services remain available for passengers at PBIA while continuing to provide the County with additional concession revenues. Countywide (AH)

6. **Staff recommends motion to adopt:** a Resolution approving a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) in the amount of \$3,575 for Taxilane Rehabilitation at Palm Beach County Glades Airport. **SUMMARY:** The Florida Department of Transportation has issued a Joint Participation Agreement reflecting their commitment of funding to the above referenced project in the amount of \$3,575 or 2.50% of the eligible project costs, whichever is less. Countywide (AH)

7. **Staff recommends motion to approve:** a Contract with Hypower, Inc. in the amount of \$1,807,455 for the Roadway, Parking and Terminal Signage Replacement/Improvement Plan Project at Palm Beach International Airport (PBIA) with a modification to the insurance requirements deleting Builders Risk Insurance and replacing it with an Installation Floater. **SUMMARY:** This project was advertised utilizing the competitive bid process. On February 13, 2007, two (2) bids were received for the Roadway, Parking and Terminal Signage Replacement/Improvement Plan Project at PBIA. Hypower, Inc. has been identified as a responsible/responsive bidder in the amount of \$1,807,455, which includes the base bid and alternates 2, 3 and 4. The Small Business Enterprise (SBE) goal for this project was established at 15.00%. Hypower, Inc. bid contained 68.09% SBE participation. Risk Management's review determined that the insurance requirements should include an Installation Floater in lieu of the Builders Risk Insurance. There is no difference in cost to the contract. Countywide (JCM)

8. **Staff recommends motion to receive and file:** three (3) original Agreements for the Department of Airports:

A) North County General Aviation Airport Hangar Lease Agreement with Blue Eagle Air, LLC, Hangar No. 11210-05, effective April 4, 2007;

B) Agreement to Terminate Hangar Lease Agreement with Dick McKinnon on April 14, 2007 for Hangar No. 4, Building 11220, effective March 20, 2007 (R2005-0019); and

C) Agreement to Terminate Hangar Lease Agreement with Charles S. Wolf on March 31, 2007 for Hangar No. 5, Building 11210, effective March 22, 2007 (R2004-0033).

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the BCC in R2003-1047 and R2004-1367. Countywide (AH)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve:

A) Budget Amendment of \$1,043,892 in the \$10.5 Million Taxable Bond Anticipation Notes, Series 2005 to recognize new loan proceeds, cost of issuance and a transfer to the \$10.5 Million Taxable Bond Anticipation Note, Series 2005 Debt Service Fund; and

B) Budget Amendment of \$1,015,392 in the \$10.5 Million Taxable Bond Anticipation Notes, Series 2005 Debt Service Fund to set up the interest payments.

SUMMARY: On April 10, 2007, the Board authorized the issuance of Taxable Public Improvement Revenue Bond Anticipation Notes (Convention Center Hotel Project) in an amount not exceeding \$11,550,000 for the purpose of paying the principle and interest due on the County's \$10.5 Million Taxable Public Improvement Revenue Bond Anticipation Notes (Convention Center Hotel Project), Series 2005 and paying cost of issuance on the 2007 Bonds Anticipation Notes. These Budget Amendments set up payment of interest and cost of issuance on the 2005 Bond Anticipation Notes. Countywide (PFK)

2. Staff recommends motion to approve: Budget Transfer from school impact fee reserve and revenue accounts to school impact fee appropriation accounts for the following school impact fee funds:

<u>Fund</u>	<u>Amount</u>
School Impact Fee Zone 1	\$3,023,750
School Impact Fee Zone 2	\$5,777,750
School Impact Fee Zone 3	\$6,109,000
School Impact Fee Zone 4	\$1,606,000

SUMMARY: Estimated impact fees budgeted in reserve accounts cannot be appropriated until funds have been collected. The Budget Transfers allow for the appropriation of collected impact fees and allows the County to remit funds to the School District. Countywide (LB)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Amendment No. 12 to the Contract with Catalfumo Construction, Ltd. (R2003-1543) in the amount of \$1,475,068.27 to increase the cost of the PBSO Aviation Unit Facility establishing a total Guarantee Maximum Price (GMP) of \$5,650,000. **SUMMARY:** This project consists of a new hangar for PBSO (with a sublease to West Palm Beach Police) and relocation of the existing fuel facility to a location acceptable to the Department of Airports. On September 12, 2006, the Board approved Amendment No. 10 with Catalfumo Construction, Ltd. (R2006-2007) for construction management services for the construction of a 16,320 square foot Aviation Unit Facility, in the amount of \$4,174,931.73. This price was based on a conceptual program absent of detailed plans. Subsequent to approval, the design development process unveiled unforeseen code requirements, additional operational considerations, and airport-related constructability issues which impacted the scope of the project. These factors resulted in increased costs beyond those established in the original price. Amendment No. 12 encompasses these additional costs with a revised completion time of 335 days for the hangar and 90 additional days for the fuel tank relocation. The SBE goal for this project is 15%. Catalfumo is aware of the SBE requirement and has reconfirmed to staff its commitment to exceed that goal. Catalfumo's builder's risk insurance will include wind coverage with a 10% deductible, which has been approved by Risk Management. (Capital Improvements Division) District 2 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. **Staff recommends motion to approve:** Supplement No. 1 to Consultant Services Authorization (CSA) No. 5 to Contract with Stephen Boruff Architects + Planners, Inc. (R2006-0073) in the amount of \$161,600 for professional services related to replacement Fire Station No. 32. **SUMMARY:** Stephen Boruff Architects + Planners, Inc. have completed a due diligence report that included preliminary site planning and survey work. This supplement authorizes the consultant to proceed with professional services for design, development of construction documents, bidding, and construction services for the proposed replacement Fire Station No. 32. (Capital Improvements Division) District 2 (JM)

3. **Staff recommends motion to approve:** Supplement No. 1 to Consultant Services Authorization (CSA) No. 6 to Contract with Stephen Boruff Architects + Planners, Inc. (R2006-0073) in the amount of \$156,360 for professional services related to new Fire Station No. 14 located on Indiantown Road. **SUMMARY:** Stephen Boruff Architects + Planners, Inc. have completed a due diligence report that included preliminary site planning and survey work. This supplement authorizes the consultant to proceed with professional services for design, development of construction documents, bidding, and construction services for the proposed new Fire Station No. 14. (Capital Improvements Division) District 1 (JM)

4. **Staff recommends motion to approve:** a Unity of Title for the Wellington Library. **SUMMARY:** On February 24, 2004, the County acquired 1.36 acres from the Village of Wellington (R2004-0325) for the expansion of the Wellington Library located on Forest Hill Boulevard. As a condition for issuance of the Certificate of Occupancy, the Village is requiring that the County record a Unity of Title over both the existing Library parcel (2.77 acres) and the expansion parcel (1.36 acres) providing that the parcels shall not be sold, transferred, or assigned separately. (PREM) District 6 (HJF)

5. **Staff recommends motion to approve:** a Unity of Title for the Royal Palm Beach Branch. **SUMMARY:** On December 20, 2005, the County acquired 1.38 acres from the Village of Royal Palm Beach (R2005-2399) for the expansion of the Royal Palm Beach Branch Library located on Civic Center Way. As a condition of development approval, the Village is requiring that the County record a Unity of Title over both the existing Library parcel (2.15 acres) and the expansion parcel (1.38 acres) providing that neither parcel shall be sold, transferred, or assigned separately. (PREM) District 6 (HJF)

6. **Staff recommends motion to approve:** Payment to The School District of Palm Beach County in the amount of \$312,687 for improvements to the ballfields at West Boynton District Park. **SUMMARY:** During the construction of Park Vista High School, which is immediately adjacent to West Boynton District Park (the two share athletic facilities), Parks Department requested that the School District add ballfield lighting and various batting cage improvements to a field that was being constructed on School District property to facilitate non-school use of the field. Having the School Board design and construct these improvements as part of their project resulted in a cost savings to the County by eliminating duplicative mobilization and allowing the completion of the fields, ballfield lighting and batting cages concurrently. If approved, payment in the amount of \$312,687 via a construction purchase order will be made. (FDO Admin) Countywide/District 3 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. Staff recommends motion to:

A) approve a Resolution requesting the conveyance of approximately .25 acres from the Florida Department of Transportation (FDOT), at no charge and without reservation of mineral rights; and

B) accept a Quit-Claim Deed from FDOT.

SUMMARY: The County and South Florida Regional Transportation Authority (SFRTA) are jointly developing the Intermodal Transfer Facility (Transfer Facility) located at the southeast corner of Banyan Boulevard and Clearwater Drive in West Palm Beach. Additional land at the southern end of the County-owned parcel is necessary to accommodate construction of an access roadway for the Transfer Facility. FDOT has agreed to convey approximately .25 acres of surplus property to the County at no charge. The County is in the process of performing environmental inspections on the property. The property will be conveyed subject to a restriction that the property be used only in connection with development of the Transfer Facility. FDOT has approved the form of the Quit-Claim Deed and upon Board approval, FDOT will execute same. Staff is working with its consultant to obtain all local development approvals required to develop the Transfer Facility. (PREM) District 7 (HJF)

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

A) an Agreement for Purchase and Sale with Bettina Godziszewski, as Personal Representative of the Estate of Joseph Davis Pitts, to acquire a 0.47 acre outparcel adjacent to Westgate Park for \$350,000; and

B) a Memorandum of Agreement to be recorded in the public records to provide notice of this Agreement for Purchase and Sale.

SUMMARY: This Agreement for Purchase and Sale is for the County to purchase 0.47 acres located at 1801 Seminole Boulevard, north of the intersection of Oswego Avenue and Seminole Boulevard adjacent to the County's Westgate Park and Recreation Center (Westgate Park). The property is improved with a 1,814 square foot single family home built in 1958 that will be demolished. The purchase price of \$350,000 is equal to the value indicated by the appraisal obtained by staff. This property abuts the County's Westgate Park and is across the street from Fire Rescue Station No. 24. Parks and Fire Rescue will explore options to reconfigure Westgate Park to accommodate a replacement fire station within the expanded Park property. This Agreement for Purchase and Sale contains a thirty (30) day inspection period to complete necessary due diligence. Closing is expected to occur within 45 days of Board approval. (PREM) District 2 (JMB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. Staff recommends motion to approve:

A) the First Amendment (Amendment) to Interlocal Agreement (R2007-0288) with the City of Lake Worth (City) for well sites and a transmission pipeline at John Prince Memorial Park (Park);

B) a Modification of Restriction in Deed No. 18537-C by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (BOT) to allow municipal wells and public utilities; and

C) a Modification of Restrictions in Deed No. 18516-G by BOT to allow municipal wells and public utilities, and to provide that no portion of the property be used for a performing educational arts center.

SUMMARY: On February 27, 2007, the Board approved an Interlocal Agreement with the City (R2007-0288), allowing the City to construct well sites at John Prince Park. The Board simultaneously approved Modifications of Restrictions (R2007-0290 and R2007-0291) to allow the well sites, which required BOT's approval. On March 13, 2007, BOT approved the Modifications of Restrictions, but limited the type and number of well sites that would be allowed and required prior written approval from the DEP for any additional well sites. This Amendment will allow the City to construct and operate four (4) Floridan aquifer well sites within the Park property. The City has modified its Project to accommodate BOT's limitations and has requested that the Interlocal Agreement be amended to reflect this change. (PREM) District 3 (JMB)

10. Staff recommends motion to approve: a Utility Easement Agreement in favor of Florida Power & Light Company (FPL) for electrical services to the County's Central Region Reclaimed Water Facility adjacent to Century Village in unincorporated West Palm Beach. **SUMMARY:** The Central Region Reclaimed Water Facility is located at 2969 Northampton Street in the Century Village development west of West Palm Beach. FPL requires an easement prior to the installation of the new electrical service and the pad-mounted transformer. The easement area is 60.28 feet long and 15 feet wide for a total area of 904.20 square feet (0.020 acres) and is located along the east property line (Northampton Street). 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 2 (JMB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

11. Staff recommends motion to approve:

A) an Agreement for Purchase and Sale with SPTMRT Properties Trust (SPTMRT), a Maryland Real Estate Investment Trust, to acquire 1.836 acres of vacant land in unincorporated Boca Raton, for \$321,300; and

B) an Escrow Agreement with SPTMRT and Sharon R. Bock, Clerk & Comptroller of Palm Beach County (Escrow Agent).

SUMMARY: The Agreement is for the County's purchase of 1.836 acres of vacant land located on SW 18th Street in Boca Raton. The property will be used for construction of Fire Rescue Station No. 56. The stated purchase price is \$350,000 and will be adjusted to \$321,300 based upon the acreage determined by survey (1.836 acres x \$175,000/acre). Staff obtained an appraisal which valued the property at \$358,000 (\$195,000/acre). The Agreement requires the County to pay a deposit of \$25,000; \$10,000 upon signing and \$15,000 at the end of the inspection period. The deposit will be held by the Clerk and Comptroller pursuant to the Escrow Agreement. Staff has completed all due diligence including obtaining zoning and site plan approvals. In response to the urgent need for the Fire Station, staff will proceed to close this transaction as soon as the seller is able to, likely 3-4 weeks after Board approval. The property will be conveyed to the County subject to restrictions prohibiting industrial uses, and for a period of 15 years, limiting the use to a fire rescue facility. The County shall be responsible for title insurance and closing costs estimated to be \$1,800. (PREM) District 4 (HJF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: an Agreement with the City of South Bay to provide up to \$42,369 in FY 2006-2007 Community Development Block Grant (CDBG) funds for the period October 1, 2006 to September 30, 2007 for CDBG activity delivery costs. **SUMMARY:** In its FY 2006-2007 Action Plan, the Board of County Commissioners approved the allocation of \$42,369 in CDBG funds to the City of South Bay for the provision of activity delivery costs. Under this Agreement, HCD shall reimburse the municipality for all activities associated with the rehabilitation of a housing unit up to and including the submission of a bid package to HCD Capital Improvement Section. Reimbursement is based upon approval of completed Emergency Rehabilitation cases and Full Housing Rehabilitation cases by HCD. The activities will be undertaken by the City's Community Development Department. Emphasis will be placed on performing activities which are located within the City of South Bay Target Area. **These are Federal CDBG funds that require no local match.** Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to approve: Amendment No. 003 to an Agreement (R2005-2345) with the City of Greenacres, to: a) extend the expiration date from April 30, 2007 to July 31, 2007; and b) increase the funding amount from \$100,000 to \$180,000, in Community Development Block Grant (CDBG) funds. **SUMMARY:** The Amendment provides an extension of three (3) months to the term of the existing Agreement for the construction of street improvements on Walker, Perry, and Broward Avenues, between 10th Avenue North and the Lake Worth Drainage District L-10 Canal, in the City of Greenacres. The work includes the construction of storm drainage, sidewalks, street lighting, and the paving and restoration of the existing roadway and driveway connections damaged by this new construction. A construction contract has been executed by the City for \$199,803, and work on the project has been completed. The County's additional funds will provide relief to the City's limited financial resources. The \$180,000 to be funded by the County will go towards the construction contract, and the City of Greenacres will fund the shortfall of \$19,803, as well as the engineering costs. The time extension will provide an additional three (3) months to allow the processing of the reimbursement to the City. **These are Federal funds that require no local match.** District 2 (TKF)

3. Staff recommends motion to approve: an Agreement with the Westgate/Belvedere Homes Community Redevelopment Agency for street lighting in the Golfview Heights neighborhood, in the amount of \$80,000 in Community Development Block Grant (CDBG) funds for the period of May 15, 2007, through December 31, 2007. **SUMMARY:** The work will include construction of street lights on Cherry Road, in the Golfview Heights neighborhood, including the installation of decorative light poles, trenching, boring, and wiring. The Westgate/Belvedere Homes Community Redevelopment Agency is funding the cost of the project engineer, and will fund any amount above the \$80,000 funded by the County for construction work. **This Agreement will provide \$80,000 in Federal CDBG funds, which do not require local matching funds.** District 2 (TKF)

4. Staff recommends motion to approve: Amendment No. 002 to an Agreement (R2005-2343) with the City of Riviera Beach, to: a) extend the expiration date from June 30, 2007, to July 31, 2007; and b) increase the funding amount from \$240,000 to \$360,000, in Community Development Block Grant (CDBG) funds. **SUMMARY:** The Amendment provides a one (1) month extension to the term of the existing Agreement for the construction of street improvements on West 30th and 31st Streets between Avenue 'R' and Avenue 'S' in the City of Riviera Beach. The street improvements include paving, sidewalks, curbs, gutters, storm water drainage and landscaping. A construction contract has been executed by the City for \$481,193, and work on the project has been completed. The County's additional funds will provide relief to the City's limited financial resources. The \$360,000 to be funded by the County will go towards the construction contract, and the City of Riviera Beach will fund the shortfall of \$121,193, as well as the engineering costs. The time extension will provide an additional month to allow the processing of the reimbursement to the City. **These are Federal funds that require no local match.** District 7 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

5. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2007-0153) with the Town of Lake Park, to increase the funding amount from \$45,353 to \$75,353, in Community Development Block Grant (CDBG) funds. **SUMMARY:** The Amendment provides a \$30,000 increase in the amount funded by this Agreement for storm water drainage improvements on Bayberry Drive between 7th Court and 8th Street, in the Target Area of the Town of Lake Park. Seven (7) bids for the project were received by the Town with the lowest bid at \$145,000. In addition to its payment for engineering fees, the Town has allocated \$69,647 for construction costs, and has requested Palm Beach County to make up the \$30,000 difference in addition to the County's original \$45,353 allocation. **These are Federal funds that require no local match.** District 1 (TKF)

K. WATER UTILITIES

1. Staff recommends motion to adopt: a Resolution amending Resolution No. R2006-1995 for the Horse Shoe Acres Water Main Extension Improvement Project, reducing the individual assessment from \$62.76 per front foot to \$62.14 per front foot. **SUMMARY:** On September 12, 2006, the Board adopted Resolution R2006-1995 confirming the Horse Shoe Acres Water Main Special Assessment Project. Pursuant to Section 9 of Ordinance No. 2001-0010, property owners are entitled to a reduction in their individual assessment if the final cost of the project falls below the original estimate. The assessment adopted by the Board was based upon an estimated cost of \$1,044,831.62, while the final assessable cost is \$1,034,509.83. Based on 16,648.05 linear feet of assessable frontage, the individual cost to the property owners is decrease from \$62.76 per front foot to \$62.14 per front foot. (WUD Project No. 05-114) District 5 (MJ)
2. Staff recommends motion to adopt: a Resolution amending Resolution No. R2006-1334 for the Palmetto Road Water Main Extension Improvement Project, reducing the individual assessment from \$56.12 per front foot to \$55.83 per front foot. **SUMMARY:** On July 11, 2006, the Board adopted Resolution No. R2006-1334 confirming the Palmetto Road Water Main Special Assessment Project. Pursuant to Section 9 of Ordinance No. 2001-0010, property owners are entitled to a reduction in their individual assessment if the final cost of the project falls below the original estimate. The assessment adopted by the Board was based upon an estimated cost of \$142,265.32, while the final assessable cost is \$141,530.17. Based on 2,535.02 linear feet of assessable frontage, the individual cost to the property owners is decreased from \$56.12 per front foot to \$55.83 per front foot. (WUD Project No. 05-126) District 6 (MJ)
3. Staff recommends motion to approve: Change Order No. 3 to the Contract with R.J. Sullivan, Corp. (R2006-0780) for the Water Treatment Plant No. 8 Expansion Project increasing the contract price by \$154,251.96 and providing a 70-day time extension. **SUMMARY:** Change Order No. 3 authorizes the Contractor to perform various civil, mechanical, and electrical improvements for this project; resolve conflicts with the proposed new facilities; and provides the Contractor with additional time (70 days) to accomplish the additional work. The enhancements include safety improvements at the existing sodium hypochlorite generator building, motorized valves in the filter building, re-painting of the containment walls for the existing brine and sodium hypochlorite storage tanks (as recommended by Palm Beach County Environmental Resource Management Department), and concrete encasement of the transfer pump discharge header. Total change orders to date, excluding the \$1,712,386.46 sales tax recovery program change order, equal \$299,570.36 (1.61% increase). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.0% overall. This Change Order includes zero overall SBE participation. The contractor's cumulative SBE participation, including this Change Order, is 27.31% overall. (WUD Project No. 05-146) District 2 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. Staff recommends motion to approve: Change Order No. 6 to the Contract with Garney Companies, Inc. (R2005-2072) for the Northern Region Utility Improvement Project Phase 2B increasing the contract price by \$55,639.17 and providing a 64-day time extension. **SUMMARY:** On October 18, 2005, the Board approved a contract with Garney Companies, Inc. in the amount of \$13,627,020 for construction of various sizes of water and force mains and related appurtenances along North Road, Okeechobee Boulevard, Southern Boulevard, and Seminole Pratt-Whitney Road (R2005-2072). Change Order No. 6 will authorize the Contractor to furnish and install the necessary fittings for a future connection on Southern Boulevard for a South Florida Water Management Building; replace an existing storm drainage pipe along the North Road canal; and provide a credit for unused contract allowances. The Contractor has requested a 64-day time extension to address several underground conflicts with existing utilities and for delays associated with obtaining utility easements. The County was required to delay the Notice-to-Proceed for this section of work until the necessary utility easements were obtained. Total change orders to date equal \$201,290.73 (1.50%). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.00% overall. This Change Order includes zero SBE participation. The contractor's cumulative SBE participation, including this Change Order, is 15.77% overall. (WUD Project No.04-227B) District 6 (JM)

5. **DELETED**

6. Staff recommends motion to approve: Consultant Services Authorization No. 10 to Brown & Caldwell, Inc. for Water Treatment Plant No. 3 New Production Wells in the amount of \$230,067. **SUMMARY:** This Consultant Services Authorization provides for engineering and hydrogeological services to design and permit four (4) new raw water wells for Treatment Plant No. 3. The additional wells are needed to improve system reliability and to maintain sustainable wellfield yields. The contract with Brown & Caldwell, Inc. includes the Small Business Enterprise (SBE) participation goal of 26%, which exceeds the 15% goal established by the SBE Ordinance. This Consultant Services Authorization includes 42.68% overall participation. The consultant's cumulative SBE participation, including this Authorization, is 28.00% overall. (WUD Project No. 07-118) District 5 (MJ)

7. **DELETED**

8. Staff recommends motion to receive and file:
 - A) Contract with Tremron, Inc. for construction materials required for the Southern Region Water Reclamation Facility (SRWRF) Storm Water Endwall Repair Project in the amount of \$3,122; and
 - B) Contract with Murray Logan Construction, Inc. for construction of the SRWRF Storm Water Endwall Repair Project in the amount of \$13,535.

SUMMARY: The Board of County Commissioners delegated the authority to execute construction contracts valued less than \$200,000 to the Department Director in accordance with the Palm Beach County Purchasing Code . After these contracts are executed by the contractor 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. (WUD 07-06) District 5 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

9. Staff recommends motion to receive and file: five (5) Standard Development Agreements and three (3) Standard Development Renewal Agreements complete with executed documents received during the months of February, March and April 2007:

Standard Development Agreements

- | | |
|---|--------------|
| A) High Point on Congress, LLC | 01-01188-000 |
| B) Vivendi Homes, LLC | 02-01117-000 |
| C) West Atlantic Property Associates, LLC | 03-90005-000 |
| D) Boynton Beach Associates XXIII, LLLP | 05-01089-000 |
| E) City National Bank of Florida, Trustee | 09-90004-000 |

Standard Development Renewal Agreements

- | | |
|--|--------------|
| F) Palms West Professional Plaza, LLC | 02-01047-R02 |
| G) G L Homes of Boynton Beach Associates IX LTD. | 03-01012-R01 |
| H) Touse Homes, Inc. | 09-01028-R02 |

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

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) approve an Interlocal Agreement with Martin County to reimburse Martin County for expenses related to a regional water resource study that includes evaluating restoration options for Palm Beach County natural areas and improving the timing and quantity of water deliveries to the Northwest Fork of the Loxahatchee River at a reimbursement cost not-to-exceed \$50,000; and

B) authorize the County Administrator or his designee to sign any and all future time extensions, certifications, change orders and other forms associated with this Agreement.

SUMMARY: Palm Beach County has completed acquisition of more than 6,636-acres of natural area west of Jupiter Farms that is part of the watershed for the Loxahatchee River. An evaluation of how various restoration techniques might affect the way rainfall accumulates and discharges from the site is needed. Hydrologic models are commonly used for this type of evaluation and, in this case, the presence of an ongoing study in the basins immediately north of the natural area and the discovery of existing connections between them make adding the natural area to the study an efficient mechanism of accomplishing the task of evaluation. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to:

A) approve Interlocal Agreement for cost-sharing on an erosion control project with the Town of South Palm Beach effective upon execution and terminating on September 30, 2032; and

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

SUMMARY: A 2007 erosion control study outlines suitable long-term shoreline protection responses for the Town of South Palm Beach and the Town of Lantana. The Town of South Palm Beach has been cost-sharing, with the County since April 1, 2007, twenty percent (20%) of eligible project costs which include project management, engineering and design, permitting, construction, mitigation, and environmental and project performance monitoring. District 4 (SF)

M. PARKS & RECREATION

1. Staff recommends motion to approve: Agreement with Expanding and Preserving Our Cultural Heritage, Inc. (EPOCH) for the period May 15, 2007, through December 30, 2007, in an amount not-to-exceed \$7,500 for the Kids Cultural Club Program.

SUMMARY: This funding is to help offset operational expenses for EPOCH's Kids Cultural Club, which serves approximately 300 children and youth in the South County area. The Agreement allows for the reimbursement of eligible project costs incurred by EPOCH subsequent to October 1, 2006. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

2. Staff recommends motion to approve: Agreement with the Jewish Federation of South Palm Beach County, Inc. for the period May 15, 2007, through September 30, 2007, in an amount not-to-exceed \$35,000 for funding of the Israel Independence Day Celebration. **SUMMARY:** This funding is to help offset the cost of the Israel Independence Day Celebration held at the Mizner Park amphitheater on April 24, 2007.

The celebration was attended by approximately 5,000 people from the Palm Beach County community. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to February 7, 2007. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 4 (AH)

3. Staff recommends motion to approve: Agreement with the Town of Lake Clarke Shores for the period May 15, 2007, through December 1, 2008, in an amount not-to-exceed \$45,000 for funding of Memorial/Lake Clarke Shores Community Park.

SUMMARY: This funding is to help offset the cost of development of Memorial/Lake Clarke Shores Community Park. The park is anticipated to be used by 250 people each day. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to December 12, 2006. Funding is from the Recreation Assistance Program (RAP) District 3 Funds. District 3 (AH)

4. Staff recommends motion to approve: Agreement with the Town of Manalapan for the period May 15, 2007, through September 1, 2007, in an amount not-to-exceed \$10,000 for the 2007 J. Turner Moore Memorial Library Lecture Series. **SUMMARY:**

This funding is to offset the cost of the 2007 Library Lecture Series being held by the Town of Manalapan. The Library Lecture Series is anticipated to serve 275 participants from throughout the County. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to November 1, 2006. Funding is from the Recreation Assistance Program (RAP) District 4 Funds. District 4 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

5. **Staff recommends motion to approve:** Agreement with Seagull Industries for the Disabled, Inc. for the period May 15, 2007, through September 30, 2007, in an amount not-to-exceed \$5,000 for funding of senior graduation activities and field trips. **SUMMARY:** This funding is to help offset cost incurred by Seagull Industries for the Disabled, Inc. (Seagull) for graduation and group field trip activities. Approximately 54 charter school students and residential facility residents will be served by these activities. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to February 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 1 Funds. District 7 (AH)
6. **Staff recommends motion to approve:** Agreement with The Center for Youth Activities, Inc. for the period May 15, 2007, through December 1, 2007, in an amount not-to-exceed \$60,000 for funding of after school programs. **SUMMARY:** This funding is to assist with operational expenses for The Center for Youth Activities, Inc.'s (Center) after school programs. The programs are operated year-round and serve approximately 90 youth. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to September 1, 2006. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 5 (AH)
7. **Staff recommends motion to receive and file:** original executed Request for Funding Form for a School Board Recreation Assistance Program (RAP) project for Olympic Heights Community High School, in an amount not-to-exceed \$20,000 for football (\$5,000), basketball (\$5,000), and wrestling (\$10,000) programs. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747) approved by the Board on October 21, 2003. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 5 (AH)
8. **Staff recommends motion to receive and file:** original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for Wellington High School, in an amount not-to-exceed \$2,500 for football team uniforms and equipment. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747) approved by the Board on October 21, 2003. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)
9. **Staff recommends motion to receive and file:** original executed Request for Funding Form for a School Board Recreation Assistance Program (RAP) project for Forest Hill High School, in an amount not-to-exceed \$5,000 for Project Graduation 2007. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747) approved by the Board on October 21, 2003. Funding is from the Recreation Assistance Program (RAP) District 3 Funds. District 2 (AH)
10. **Staff recommends motion to receive and file:** original executed Request for Funding Form for a School Board Recreation Assistance Program (RAP) project for Wellington High School, in an amount not-to-exceed \$1,500 for Project Graduation 2007. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747) approved by the Board on October 21, 2003. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

11. Staff recommends motion to receive and file: original executed Request for Funding Form for a School Board Recreation Assistance Program (RAP) project for Jupiter Middle School, in an amount not-to-exceed \$10,000 for the purchase of wall mats for the gymnasium and resurfacing of tennis courts. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747) approved by the Board on October 21, 2003. Funding is from the Recreation Assistance Program (RAP) District 1 Funds. District 1 (AH)
12. Staff recommends motion to receive and file: original executed Request for Funding Form for a School Board Recreation Assistance Program (RAP) project for Wellington High School, in an amount not-to-exceed \$5,000 for Performing Arts Division performing attire. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747) approved by the Board on October 21, 2003. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)
13. Staff recommends motion to receive and file: original executed Request for Funding Form for a School Board Recreation Assistance Program (RAP) project for H.L. Johnson Elementary School, in an amount not-to-exceed \$4,000 for the After School Program. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747) approved by the Board on October 21, 2003. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)
14. Staff recommends motion to receive and file: original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for Wellington High School, in an amount not-to-exceed \$2,500 for Baseball Team uniforms and equipment. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747) approved by the Board on October 21, 2003. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)
15. Staff recommends motion to approve: Agreement with Boys and Girls Clubs of Palm Beach County, Inc. (Boys and Girls Clubs) for the period May 15, 2007, through September 30, 2007, in an amount not-to-exceed \$30,000 for funding of Palm Beach-opoly and Youth Programming project. **SUMMARY:** This funding is to help offset costs for expenses paid by Boys and Girls Club for the development and production of the game "Palm Beach-opoly" for the use of children served at its thirteen (13) clubs throughout Palm Beach County as well as by visitors and residents of the County. The game is anticipated to be used by approximately 5,000 participants. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to November 1, 2006. Funding is from the Recreation Assistance Program (RAP) District 2 (\$10,000), District 4 (\$10,000), and District 7 (\$10,000) Funds. Countywide (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

16. Staff recommends motion to receive and file: original executed Request for Funding Form for a School Board Recreation Assistance Program (RAP) project for Secondary and Career Education, in an amount not-to-exceed \$3,500 for the 6th Annual Race for the Arts. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747) approved by the Board on October 21, 2003. Funding is from the Recreation Assistance Program (RAP) District 2 Funds. District 7 (AH)

17. Staff recommends motion to approve: Recreation Assistance Program allocation to the Parks and Recreation Department in an amount not-to-exceed \$3,465 for the Veteran's Park Memorial Day event. **SUMMARY:** This allocation provides \$3,465 to fund the Memorial Day event to be held on May 28, 2007, at Veteran's Park in Boca Raton. This event is being held in cooperation with the West Boca Veteran's Coalition for an expected audience of 500 people. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 5 (AH)

18. Staff recommends motion to approve: Budget Transfer of \$148,000 in Park Improvement Fund from the Florida Boating Improvement Program reserve to Burt Reynolds Park improvements. **SUMMARY:** The Burt Reynolds Park improvements project includes a restroom building, large group pavilion, four (4) family picnic pavilions, boat trailer and public parking spaces, staging dock on the park's west side, staging dock extension on the park's east side, replacement ramp piers' decking on the west side, tot-lot playground, horseshoe pits, grass volleyball court, assorted park amenities, equipment storage building, and other associated site improvements. The total estimated cost of this project (including design and engineering) is approximately \$3.6 million. This Transfer will provide necessary funding for unanticipated expenditures and construction change orders not included in the original contracts to complete this project. Funding is from the Park Improvement Fund Florida Boating Improvement Program reserve. District 1 (AH)

N. LIBRARY

1. **Staff recommends motion to:**
 - A) **receive and file** Award Agreement for an Institutional Scholarship for \$8,000 with the Public Library Association (PLA); and
 - B) **approve** a Budget Amendment of \$8,000 to establish a new fund for this scholarship program.

SUMMARY: PLA has awarded Palm Beach County Library System a *Grow Your Own @ Your Library* Institutional Scholarship to address the needs of public library staff working toward a master's degree in Library and Information Science (MLS). The electronic application was approved by the BCC on November 21, 2006 (3N1) and authorization was given to the Chairperson to sign an award agreement and any other necessary forms and certifications related to the award. The Chairperson has signed the agreement. The scholarship program begins in mid-February 2007 and continues to April 15, 2009. No matching funds are required. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve:

A) the First Amendment to the Weed and Seed Interlocal Agreement with the City of Riviera Beach (R2005-2435), dated December 20, 2005 to extend the Weed and Seed contract period from May 1, 2007 to September 30, 2007 and to increase the amount of the agreement by an additional \$39,253; and

B) a Budget Transfer of \$39,253 in the Criminal Justice Reserve Fund 1507.

SUMMARY: In FY 2006, the Board of County Commissioners (BOCC) approved a contract with the City of Riviera Beach to provide \$100,000 to support the Weed and Seed “seeding” efforts for the period of October 1, 2005 to April 30, 2007. The Criminal Justice Commission (CJC) recommends the use of an additional \$39,253 from the Criminal Justice Reserve Fund for the continuation of “seeding” services and to extend the existing contract period to September 30, 2007. District 7 (DW)

U. INFORMATION SYSTEM SERVICES

1. Staff recommends motion to approve: Renewal of Oracle Database Software Maintenance Agreement for the period June 1, 2007 to May 31, 2008 in the amount of \$842,415. **SUMMARY:** This agenda item will continue the practice of coterminous end dates for all County Oracle software maintenance agreements. ISS staff works very closely with the vendor to assure that all of the Oracle components are covered by this Agreement and to minimize the annual cost increase. Countywide (PFK)

X. PUBLIC SAFETY

1. Staff recommends motion to:

A) approve an Agreement with the Public Entity Risk Institute (PERI) to receive \$25,000 in grant funds through December 31st, 2007 to support the creation of a public-private disaster preparedness partnership;

B) approve an Interlocal Agreement with Treasure Coast Regional Planning Council to assist in developing business preparedness initiatives;

C) approve a Budget Amendment of \$25,000 in the Emergency Management Grant Fund to establish a grant budget; and

D) authorize the County Administrator or his designee, to sign any amendments related to PERI or Treasure Coast Regional Planning Council agreements that do not incur additional cost.

SUMMARY: The Division of Emergency Management has established a Public-Private Partnership comprised of local, state and federal governmental, business, and non-government organizations (NGOs) to develop and implement a series of business disaster preparedness and recovery initiatives. PERI funds will be used to help defray the costs of temporary contract work, support efforts to grow the partnership network, and assist the development and implementation of early partnership initiatives. Countywide (DW)

3. CONSENT AGENDA APPROVAL

BB. INTERNAL AUDITOR

1. Staff recommends motion to approve:

A) Amendment No. 3 to the Contract (R2004-1796) with Joseph Bergeron, Internal Auditor, extending said contract for one (1) additional year ending on August 16, 2010; and

B) Recommendations of the Audit Committee for salary adjustment for the period August 17, 2007 through August 16, 2008.

SUMMARY: The Audit Committee, at its March 14, 2007 meeting, unanimously approved recommending a 7% salary adjustment, the same percentage increase provided to other County employees for FY 2007 and a one (1) year extension of the Internal Auditor's contract. The Audit Committee's recommendations result in a salary of \$135,663 and a contract expiration date of August 16, 2010. This item is presented to the Board at this time to comply with the 90 day notice requirement of the contract. Countywide (PFK)

CC. SHERIFF

1. Staff recommends motion to:

A) accept the Violent Crime and Drug Control Port St. Lucie Grant award in the amount of \$39,868 for the period of October 1, 2006, through September 30, 2007, or upon the conclusion of the investigation; and

B) approve a Budget Amendment of \$39,868 in the Sheriff's Grant Fund.

SUMMARY: The Palm Beach County Sheriff's Office (PBSO) has been awarded grant funds by the Florida Department of Law Enforcement (FDLE) for the purpose of investigating a current ongoing case. The FDLE awarded these grant funds to assist with the added cost associated with overtime. There is no additional allocation needed, no matching funds requirement, and no additional County funds will be needed. Countywide (DW)

2. Staff recommends motion to:

A) accept a Florida Department of Transportation Bicycle Safety Education Program Grant in the amount of \$88,750 for the period of April 5, 2007, through September 30, 2007 for the purchase of bicycles and bicycle safety helmets; and

B) approve a Budget Amendment in the amount of \$88,750 in the Sheriff's Grants Fund.

SUMMARY: The Florida Department of Transportation has awarded the Palm Beach County Sheriff's Office (PBSO) the Bicycle Safety Education Program Grant. The funds from this grant will be used for the purchase of bicycles and bicycle safety helmets. The PBSO has several certified bicycle safety technicians who currently provide bicycle safety training in many of the elementary schools and through several community safety events. The distribution of these bicycles and bicycle safety helmets will be done through several of these community safety events. There is no additional allocation needed, no matching funds required, and no additional County funds will be needed. Countywide (DW)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

3. Staff recommends motion to:

A) **accept** an Agreement with the Town of Mangonia Park, a municipal corporation of the State of Florida authorized to be the fiscal agent for the Florida Department of Law Enforcement Justice Assistance Grant, to receive \$20,000 in reimbursement for overtime for existing officers to work project New Hope, effective until September 30, 2007; and

B) **approve** a Budget Amendment of \$20,000 increasing the Sheriff's Grant Fund.

SUMMARY: The purpose of the New Hope program is to reduce criminal activity through Community Policing in the Town of Mangonia Park. The Town of Mangonia Park was awarded \$20,000. The funds provided will be used to pay overtime for Bicycle Patrols, Community Leader Meetings, and Crime Prevention Education. There is no additional allocation needed, no matching funds required, and no County funds required. District 7 (DW)

4. Staff recommends motion to approve: a Budget Transfer of \$75,352 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 \$1,337,958. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,262,606. 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)

<u>Organization</u>	<u>Amount</u>
Take Stock in Children, Inc.	\$50,000
Urban League of Palm Beach County	\$23,352
Jimmy Ryce Center for Victims of Predatory Abduction, Inc.	<u>\$ 2,000</u>
Total Amount of Donations	\$75,352

* * * * *

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

A. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, granting an exemption from certain ad valorem taxation to encourage economic development in the County for Florida Turbine Technologies, Inc., an expansion of an existing business; providing for a finding that requirements have been met; providing for the amount of revenue available from ad valorem tax sources for the current fiscal year; providing for the amount of revenue lost by virtue of the economic development ad valorem tax exemptions currently in effect; providing for the estimated revenue lost attributable to the exemption granted to Florida Turbine Technologies, Inc.; providing for the period of time for which the exemption will remain in effect and the expiration date of the exemption; providing for annual reporting requirement; providing for applicability; providing for inclusion in the Code of Laws and Ordinances; providing for severability; providing for repeal of laws in conflict; and providing for an effective date. **SUMMARY:** The Economic Development Ad Valorem Tax Exemption Ordinance for Florida Turbine Technologies, Inc. will grant an ad valorem tax exemption for 100% of the assessed value of all qualifying tangible personal property acquired and added improvements to real property for four (4) years, excluding land. The Property Appraiser certified Florida Turbine Technologies, Inc. as an expansion of an existing business and estimated that \$26,153 in expansion revenues would be lost during the current fiscal year. The approximate revenue lost over four (4) years would be \$104,612. However, the actual revenue lost in the years 2007 – 2010 may differ because the millage rate and the Property Appraiser's value of the improvement may vary. The applicant requested an exemption for ten (10) years, which is the maximum period permitted under the program. The applicant qualifies for an exemption for five (5) year based upon a formula of jobs created and salaries paid. Staff recommends an exemption for four (4) years. The estimate of assessed taxable value on the tax roll is identified as \$5,159,958 for improvements to real property and \$950,545 for personal property, but the estimate of actual tax dollars lost to the County if the exemption is granted is \$26,153 for the year 2007. Countywide (DW)

B. **Staff recommends motion to:**

A) adopt a Resolution confirming the special assessment process for the Evans Lane Water Main Extension; and

B) approve a Work Authorization No. 2 to AKA Services, Inc., under the Water Utilities Department Continuing Construction Contract (R2007-0357) in the amount of \$90,645.

SUMMARY: Petitions in favor of the installation of a potable water main have been provided by 75% of the property owners in the Evans Lane project area. The project will serve nine (9) residential properties currently on private wells. Individual assessments of \$108.39 per front foot are based on 100% of the assessable cost and may be paid over twenty (20) years with equal annual payments of principal and 6½% interest. The total project cost is \$104,762.36 and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration and construction contingency. The Water Utilities Capital Fund will cover the \$27,541 cost to connect the water main along Evans Lane. The project will be constructed utilizing a Work Authorization under the Water Utilities Department Continuing Construction Contract with AKA, Inc. (R2007-0357). (WUD Project No. 06-190) District 5 (MJ)

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

C. Staff recommends motion to:

A) approve the Application of Saint Andrew's School of Boca Raton, Inc. for the issuance of not-to-exceed \$37,000,000 Variable Rate Demand Revenue Bonds (Saint Andrew's School of Boca Raton, Inc. Project) Series 2007 (the "Bonds"); and

B) conduct a TEFRA public hearing regarding the Bonds.

SUMMARY: Saint Andrew's School of Boca Raton, Inc.(the "Company") has applied for the issuance of the Bonds by the County in an amount not to exceed \$37,000,000. Proceeds of the Bonds will be used to: (i) refund the County's Variable Rate Demand Revenue Bonds (Saint Andrew's School of Boca Raton, Inc. Project) Series 2003 issued in June 2003 and outstanding in the principal amount of \$24,770,000; (ii) pay the costs of or reimburse the School for the costs of acquisition of land adjacent to the existing campus and the construction and equipping of a facility to house the School's pre-Kindergarten through grade 2 operations, and for the costs of a small amount of renovation in the existing facilities primarily to make the space formerly used for grades K through 2 to be used for grades 3 through 5 (the "Project"); and (iii) pay the costs of issuance of the Bonds. Prior to the issuance of the Bonds the Internal Revenue Code requires that the County conduct a public hearing. The Project is located at 3900 Jog Road and 19860 Jog Road, Boca Raton, Florida. **The Bonds will be payable solely from revenues derived from the Company. Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** District 5 (PFK)

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5. REGULAR AGENDA

A. ADMINISTRATION

TIME CERTAIN - 11:00A.M.

1. Welcome to the Keith Allan, HM Consul General; Ximena Prella, Vice Consul Trade and Investment; and Ilian Marticorena, Vice Consul Trade and Investment from the British Consulate. The World Trade Center of Palm Beach is hosting the FAM Tour.
2. Staff recommends motion to approve: an Amendment to the local policies developed to initiate and administer a revolving business loan program funded by the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) Section 108 Loan Guarantee Program. **SUMMARY:** HUD approved Palm Beach County's request for Section 108 funding on September 26, 2002. The program was developed to create a dedicated source of loan funding for use by businesses, investors, communities and non-profit community and economic development organizations to implement business ventures which will create well-paying jobs and help to revitalize local communities. The proposed Amendment to these policies is intended to institute a change in the mission statement and program objectives to reflect that the program will be solely administered by the Office of Economic Development. Additionally, the changes will provide additional safeguards to the County and will make the program more user-friendly to the business community. Other changes will provide clarity on the loan fees and costs and on the eligible activities permitted by the program. Because this Amendment will not impact Palm Beach County's HUD-approved underwriting guidelines, HUD review and approval is not required. The proposed Amendment will also create a change in the format and layout of the existing Community Development Business Loan Application. Countywide (DW)

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to accept: the Donation of a 78.2-acre preserve area from Carleton Oaks Homeowners Association, Inc. (the HOA) to be incorporated into the Loxahatchee Slough Natural Area (LOS) and managed by the County's Department of Environmental Resources Management (ERM), subject to: 1) the preserve area being brought into compliance with the applicable South Florida Water Management District (SFWMD) and United States Army Corps of Engineers (USACOE) permits; 2) the HOA making a \$20,000 one time contribution towards the perpetual maintenance of the preserve; and 3) satisfactory completion of County due diligence. **SUMMARY:** On November 10, 2006, the HOA submitted an Application for the Acceptance of Conservation Lands for their 78.2-acre preserve area. As proposed in their application and conditioned above, the HOA will meet all of the nine (9) primary criteria listed in the policy prior to closing, except for only partially meeting the financial commitment (No. 8) and public access (No. 7). The one time donation of \$20,000 will not be sufficient to fund perpetual land management (currently estimated at \$15,000 per year) and the conservation easement will be modified post-closing to allow for public access. District 1 (JMB)

5. REGULAR AGENDA

C. COUNTY ATTORNEY

1. Staff recommends motion to approve:

A) an Agreement between Palm Beach County and Frenchman's Yacht Club Developers, LLC, for resolution of a breach of contract claim arising out of a settlement in the eminent domain matter styled Palm Beach County v. Hartsel Ranch Corp, et al., Case No. 501996CK008184XXXXMB, in the amount of \$100,000; and

B) a Budget Amendment of \$100,000 in the County Transportation Trust Fund to recognize the developer contribution and increase the appropriation to fund the Agreement.

SUMMARY: The County acquired Parcels 1, 2, 123, 1E and 2C for improvement to the southeast corner of Prosperity Farms Road and Donald Ross Road pursuant to an Agreed Order of Taking entered on January 28, 1997. A Stipulated Final Judgment was entered on September 3, 1997, with the stipulation that the County was to install and maintain a fully directional traffic signal, with turn arrows at the existing main entrance to Frenchman's Marina (n/k/a Frenchman's Yacht Club Developers, LLC) on Donald Ross Road. Subsequently, the City of Palm Beach Gardens required that the signal be a mast-arm type, which is considerably more expensive than what the County envisioned (but did not identify) in the Stipulated Final Judgment. The parties have reached a conditional settlement whereby Frenchman's will pay \$100,000 towards the cost of the mast-arm signal, subject to the approval of the Board of County Commissioners. District 1 (AJM)

D. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: a Road Extension Agreement with Callery-Judge Grove, L.P. (Callery) and Seminole Improvement District for acquisition of .446 acres, at no cost, in connection with construction of the County's Acreage Communities' facilities. **SUMMARY:** On June 20, 2006, the Board approved a Settlement Agreement (R2006-1177) with Callery and on September 5, 2006, the County acquired a total of approximately 12.66 acres (12.02 site and .644 access road) from Callery for development of County facilities (fire station and library). The property is located west of Seminole Pratt across from the Grove Market Shopping Center, in unincorporated Loxahatchee. As provided in the Settlement Agreement, the County and Callery agreed to relocate the proposed fire station approximately 200 feet west which requires a 200 foot (.446 acres) extension to the currently designated access road. This Road Extension Agreement provides for Callery to convey the additional right-of-way required for the road extension. Callery will have the first right of refusal to repurchase the property, at the then current fair market value, should the County decide to sell all or any portion of the road within the first 20 years from the date of conveyance. This Road Extension Agreement provides for Callery to pay all closing costs and to reimburse the County \$51,069.35 at closing for the re-design costs associated with the relocation of the fire station. Closing is scheduled to occur within ten (10) days of Board approval. Subsequent to the conveyance to the County, the entire access road will be dedicated for use as public road right-of-way. Should Callery develop its property adjacent to the access road, the County will convey the entire access road property to Seminole Improvement District. (PREM) District 6 (JMB)

5. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to:

A) approve a First Amendment to Lease Agreement (R2001-0582) with Bedner Farm, Inc. for 262 acres in the Ag Reserve; and

B) adopt a Resolution finding that an extension of the Lease Agreement with Bedner Farm, Inc. is in the best interest of the County.

SUMMARY: On June 19, 2001, the Board approved a contract with Bedner Farm, Inc. to acquire approximately 262 acres in the Ag Reserve (R2001-0582). Simultaneously with the closing, the County leased the property back to Bedner Farm for a term of ten (10) years at an initial rental rate of \$550/acre/year. Rent is currently \$600/acre/year. The Lease will expire in 2011. Bedner Farm is operated by the Bedner family which wants to ensure that the younger members of the family will have the ability to continue farming. In addition, they desire to make improvements to their facilities in order to meet current more stringent FDA requirements for food handling and processing. Their planned expansion and renovation of their packing plant will require a significant financial investment which can not be recovered over the four (4) years remaining on their Lease. Consequently, the Bedner's have requested an extension of their Lease for an additional twelve (12) years until 2023. This First Amendment to Lease Agreement provides Bedner Farm, Inc. twelve (12) additional options to extend the term of the Lease, each for a period of one (1) year. Rent during the extended term will be adjusted to fair market value as determined by appraisal and updated every 3-5 years. The Resolution finds that the extension of the Bedner Lease is in the best interests of the County based upon the following facts: 1) a major element of the Ag Reserve Acquisition Program was to ensure continued agricultural operations in the Ag Reserve; 2) continuity of farming operations assists in preserving agricultural operations in the Ag Reserve; 3) extension of the Bedner Lease to maintain continuity of existing farming operations; and 4) the County will receive fair market value rent as determined by appraisal during the extensions. (PREM) District 5 (HJF)

5. REGULAR AGENDA

E. PALM TRAN

1. Staff recommends motion to:

A) adopt Resolution authorizing the conveyance of five (5) 30' 1997 Gillig Phantom buses to the Palm Beach County Sheriff Eagle Academy and various not-for-profit organizations;

B) approve Budget Transfer of \$9,800 from the District 4 Gas Tax Fund to Palm Tran's Operating Fund;

C) approve Budget Transfer of \$9,800 from the District 7 Gas Tax Fund to Palm Tran's Operating Fund;

D) approve Budget Transfer of \$4,900 from District 3 Gas Tax Fund to Palm Tran's Operating Fund;

E) approve Budget Amendment of \$24,500 in Palm Tran's Operating Fund

F) approve Agreement with and Nelson Outreach Ministries, Inc.;

G) approve Agreement with Florence Fuller Child Development Center, Inc.,

H) approve Agreement with The Urban League of Palm Beach County, Inc.; and

I) approve request to transfer assets to Fixed Assets Management Office, Palm Beach County.

SUMMARY: Palm Tran needs to dispose of five (5) 30' Gillig Phantom buses. All of these buses have reached their useful life and in accordance with the Federal Transit Administration (FTA) guidelines may be disposed of. The County Commissioners from Districts 3, 4 and 7 have agreed that Gas Tax funds should be transferred to Palm Tran's Operations Fund to compensate Palm Tran for the loss of revenue. Commissioner McCarty will sponsor two (2) buses to Florence Fuller Child Development Center, Inc.; Commissioner Greene will sponsor one (1) bus to Nelson Outreach Ministries, Inc.; and one (1) bus to Palm Beach Sheriff Eagle Academy; and Commissioner Newell will sponsor one (1) bus to The Urban League of Palm Beach County, Inc. The recipients are not-for-profit organizations and the Sheriff of Palm Beach County. Countywide (DR)

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6. BOARD APPOINTMENTS

A. **ADMINISTRATION**
(Workforce Alliance, Inc.)

1. **Staff recommends motion to approve:** appointment of Mary L. Watford for a term of three (3) years beginning on May 15, 2007, through May 15, 2010:

<u>Appointment:</u>	<u>Seat No.:</u>	<u>Area of Representation:</u>	<u>Nominated By:</u>
Mary L. Watford	6	Vocational Rehabilitation	Vocational Rehab./FL Dept. of Ed.

SUMMARY: The membership of Workforce Alliance, Inc. (Alliance) conforms to the requirements of the Workforce Investment (WIA) of 1998, and the Workforce Innovation Act of 2000. The Workforce Investment Act of 1998 requests that an emphasis be placed on CEO's or highest level of management positions for both community and business sector appointments. Countywide (TKF)

B. **OFFICE OF EQUAL OPPORTUNITY**
(Fair Housing/Equal Employment Board)

2. **Staff recommends motion to approve:** reappointment of two (2) members to the Fair Housing/Equal Employment Board for a term beginning on May 15, 2007, through January 9, 2009:

<u>Nominee:</u>	<u>Nominated By:</u>	<u>Seat No.:</u>
Brenda Montague	Commissioner Greene Commissioner McCarty Commissioner Koons	4
Keith Spruill	Commissioner Greene Commissioner Koons	7

SUMMARY: Brenda Montague and Keith Spruill are current members of the Fair Housing/Equal Employment Board. Both Ms. Montague and Mr. Spruill have indicated their willingness to be reappointed. Both reappointments are at-large and are for two (2) year terms ending January 9, 2009. The board is composed of nine (9) members. Seven (7) members are district appointments and two (2) are at-large. The Ordinances require that the appointees should reflect, to the greatest extent possible, representation from the protected groups identified in the Ordinances and who have experience and interest in equal opportunities. A memorandum was sent to the Board of County Commissioners on April 16, 2007, which requested nominations. Countywide (TKF)

C. **COMMISSION DISTRICT APPOINTMENTS**

MAY 15, 2007

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

MAY 15, 2007

8. 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

9. ADJOURNMENT

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

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

MAY 15, 2007

<u>PAGE</u>	<u>ITEM</u>	
6	3A-3	<u>DELETED:</u> Staff recommends motion to approve: an Agreement with Bryan Boysaw & Associates under the Community Development Block Grant (CDBG)/Economic Development Set-Aside Program for \$60,000. (Further staff review) (Administration/Economic Development)
10	3E-2	<u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to approve: Contracts with listed provider agencies for the period March 1, 2007, through February 29, 2008, totaling \$5,094,024 <u>\$4,904,004</u> for Ryan White Part A HIV Emergency Relief Formula funds: A).B).C).D).E).F).G).H).I).J). K) Treasure Coast Health Council- Medical \$ 426,848 L) Treasure Coast Health Council-Support \$ 190,020 Total <u>\$5,094,024</u> <u>\$4,904,004</u> SUMMARY: A Notice of Grant Award from the Department of Health and Human Services Health Resources and Services Administration (HRSA) was received on March 5, 2007, that conveys an award for the contract period March 1, 2007, through February 29, 2008. Total funds awarded are \$5,769,416, of which \$576,941 is allocated for Grantee Administration (which includes \$190,020 for Support Services subcontracted to Treasure Coast Health Council listed above); and \$288,471 for Quality Management....
11	3E-6	<u>DELETED:</u> Staff recommends motion to approve: Lease Agreement with Operation Hope, Inc. in an amount not-to-exceed \$22,200, for the period June 1, 2007, through May 31, 2008 to provide temporary housing for Community Action Program (CAP) clients. (Further staff review) (Community Services)
16	3H-8	<u>DELETED:</u> Staff recommends motion to approve: A) an Agreement for Purchase and Sale with Bettina Godziszewski, as Personal Representative of the Estate of Joseph Davis Pitts, to acquire a 0.47 acre outparcel adjacent to Westgate Park for \$350,000; and .. (Further staff review) (FD&O)
19	3I-2	<u>REVISED SUMMARY:</u> The Amendment provides an extension of three (3) months to the term of the existing Agreement for the construction of street improvements on Walker, Perry, and Broward Avenues.... A construction contract has been executed by the City for \$199,803 <u>\$184,809</u> , and work on the project has been completed. The County's additional funds will provide relief to the City's limited financial resources. The \$180,000 to be funded by the County will go towards the construction contract, and the City of Greenacres will fund the shortfall of \$19,803 <u>\$4,809</u> , as well as the engineering costs....
19	3I-4	<u>REVISED SUMMARY:</u> The Amendment provides a one (1) month extension to the term of the existing Agreement for the construction of street improvements on West 30th and 31st Streets..... The County's additional funds will provide relief to the City's limited financial resources. The \$360,000 to be funded by the County will go towards the construction contract, and the City of Riviera Beach will fund the shortfall of \$121,193, as well as the engineering costs...

- 32 5A-2 **REVISED SUMMARY:** HUD approved Palm Beach County's request for Section 108 funding on September 26, 2002....Since the inception of this program in 2002, the administration of the Community Development Business Loan Program had been the joint responsibility of the Office of Economic Development and the Department of Housing and Community Development. (Administration/Economic Development)
- 33 5C-2 **ADD-ON:** **Staff recommends motion to approve:** a continuing proxy appointing Commissioner Karen T. Marcus as Palm Beach County's representative for purposes of voting at the June 7, 2007, landowners' annual meeting and any subsequent landowners' meetings of the Pal Mar Water Control District. **SUMMARY:** This proxy authorizes Commissioner Marcus to vote on behalf of the County at the annual landowners' meeting on June 7, 2007 and thereafter until revoked. The number of acres (145.2) has not changed since last year. District 1 (JM) (County Attorney)
- 35 5E-1 **REVISED TITLE & SUMMARY:** **Staff recommends motion to:**
- A) adopt** Resolution authorizing the conveyance of ~~five (5)~~ three (3) 30' 1997 Gillig Phantom buses to the Palm Beach County Sheriff's Office ~~Eagle Academy~~ and various not-for-profit organizations;
- ~~B) approve~~ Budget Transfer of \$9,800 from the District 4 Gas Tax Fund to Palm Tran's Operating Fund;
- C) B) approve** Budget Transfer of \$9,800 from the District 7 Gas Tax Fund to Palm Tran's Operating Fund;
- ~~D) C) approve~~ Budget Transfer of \$4,900 from District 3 Gas Tax Fund to Palm Tran's Operating Fund;
- E) D) approve** Budget Amendment of ~~\$24,500~~ \$14,700 in Palm Tran's Operating Fund.
- F) E) approve** Agreement with and Nelson Outreach Ministries, Inc.;
- ~~G) approve~~ Agreement with Florence Fuller Child Development Center, Inc.;
- H) F) approve** Agreement with The Urban League of Palm Beach County, Inc.; and
- I) G) approve** request to transfer assets to Fixed Assets Management Office, Palm Beach County.
- SUMMARY:** Palm Tran needs to dispose of ~~five (5)~~ three (3) 30' Gillig Phantom buses. All of these buses have reached their useful life and in accordance with the Federal Transit Administration (FTA) guidelines may be disposed of. The County Commissioners from Districts 3, 4 and 7 have agreed that Gas Tax funds should be transferred to Palm Tran's Operations Fund to compensate Palm Tran for the loss of revenue. ~~Commissioner McCarty will sponsor two (2) buses to Florence Fuller Child Development Center, Inc.;~~ Commissioner Greene will sponsor one (1) bus to Nelson Outreach Ministries, Inc.; and one (1) bus to Palm Beach Sheriff's Office ~~Eagle Academy~~; and Commissioner Newell will sponsor one (1) bus to The Urban League of Palm Beach County, Inc. The recipients are not-for-profit organizations and the Sheriff of Palm Beach County. (Palm Tran)
- 35 **ADD-ON & TIME CERTAIN - 2:00P.M.:** Continuation of Callery-Judge Grove Public Hearings. (PZ&B) (No backup)
- 37 7A* **ADD-ON & TIME CERTAIN - 9:30A.M.:** Beach Damage Report (Administration) (No backup)

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 (*).