

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

JANUARY 15, 2008

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

**COMMISSION
CHAMBERS**

BOARD OF COUNTY COMMISSIONERS SITTING AS THE SOLID WASTE AUTHORITY – 9:30A.M.

**Adjourn as the Solid Waste Authority
Convene as the Board of County Commissioners**

- 1. CALL TO ORDER OF COUNTY COMMISSION MEETING**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance
- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
- 3. CONSENT AGENDA (Pages 7 – 35)**
- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 36)**
- 5. PUBLIC HEARINGS - 9:30 A.M. (Pages 37 - 38)**
- 6. REGULAR AGENDA (Pages 39 - 45)**
TIME CERTAIN 10:30 A.M. - Establishment of various Animal Care & Control Programs (Page 42)
TIME CERTAIN 10:30 A.M. - Animal Care & Control Ordinance (Page 42)
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** Agreement with Belle Glade Housing Authority in an amount not-to-exceed Five Hundred Dollars (\$500) for the No Wind For Seniors Program to purchase table equipment and supplies in the Okeechobee Community Center for the 2005-2006 Resident Education to Action Program (REAP). **SUMMARY:** The Belle Glade Housing Authority completed a six (6) week REAP session. During the session, Belle Glade Housing Authority was selected by the Office of Community Revitalization to receive a grant in the amount of Five Hundred Dollars (\$500). Belle Glade Housing Authority is proposing to purchase table equipment and supplies in the Okeechobee Community Center. District 6 (AH)

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings: None
3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during October 2007. Countywide
5. **Staff recommends motion to review for sufficiency and to receive and file:** Report of County Officials Bonds for the Board's examination as to the sufficiency of the sureties, dated January 2008. **SUMMARY:** Ordinance 98-51 sets various bond amounts for specified county officers and provides for examination of the sufficiency of all the bonds at the regular meeting of the Board of County Commissioners, in January and June of each year. Countywide (PFK)

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** establishing an impact fee credit of \$19,768 for improvements on Summit Boulevard, east of Military Trail for the Polo Grounds Shopping Center development (Polo Grounds). **SUMMARY:** Polo Grounds was required to make traffic circulation and traffic safety improvements to Summit Boulevard. The improvements included the installation of a median and a u-turn bay. These improvements were not required to meet Traffic Performance Standards (TPS). Impact fee credits for roadway improvements that are not required by TPS require the Board of County Commissioners' (Board) approval. District 2 (LB)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

2. **Staff recommends motion to approve:** a Contract Amendment to increase the contract limit for the Annual Pathway & Minor Construction Contract (Contract) (R2007-0013), as amended by Resolution No. R2007-0014, on January 9, 2007, by \$4,053,000 to a new not-to-exceed amount of \$10,773,000 and to extend the contract expiration date from January 9, 2008, to October 1, 2008. The current Contract is with Charles S. Whiteside, Inc. **SUMMARY:** The Amendment to the Contract extends the expiration date from January 9, 2008 to October 1, 2008 and adds an additional \$4,053,000 to the amount of the Contract. The maximum value of work orders issued under the existing Contract, together with this Amendment shall not, in any case, exceed \$10,773,000. The Small Business Assistance goals were established at 15% overall participation. Charles S. Whiteside, Inc. committed to 19.58% overall participation and to date has achieved 17.7% participation. Countywide (MRE)

3. **DELETED**

4. **Staff recommends motion to approve:** a Contract not-to-exceed the total value of \$7,180,000 for task orders which may be issued for the Annual Asphalt Milling and Resurfacing Contract with the Primary Contractor, Community Asphalt Corporation (Community), the lowest responsive, responsible bidder, and the Secondary Contractor, Ranger Construction Industries, Inc. (Ranger), the second lowest responsive, responsible bidder. **SUMMARY:** The Annual Asphalt Milling and Resurfacing Contract consists of milling and disposal of existing asphalt pavement, maintenance of traffic, cleaning of surfaces for finish applications, and furnishing, hauling, and placement of specified asphalt courses. With 10% Small Business Enterprise (SBE) participation, Ranger failed to meet the 15% SBE goal. Community committed to 15.1% SBE participation and has met the limits for ranking of responsive bidders. Consequently, it is recommended that Community be awarded the Primary Contract. It is recommended that the Secondary Contract be awarded to Ranger, since they are the only other bidder within the limits of ranking, which committed to SBE participation in excess of seven percent. Countywide (MRE)

5. **Staff recommends motion to:**
 - A) receive and file** the executed Federally Funded Subgrant Agreement, 08HM-3G-10-60-01-027, with the State of Florida, Division of Emergency Management (DEM) to conduct an engineering study and design for the Lakeside Mobile Home Park Drainage System (Project) from the period of November 5, 2007 through June 5, 2008; and
 - B) approve** a Budget Amendment of \$153,000 in the Capital Outlay Fund to recognize the funding from the Federal Emergency Management Agency (FEMA) for the Hazard Mitigation Grant (\$114,750) and from the Westgate/Belvedere Community Redevelopment Agency (CRA) for the 25% match requirement (\$38,250) and appropriate it to Westgate/Belvedere CRA-Lakeside Mobile Home Park Drainage for the study and design.

SUMMARY: On October 1, 2007, Palm Beach County Board of County Commissioners Chairperson, Addie L. Greene, executed said Agreement with DEM to provide funding for the drainage study and design, permitting and geotechnical surveying for Lakeside Mobile Home Park Drainage. Additional grant funding has been earmarked for the construction phase of this Project after approval of the engineering phase. Westgate/Belvedere Homes CRA will provide the required \$38,250 match and Palm Beach County (County) Engineering will administer the Project. District 2 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

6. DELETED

7. DELETED

8. Staff recommends motion to approve: establishing an impact fee credit up to \$387,000 for building a section of Park Avenue West, east of Congress Avenue for Congress Industrial (The Development). **SUMMARY:** The extension of Park Avenue West will go through a portion of The Development along the alignment that was approved by the Board late last year. Park Avenue West is not needed to provide access to The Development, nor is it required to be built to meet Traffic Performance Standards (TPS). Impact fee credits for roadway improvements that are not required by TPS require approval by the Board of County Commissioners (Board). District 1 (LB)

9. Staff recommends motion to approve: a Public Facilities Agreement (Agreement) with Hypoluxo Homes, LLC (Developer) regarding drainage and construction issues for Hypoluxo Road from Jog Road to Military Trail (Project). **SUMMARY:** The Developer owns a parcel of land located on the south side of Hypoluxo Road just east of Haverhill Road. The planned single family development is known as Isola Bella Isles. The Developer has agreed to accept additional road drainage from the Project, over and above the Development Order conditions, in exchange for Palm Beach County (County) taking over the Developer's obligation to design and construct a right turn lane servicing the Isola Bella Isles development. There is also a provision in the Agreement for the County to pay a lump sum of \$75,000 to the Developer if the County can not timely construct the right turn lane. If that occurs, the Developer assumes the turn lane obligation. District 3 (MRE)

10. Staff recommends motion to approve: a Contract with Almazan Brothers, Inc., the lowest, responsive, responsible bidder, in the amount of \$146,037 for the construction of the West 7th Street Drainage Improvements (Project). **SUMMARY:** The Project consists of cleaning and re-grading approximately 1600 feet of swale/ditch along the south side of West 7th Street and providing two culvert crossings for pedestrian/maintenance use. This Project was initiated by the Housing and Community Development, Community Revitalization Agency for the City of Pahokee (HCD). The Small Business Assistance goal for the Project is 15%. The Small Business Enterprise (SBE) participation committed for the Project by Almazan Brothers, Inc. is 75.5% overall. District 6 (MRE)

11. Staff recommends motion to approve: an Agreement in the amount of \$2,531,474.98 with E. C. Driver & Associates, Inc., for professional services. **SUMMARY:** This Agreement will provide the professional services necessary for the preparation of design plans and construction bid documents for Ocean Avenue (Lantana) Bridge over the Intracoastal Waterway (Project). District 4 (MRE)

12. Staff recommends motion to approve: initiation of the selection process of an appraisal firm to appraise property known as Parcel 100 in fee simple for the construction of a Bus Bay on the northwest corner of the Okeechobee Boulevard and Military Trail intersection. **SUMMARY:** This action will authorize staff to proceed with the selection of an appraiser for a parcel of land known as Parcel 100, for possible acquisition. Parcel 100 will be used for the construction of a Bus Bay on the northwest corner of the Okeechobee Boulevard and Military Trail intersection. District 2 (PM)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

13. DELETED

14. Staff recommends motion to approve: an Amendment to the Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) (R2005-1064) for intersection improvements at Blue Heron Boulevard (State Road 708) and Congress Avenue. **SUMMARY:** The FDOT and Palm Beach County (County) have partnered together to design and construct additional southbound and northbound left turn lanes and reconstruct a six (6) foot wide sidewalk behind the curb and gutter on Congress Avenue at the intersection of Blue Heron Boulevard under a JPA approved on June 22, 2005. This Amendment is necessary to include the latest Federal and State Audit provisions. Attachment "A" of the JPA explains the audit requirements for federally and state funded projects. District 7 (MRE)

15. Staff recommends motion to approve: a Financial Assistance Agreement with the Village of Royal Palm Beach (Village) for beautification improvements on the Florida Department of Transportation's State Road 7 from the south Village limit (approximately one mile south of Southern Boulevard) to Southern Boulevard. Funding for this agreement was approved by a previous Agreement (R2004-1409) which expired on September 30, 2006. This Agreement expires on March 31, 2009. **SUMMARY:** The original Agreement provides for a reimbursement, in an amount not-to-exceed \$112,944, to the Village for the planned improvements on the Florida Department of Transportation's State Road 7 from the south Village limit to Southern Boulevard. The completion date of the improvements has been delayed due to contractual issues. District 6 (MRE)

16. Staff recommends motion to approve: an Agreement with Dennis J. Leavy & Associates, Inc. (DJLA) to provide the necessary professional services for surveying and mapping projects on a task order basis, for countywide projects, as required. **SUMMARY:** This Agreement will provide the necessary professional services for surveying and mapping projects throughout the County for all user departments. At the option of the County, this Agreement can be renewed annually for a period of one (1) year, with a maximum of two (2) renewals. Countywide (PFK)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: execution of a Release and Discharge of the Loan, Mortgage and Security Agreement dated March 1, 1984, by Manor Care of Boynton Beach, Inc. ("Manor Care") in favor of the County. **SUMMARY:** The County issued its \$3,500,000 Industrial Development Revenue Bonds for the Manor Care of Boynton Beach, Inc. project (the "Bonds") in 1984. The Bonds were paid off in 1999. The County did not release and discharge Manor Care's Loan, Mortgage and Security Agreement related to the Bonds at that time. Manor Care now requests the County to execute the Release and Discharge of Loan, Mortgage and Security Agreement to clear the title to the property. District 7 (PFK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

2. **Staff recommends motion to approve:** a Mediation Settlement Agreement, inclusive of attorney's fees and costs, in the total amount of \$60,000 in the personal injury action styled Mitchell Carlin vs. Palm Beach County, Case No. 2007CA003249 MB AG. **SUMMARY:** Plaintiff was in a motor vehicle accident on October 15, 2005. He was stopped at a red light at the intersection of Haverhill Road and Okeechobee Boulevard and was rear-ended by another motor vehicle which was rear-ended by the Defendant Fire Rescue vehicle en route to a call. His vehicle did not strike anything else. Upon impact, his right knee hit the dashboard. He developed increasing pain over the next 24 to 48 hours which included right knee pain and neck and back spasms. The County driver received two (2) points and a written warning was issued. Staff, including the Risk Management Roundtable Committee and the Fire Rescue Department, concur that this settlement is in the best interest of Palm Beach County. Countywide (SCL)

3. **Staff recommends motion to approve:** a settlement with Entek Environmental & Technical Services, Inc. in the amount of \$175,000 and execution of a General Release in favor of Entek and its insurer Zurich American Insurance Company. **SUMMARY:** Palm Beach County has sued Entek Environmental & Technical Services, Inc., and others, to recover the \$245,167.14 in extra costs incurred by the County to remove asbestos from the Old Courthouse prior to its restoration. These costs were incurred as a result of the failure of the County's consultant, Entek, and the County's contractor, Simpson and Associates, Inc., to completely identify and remove all of the asbestos during the 1996 remediation efforts. Entek has agreed to settle the claim against it for \$175,000 provided that the County provides it with a General Release in the form attached. Staff is recommending accepting Entek's offer in that it represents an immediate recovery of better than 70% of the claim amount and eliminates the uncertainty of litigation, which in this case includes, but is not limited to, potential challenges based upon the reasonableness of the amount of the change order and challenges based upon the statute of limitations. Countywide (JCM)

E. COMMUNITY SERVICES

1. **Staff recommends motion to receive and file:**
 - A) Contract with Salvation Army, A Georgia Corporation for the period of November 1, 2007, to June 30, 2008, in the amount of \$25,000;
 - B) Contract with Faith, Hope, Love, Charity Inc. for the period of November 1, 2007, to June 30, 2008, in the amount of \$25,000;
 - C) Contract with Coalition for Independent Living Options, Inc. for the period of November 1, 2007, to June 30, 2008, in the amount of \$25,000; and
 - D) Contract with Families First for the period of November 1, 2007, to June 30, 2008, in the amount of \$25,000.

SUMMARY: On August 21, 2007 (R2007-1267), the Board of County Commissioners delegated authority to the County Administrator, or his designee, to sign contracts with the Salvation Army, A Georgia Corporation, Faith, Hope, Love Charity Inc., Coalition for Independent Living Options, Inc. and Families First. The authorization and designation was necessary to expedite the agreements and thereby avoid gaps in service delivery to homeless individuals and families. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to:

A) receive and file State of Florida Department of Children and Families (DCF) Homeless Challenge Grant Contract for the period of November 1, 2007, through June 30, 2008, in an amount of \$100,000, for provision of services to homeless individuals and families; and

B) approve a Budget Amendment of \$40,000 in the General Fund, Human Services.

SUMMARY: On August 21, 2007 (R2007-1267), the Board of County Commissioners delegated authority to the County Administrator or his designee to sign the State of Florida Department of Children and Families Homeless Challenge Grant Contract. This authorization and designation was necessary to expedite the agreements and thereby avoid gaps in service delivery to homeless individuals and families. The budget amendment recognizes the funding from DCF. No match is required for these funds. (Human Services) Countywide (TKF)

3. Staff recommends motion to:

A) receive and file State of Florida Department of Children and Families (DCF) Homeless Housing Assistance Grant Contract for the period of November 1, 2007, through June 30, 2008, in an amount of \$375,000; and

B) approve a Budget Amendment of \$375,000 in the General Fund, Human Services.

SUMMARY: On October 2, 2007 (R2007-1684), the Board of County Commissioners delegated authority to the County Administrator or his designee to sign the State of Florida Department of Children and Families Homeless Housing Assistance Grant Contract. This authorization and designation was necessary to expedite the availability and expenditure of the funds. A budget amendment is needed to acknowledge the grant funding from DCF. No match is required for these funds. (Human Services) Countywide (TKF)

4. Staff recommends motion to approve: Amendment No. One to Contract with Treasure Coast Health Council, Inc. (R2007-1478) to correct work plan dates for Program Support. **SUMMARY:** Dates throughout the work plan of the Treasure Coast Health Council contract are incorrect. This Amendment is needed to correct dates to the work plan. No County funds are required. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. **Staff recommends motion to approve:** four (4) contracts with financially assisted agencies totaling \$259,945 for the indicated activities, for the period October 1, 2007, through September 30, 2008:

A) Gulfstream Goodwill Industries, Inc. - \$19,750 for services to assist homeless people with disabilities overcome barriers and find employment;

B) Florida Outreach for the Blind, Inc. - \$25,000 for classes provided at no charge in instruction in Braille, Electronic Communications, Daily Living Skills, Mobility, Computer Training and Personal and Home Management;

C) Children's Place at Home Safe - \$51,500 for services provided in a child-friendly environment designed to provide short-term, intensive treatment and coordinated services to children and families victimized by domestic violence; and

D) City of Pahokee - \$163,695, a social-recreational program providing before- and after-care services to at-risk children and their families.

SUMMARY: On July 11, 2007, and September 20, 2007, the Board of County Commissioners (BCC) approved the list of agencies and funding allocations under the Financially Assisted Agency Program. The information submitted in this item reflects the final part of the total funding approved by the Board of County Commissioners for the FY 2008, which is \$13,749,311. These four (4) contracts required additional staff assistance in the area of outcomes development and unit cost finalization, delaying their submittal to the BCC. (Financially Assisted Agency Program) Countywide (TKF)

6. **Staff recommends motion to approve:** Amendment No. 4 to contract (R2007-0741) with Comprehensive AIDS Program, Inc. to increase funding by \$100,000 for a total not-to-exceed amount of \$1,262,814 for the period March 1, 2007, through February 29, 2008, for Medical Case Management. **SUMMARY:** Ryan White HIV Health Support service dollars are reviewed throughout the contract year and dollars unlikely to be spent by the end of the contract period are reallocated to best meet the need of the affected clients. These funds are from Grantee Administration and Quality Management formula budget lines which cannot be carried over to the next contract year. No County funds are required. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to:

A) adopt a Resolution authorizing the short-term lease of certain real property to Palm Beach Community College (PBCC) pursuant to Section 125.38, Florida Statutes, which will become effective upon adoption; and

B) approve a Short Term Lease Agreement with PBCC for use of a portion of Building S-1440 located at the Palm Beach International Airport for a monthly rental rate of \$5,038.13.

SUMMARY: The Board approved an Airport Building/Ground Lease Agreement with PBCC (R2001-1139) for its Fire/EMS Training Program on July 24, 2001. PBCC is in the process of relocating its Fire/EMS Program to another location and has requested the short-term use of portions of the property pending relocation to its new facilities. The new Lease will be on a month-to-month basis and will terminate the current Airport Building/Ground Lease Agreement. The new Lease may be terminated on fifteen days notice. The County may elect to lease the remainder of the property to other tenants. The current monthly rental is \$20,288 for the entire site. The monthly rental will be reduced to \$5,038.13 under the new Lease since PBCC vacated the most of the property on October 31, 2007. Countywide (JMB)

2. Staff recommends motion to approve: Amendment No. 7 to the General Consulting Agreement with CH2M Hill, Inc. for Consulting/Professional Services to exercise the second one (1) year renewal option for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program. **SUMMARY:** The Consulting Agreement (R2005-0319) with CH2M Hill, Inc. for general airport planning and design was approved on February 15, 2005 in the amount of \$2,443,804 in order to carry out the approved Capital Improvement Programs for the County's Airports. The agreement is for two (2) years with two (2) - one (1) year renewal options. Amendments 1-6 were approved for a net increase in the amount of \$8,942,834. This Amendment will allow the County, at its sole discretion, to exercise the second one (1) year renewal option for the continuation of services provided under this Agreement. There is no fiscal impact associated with this Amendment. The Disadvantaged Business Enterprise (DBE) participation goal of 25% is being met. Countywide (JCM)

3. Staff recommends motion to adopt: a Resolution approving Supplemental Joint Participation Agreement (SJPA) Number 1 with the Florida Department of Transportation (FDOT) amending the original project description. **SUMMARY:** On October 16, 2007 (R2007-1793), the BCC adopted a Resolution approving a Joint Participation Agreement (JPA) with the FDOT in the amount of \$1,500,000 or 80% of the eligible project costs, whichever is less, to construct hangars at Palm Beach County Park Airport (Lantana). The FDOT has issued SJPA Number 1 amending the original project description to construct hangars and infrastructure at Palm Beach County Park Airport (Lantana), with no increase in funding. This change will allow us to use state funds towards construction of the access roadway and site utilities. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. Staff recommends motion to receive and file: eight (8) original Agreements for the Department of Airports:
- A) North County General Aviation Airport Hangar Lease Agreement with Skylane Flights, LLC, Unit 18, Building 11750, effective November 21, 2007;
 - B) Agreement to Terminate Hangar Lease Agreement with Edward Dale, Unit 9, Building 11730, terminating R-2003-1300 on November 30, 2007;
 - C) Agreement to Terminate Hangar Lease Agreement with Rodin Younessi, Unit 8, Building 11740, terminating R-2007-0134 on November 30, 2007;
 - D) Airline Operating and Lease Agreement with Frontier Airlines, Inc., effective November 1, 2007;
 - E) General Aeronautical Services Agreement with Jet Aircraft Maintenance, Inc. effective November 15, 2007;
 - F) Non-Concessionaire Rental Car Airport Permit with E-Z Rent A Car, Inc., effective October 1, 2007;
 - G) Non-Concessionaire Rental Car Airport Permit with Fort Lauderdale Auto Leasing Corp., effective October 1, 2007; and
 - H) Summary of 2007 Rental Rate Adjustments at PBI A pursuant to R2007-1291, effective October 1, 2007.

SUMMARY: Delegation of authority for execution of the standard County Agreements above was approved by the BCC in Resolution Nos. R93-801, R2003-1047, R2004-1367, R2005-0451, R2007-1291 and R2007-1968. Countywide (AH)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: Budget transfers from Road Impact Fee reserve accounts to Road Impact Fee appropriation accounts for the following Road Impact Fee funds:

<u>Fund</u>	<u>Amount</u>
Road Impact Fee Zone 3	\$232,760
Road Impact Fee Zone 4	\$842,011

SUMMARY: These Budget transfers allow for the appropriation of Road Impact Fee revenues collected in a prior year so that approved Road Impact Fee refunds can be paid. Countywide (LB)

3. CONSENT AGENDA APPROVAL

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

2. Staff recommends motion to approve:

A) a Budget Transfer of \$5,700,000 in the General Fund decreasing the transfer to the Palm Beach Sheriff's Office and increasing the transfer to the \$35M PBSO Mobile Data Debt Service Fund;

B) a Budget Amendment of \$5,700,000 in the \$35M PBSO Mobile Data Debt Service Fund to recognize the transfer from the General Fund for interest payments and future debt service costs of the loan; and

C) a Budget Amendment of \$35,100,000 in the \$35M PBSO Mobile Data Capital Project Fund to recognize the loan and appropriate funding to the Palm Beach Sheriff's Office (\$35 million) and Cost of Issuance (\$100,000).

SUMMARY: In October 2006, the Sheriff launched the Law Enforcement and Corrections Information Technology Enhancement and Mobile Data Project. This project has now been accelerated from five (5) to three (3) years and the Palm Beach Sheriff's Office (PBSO) is ready to enter into a contract for the project. The Board of County Commissioners (BCC) previously approved the securing of a loan to pay for the \$35 million project and included \$5.7 million in the Sheriff's FY 2008 budget to fund debt service for this loan. The Budget Transfer will reduce the transfer to the Sheriff by \$5.7 million and budget the debt service in the County's financial system. The \$35,100,000 Amendment will record the receipt of loan proceeds. Funding for the capital project will be transferred to the PBSO as needed. Countywide (DW)

3. Staff recommends motion to adopt: a Resolution amending an earlier Resolution entitled: "a Resolution authorizing the issuance of Public Improvement Revenue Bonds in the principal amount of not-to-exceed \$170,000,000 for the purpose of financing the costs of the acquisition, renovation, construction and equipping of additional criminal justice and public improvement facilities and all other costs necessary or incidental thereto; providing for the terms and payment of such Bonds; authorizing the issuance of Bond Anticipation Notes; providing for the rights, security and remedies of the holders thereof, making certain covenants and agreements in connection therewith; authorizing the proper officials of the County to do all other things deemed necessary or advisable in connection with the issuance of such Bonds; and providing for an effective date," to increase the amount of Public Improvement Revenue Bonds authorized by such Resolution to a principal amount of not-to-exceed \$180,000,000 and providing for an effective date. **SUMMARY:** On July 24, 2007, the Board approved a Resolution for not-to-exceed \$170 Million Public Improvement Revenue Bonds which included \$22 Million for several general government buildings, the design of a new Evidence Storage/Impound Facility and \$143 Million for the Jail Expansion Program 2 (JEP2). When the County issues bonds, it must provide for a debt service reserve account either by borrowing additional funds to fund the reserve or purchasing a debt service reserve surety policy from a bond insurer. Historically, the County has purchased the surety policy so that it could avoid borrowing additional funds which could result in the County paying more in interest for the bonds than it receives in interest earnings from the invested debt service reserve bond proceeds. In recent months, the national rating agencies have been reviewing the financial strengths of all the municipal bond insurance companies with the possibility of future downgrades in their ratings because of their exposure in the sub-prime mortgage market. As a result, it has been more difficult for the County to obtain a debt service reserve policy. This Resolution increases the authorization for Bonds so that the County can cash fund the debt service reserve, if necessary. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

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

4. Staff recommends motion to approve: a Budget Transfer of \$482,000 in the \$25 Million General Obligation Bonds, Series 2003 (Recreational and Cultural Facilities Project) Capital Project Fund to set up a reserve for arbitrage rebate which will be due on June 30, 2008. **SUMMARY:** The County's arbitrage consultants have completed their arbitrage calculations for the \$25 Million General Obligation Bonds, Series 2003 (Recreational and Cultural Facilities Project) for the year ended September 30, 2007. This Budget Transfer establishes a reserve for future arbitrage payments which will be due on June 30, 2008. The amount of the payment will be determined by the consultants prior to the due date. Countywide (PFK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Amendment No. 2 to the annual Contract (R2004-0326) for Library Expansion Program with Slattery and Associates, Architects Planners for professional consulting services on a continuing contract basis. **SUMMARY:** Slattery and Associates was selected to provide professional consulting services for the Library Expansion Program on a continuing contract basis. The Board approved an annual contract on February 24, 2004. The original Contract provided for an initial three (3) year term with two (2) - one (1) year renewal options. Amendment No. 2 would provide for services during the second renewal period. Slattery and Associates has an SBE participation goal of 15%. During the first three (3) years of the Contract, Slattery and Associates has achieved 16.09% participation. (Capital Improvements Division) Countywide (JM)

2. Staff recommends motion to approve:

A) a Grant Agreement with the State of Florida, Division of Emergency Management in the amount of \$13,205,595 for the purchase and installation of impact resistant glass on all windows and doors for the State Attorney/Public Defender (SA/PD) Building, Main Courthouse facility and Governmental Center;

B) a Budget Amendment of \$13,205,595 in the Public Building Improvement Fund recognizing project related revenue to be received from FEMA and to establish a project budget;

C) a Budget Transfer of \$2,881,500 in the Public Building Improvement Fund from restricted reserves to increase the project budget; and

D) a Budget Transfer of \$1,520,365 in the Public Building Improvement Fund from reserves for new construction to increase the project budget.

SUMMARY: Following Hurricane Wilma in 2005, the United States Department of Homeland Security-Federal Emergency Management Agency (FEMA) made available Hazard Mitigation Grant Program Funds for projects designed to mitigate the hazards of disaster events relative to critical governmental facilities. Facilities Development & Operations and the Division of Emergency Management worked closely together to submit a grant proposal for consideration to FEMA. The proposal was submitted for work relating to the purchase and installation of impact resistant glass on all windows and doors for the three (3) facilities; and FEMA accepted and approved the County's proposal. The total project budget is \$17,607,460 with FEMA funding (via the State of Florida, Division of Emergency Management) of \$13,205,595 and the County matching the remainder of the costs in the amount of \$4,401,865. In addition, FEMA is also providing administrative costs up to \$124,037 above and in addition to the total project budget of \$17,607,460. The project has a completion date of June 30, 2010. (FDO Admin) Countywide/District 7 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. **Staff recommends motion to approve:** a License Agreement with the Town of Loxahatchee Groves for office space within Executive Suites No. 2 and No. 3 of the Palm West Plaza in Loxahatchee Groves, Florida, for a PBSO substation. **SUMMARY:** On October 1, 2007, the Palm Beach County Sheriff entered into a Law Enforcement Services Agreement (LESA) with the Town of Loxahatchee Groves. The Town is leasing office space for their use and is willing to license some of the space to the County on behalf of the Sheriff for use as a field office. The purpose of this License Agreement is to describe and detail the specific responsibilities of the Town and County with respect to the Sheriff's use of the office space. The License Agreement provides for the use of office space and non-exclusive use of a common parking area. The term of the License Agreement shall commence upon execution and extend until September 30, 2008, unless terminated sooner pursuant to the License Agreement. No improvements were required for occupancy by the Sheriff. The Town shall provide all maintenance and pay for all utilities. The County will not pay any rent. (FD&O Admin) District 6 (JB)

4. **Staff recommends motion to approve:** Amendment No. 5 to the Lease Agreement (R2002-1978) with the South Florida Science Museum, Inc. located adjacent to Lake Lytal Park. **SUMMARY:** On November 12, 2002, the Board approved a Lease Agreement with the South Florida Science Museum for the lease of approximately 11 acres of undeveloped property on the west side of Lake Lytal Park for the construction of a new science museum. The Agreement has been amended four times. In March 2005, Amendment No. 1 modified the final fund raising milestone to December 21, 2007. In January 2006, Amendment No. 3 modified the interim fund raising milestones. In January 2007, Amendment No. 4: (1) modified the interim fund raising milestones for 2006 and 2007; (2) extended the final fund raising milestone to December 31, 2009; (3) increased the final fund raising total to \$54,800,000; and (4) changed the date construction is required to commence from November 2007 to April 2008. Changing the construction start date also required a change to the default provision of the lease. On October 1, 2007, staff received a request to: (1) change the construction commencement date to November 12, 2009; (2) extend the interim fund raising milestone for 2007 until June 1, 2008; and (3) permit the modification of the remaining fund raising milestones via a future subsequent Amendment. On December 4, 2007, the Board voted to approve the request and Amendment No. 5 will implement that approval. (FDO Admin) Countywide/ District 2 (HJF)

5. **Staff recommends motion to approve:** a First Amendment to the Interlocal Agreement (R2003-0174) with Boca Raton, Delray Beach, and Boynton Beach (Cities) regarding the South Palm Beach County Communications Cooperative's use of the County's 800 MHz Radio System. **SUMMARY:** The Agreement which provides the terms and conditions under which the Cities can use specific components of the County's 800 MHz Radio System will expire on February 4, 2008. The Agreement provides for one (1) - three (3) year renewal but renewal requires approval by all parties. The Cities have approved a renewal to extend the term of the Agreement until February 4, 2011. The renewal now requires Board approval. The Agreement may be terminated by the County for cause or terminated by the Cities, with or without cause, with a minimum of sixty (60) days notice. (FDO/ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. **Staff recommends motion to approve:** an Interlocal Agreement with the Town of Palm Beach Shores (Town) allowing for direct access to the County's 800 MHz Radio System. **SUMMARY:** This Interlocal Agreement provides the terms and conditions under which the Town can directly access the County's 800 MHz Radio System. The terms of this Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies where connection through an established municipal hub is not technically feasible. The Agreement requires that the Town pay a one time \$2,089/unit access or capacity charge as well as annual fees of \$211.42/unit towards the renewal and replacement fund and \$154/unit towards maintenance and operation of the system infrastructure. The annual fees are consistent with those being charged to the County departments. The Town is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Town will be a member of the Law Enforcement User Committee which reviews and recommends policies and practices for the operation of the System. The term of the Agreement is four (4) years and has two (2) - four (4) year renewals. The Agreement may be terminated by either party, with or without cause, on October 1st of any year, with a minimum of six (6) months notice. (FDO/ESS) Countywide (JM)

7. **Staff recommends motion to approve:** a First Amendment to the Agreement (R2003-1210) with the Town of South Palm Beach (Town) allowing for interoperable communications through the countywide common groups of the County's 800 MHz Radio System. **SUMMARY:** The Agreement, which provides the terms and conditions under which the Town can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications will expire on August 19, 2008. The Agreement provides for three (3) - five (5) year renewals but renewals require approval by both parties. The Town has approved a renewal to extend the term of the Agreement until August 19, 2013. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The Town is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the system. The Agreement may be terminated by either party, with or without cause. (FDO/ESS) Countywide (JM)

8. **Staff recommends motion to approve:** a First Amendment to the Agreement (R2003-0801) with the City of West Palm Beach (City), allowing for interoperable communications through the countywide common groups of the County's 800 MHz Radio System. **SUMMARY:** The Agreement with the City, which provides the terms and conditions under which the City can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications, will expire on June 3, 2008. The Agreement provides for three (3) - five (5) year renewals but renewals require approval by both parties. The City has approved a renewal to extend the term of the Agreement until June 3, 2013. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The City is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. (FDO/ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. **Staff recommends motion to approve:** a First Amendment to the Agreement (R2003-0699) with Martin County allowing for interoperable communications through the countywide common groups of the County's 800 MHz Radio System. **SUMMARY:** The Agreement with Martin County, which provides the terms and conditions under which Martin County can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications, will expire on May 20, 2008. The Agreement provides for three (3) - five (5) year renewals but renewals require approval by both parties. Martin County has approved a renewal to extend the term of the Agreement until May 20, 2013. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. Martin County is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. (FDO/ESS) Countywide (JM)

10. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, supplementing Resolution No. 2003-1274, which identifies facilities found to be critical to security or public safety to include additional facilities being constructed or current facilities which have changed in use. **SUMMARY:** Resolution No. 2003-1274, which was originally adopted on August 19, 2003, identifies those facilities found by the Board to be critical to security or public safety pursuant to the Palm Beach County Criminal History Records Check Ordinance and Section 125.5801, Florida Statutes. This Resolution supplements the list of facilities identified as critical either as a result of new construction or change in use. The facilities being added are: 1) the offsite Voter Equipment Center at 3200 Belvedere Road, WPB; 2) the Cherry Road Facility at 4215 Cherry Road, WPB; 3) Herman Brice Fire Rescue Headquarters and Training Center, 405 Pike Road, WPB; and 4) PBSO Aviation Unit Facility, 4345 Southern Blvd, WPB. (FDO Admin) Countywide (JM)

11. **Staff recommends motion to approve:** Amendment Number One to Lease Agreement (R99-1418D) dated July 27, 1999 with Mil Lake Annex, LLC for the continued use of 31,733 sf of warehouse space for the Palm Beach County Library Department within the Mil-Lake Plaza located in Greenacres. **SUMMARY:** The County has leased this space located within the Mil-Lake Plaza located at 4639 Lake Worth Road in Greenacres since 1999. The current term of the Lease Agreement expires on March 31, 2008. This First Amendment: i) extends the term of the Lease Agreement for three (3) years, from April 1, 2008 through March 31, 2011, and provides for two (2) two-year extension options; ii) provides for the County, at its sole cost limited to \$750 per occurrence, to provide general maintenance to the premises; and iii) updates the Notice provisions of both parties. The annual rental rate will increase by 38.64% from \$217,443.50 (\$6.85/sf) to \$301,463.50 (\$9.50/sf), with annual increases of 4% or CPI-U, whichever is less. In 1999, when the County initially entered into the Lease Agreement, the rental rate was below market and still is; however, the Landlord, in agreeing to enter into this Amendment to extend the lease term required that the rental rate more accurately reflect current market rental rates. In addition, the new rental rate includes the County's pro-rata share of insurance costs and common area maintenance. The County will also continue to be responsible for real estate taxes which are estimated to be \$39,000 for 2008. The County will continue to pay for all utility costs. All other terms of the Lease Agreement remain unchanged. (PREM) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING COMMUNITY & DEVELOPMENT

1. **Staff recommends motion to approve:** an Agreement with The Urban League of Palm Beach County, Inc. for \$35,279 of FY 2007-2008 Community Development Block Grant (CDBG) funds, for the period October 1, 2007, to September 30, 2008. **SUMMARY:** Total funding to the agency will be allocated as follows: \$25,279 for direct housing counseling services to 450 unduplicated households (households that are counted only once during the contract period); and \$10,000 to directly assist 17 unduplicated households with rent, mortgage or utility payments under the homeless prevention program. This funding will provide for program continuity in FY 2007-2008 for homeless prevention and housing counseling services needed by lower income households. During FY 2006-2007 the Urban League assisted 430 unduplicated low and very low income households. **These are Federal CDBG funds that require no local match.** Countywide (TKF)

2. **Staff recommends motion to adopt:** a Resolution approving the Fifth Amendment to the local Hurricane Housing Recovery Plan (HHRP) (R2005-1885) for Fiscal Years 2005-2006, 2006-2007 and 2007-2008 providing a First-Time Homebuyer Strategy for eligible applicants in Palm Beach County. **SUMMARY:** The Fifth Amendment is a continuation of prior recommendations from the Commission on Affordable Housing staff, to remove barriers impeding the efficient implementation of the HHRP. This recommendation will provide down payment, closing cost and rehabilitation assistance to eligible first-time homebuyers. The financing may be used as gap financing to buy down the purchase price on a new or existing single family home. On November 27, 2007, the Florida Housing Coalition recommended the addition of this activity to our HHRP to assist in the timely expenditure of HHRP funds. The established criteria for this activity will be consistent with the approved criteria used for the State Housing Initiative Partnership (SHIP) Program. However, the maximum funding a homebuyer can be awarded through the HHRP will be \$45,000. Eligible households may earn up to 120% of area median income. Countywide (TKF)

3. **Staff recommends motion to approve:** Amendment No. 001 to an Agreement (R2007-0154) with the City of Greenacres to extend the expiration date from December 31, 2007, to May 31, 2008, for the expenditure of \$70,742 in Community Development Block Grant (CDBG) funds. **SUMMARY:** The Amendment provides an extension of five months to the term of the existing Agreement for the demolition of a building and construction of a parking lot in Ira Van Bullock Park in the City of Greenacres. Bids for the project have been received, however, the award of the contract and the commencement of the work have been delayed due the processing of a name change in the corporate entity and licensing of the contractor. **These are Federal funds that require no local match.** District 2 (TKF)

4. **Staff recommends motion to approve:** Amendment No. 002 to an Agreement (R2007-0295) with the Town of Jupiter to: a) increase the funding amount from \$70,846 to \$95,246 in Community Development Block Grant (CDBG) funds; and b) extend the expiration date from February 28, 2008, to April 30, 2008. **SUMMARY:** This Amendment provides an extension of two (2) months to the term of the existing Agreement for the installation of brick paved crosswalks and solar powered pedestrian street lights on North Hepburn and North Orange Avenues in the Pine Gardens North neighborhood of the Town of Jupiter. Bids received by the Town for this project exceeded the County's \$70,846 original allocation. In order to be able to award the contract for the bid amount without reducing the scope of work, the Town has committed \$8,000 towards the additional amount needed to make the award, and has requested the County fund \$24,400 towards the total cost overrun. The additional two (2) months being provided will make up for project delays encountered while Amendments No. 001 and No. 002 were processed. **These are Federal funds that require no local match.** District 1 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING COMMUNITY & DEVELOPMENT (Cont'd)

5. **Staff recommends motion to approve:** additional State Housing Initiative Program (SHIP) funding in the amount of \$8,900 to Dean and Mary Allen, in unincorporated Palm Beach County, to complete an emergency rehabilitation project at their home, with a waiver to exceed the maximum funding amount of \$15,000 as established under the policies of the Emergency Rehabilitation Program. **SUMMARY:** On August 28, 2007, a bid for \$4,275 was received to perform work under the SHIP funded Emergency Rehabilitation Program at Dean and Mary Allen's home at 138 Ethelyn Drive in unincorporated West Palm Beach. This home was first constructed in 1940 with a subsequent permitted addition constructed in 1951. The scope of work contained in the bid included the replacement of the front door and three windows, the provision of smoke detectors and ground fault circuit interrupters, and an exhaust fan for the bathroom. The doors and windows were upgraded by Change Order No. 1 to sound attenuated products due to building department requirements for homes in the airport zone. This increased the cost to \$7,150. While the windows were being replaced substantial termite damage to structural framing was discovered. In addition, work in progress revealed that the electrical wiring had disintegrated cloth insulation and lacked grounding. It also appears that since the construction of the home, when electrical receptacle requirements were minimal, homeowners have placed substandard wiring inside of walls and ceilings to increase the number of receptacles and lights to match current lifestyles. The additional funding would allow Change Order No. 2, for \$8,900, to be executed which would include rewiring the entire house to current codes, installing a new electrical service and panel, arc fault protection, framing repairs, and patching and painting walls and ceilings in affected areas. This would avert the danger of an electrical fire and potential electrocution due to the disintegration of the cloth insulation. Approval of this request will enable HCD to address these hazardous conditions, without which these lower income homeowners will continue to reside in conditions that do not meet applicable codes. **The requested funds are SHIP funds that require no local match.** District 6 (TKF)

K. WATER UTILITIES

1. **Staff recommends motion to approve:** an Assignment and Acceptance of Potable Water and Wastewater Developers Agreement. **SUMMARY:** Devon Investment, Inc. (Devon) owned a portion of the property known as Congress Pointe Plaza, located at the northwest corner of Congress Avenue and 6th Avenue South in suburban Lake Worth. On November 4, 2003 (R2003-1810), the Board approved a Potable Water and Wastewater Developers Agreement (Agreement) with Devon to provide for a contractual mechanism to recover certain capital costs incurred to extend utility mains to the property, as well as provide for payment of service initiation fees. These costs and fees were to be paid over a 20-year period with a 6 ½% annual interest rate. The Agreement further established a payment schedule to recover certain potable water and wastewater operating fees incurred though the date of the Agreement; these fees were to be paid over a five (5) year period with no interest. All deferred costs and fees were assumable by future owners of the property. On September 20, 2007, Devon sold the property covered by the Agreement to Congress Pointe, Inc. (Congress Pointe). Both parties executed an Assignment and Acceptance of Potable Water and Wastewater Developers Agreement to evidence Congress Pointe's assumption of the Agreement's terms and conditions, including the payment schedule for the deferred costs and fees. Board action is requested to acknowledge the assignment of the Agreement's terms and conditions from Devon to Congress Pointe. District 3 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. **Staff recommends motion to approve:** a Partial Release of Utility Easement on land owned by Woolbright Jog, LLC a Florida limited liability company. **SUMMARY:** This document will release the County's interest in a portion of a utility easement recorded in the Official Records of Palm Beach County in Book 13748, Page 1792 and as described on Pages 1793 through 1795. The proposed development plans for the shopping center, on the northwest corner of Woolbright Road and Jog Road, include structures within an existing utility easement. Woolbright Jog, LLC agreed to relocate existing utilities and grant a new utility easement, as directed by the County. The property owner now requests release of the portion of the original easement. The Water Utilities Department concurs with this request and, therefore, recommends the partial release. There is no cost to the property owner for this partial release of easement. District 3 (MJ)

3. **Staff recommends motion to approve:** a Contract for Sale and Purchase of Mitigation Credits with Tetra Tech EC, Inc. to purchase 2.19 freshwater herbaceous credits and 0.98 freshwater forested credits from the Loxahatchee Mitigation Bank in the amount of \$263,400. **SUMMARY:** On February 28, 2006 (R2006-0410), the Board approved the purchase of the Village of Royal Palm Beach's utility system. Prior to the purchase, the Village was in ongoing discussions with the South Florida Water Management District (SFWMD) regarding renewal of its Water Use Permit, which was assigned to the Water Utilities Department after closing of the transaction. Such documents were received and filed by the Board on December 5, 2006 (R2006-2660). SFWMD staff subsequently determined that a portion of certain historic wetland impacts adjacent to the former Village wellfield were attributable to the pumpage of this wellfield. Water Use Permit Application No. 040114-4 is anticipated to be issued by the SFWMD with a condition of wetland mitigation. This Contract must be in place prior to issuance of SFWMD permit. Department efforts have determined that offsite mitigation is the most appropriate means in order for the Department to obtain water use permit from the SFWMD. The Loxahatchee Mitigation Bank is the closest mitigation bank to the former Village wellfield. Tetra Tech EC, Inc. has entered into a contract with SFWMD to market and sell freshwater herbaceous and forested wetland mitigation credits from the Loxahatchee Mitigation Bank. Purchase of these credits will enable the Department to obtain necessary permits and continue operation of the former Village wellfield. Tetra Tech EC, Inc. has agreed to a purchase price of \$80,000 per freshwater herbaceous credit and \$90,000 per freshwater forested credit; which is equivalent to \$263,400 for the required credits. (WUD Project No. 07-157) District 6 (MJ)

4. **DELETED**

5. **Staff recommends motion to approve:** a Correction to a Release of a Portion of Utility Easement due to scrivener's error on a Partial Release of utility easement on land owned by Woolbright Pinewood, LLC. **SUMMARY:** On August 21, 2007 (R2007-1339), the Board of County Commissioners approved a Partial Release of Utility Easement (recorded in Office Records Book 22093, Page 1674) (the "Partial Release") on land owned by Woolbright Lantana Square, LLC. This Correction to the Release of a Portion of Utility Easement is required in order to correct the name of the second party in the Partial Release. The previously approved Partial Release erroneously referred to the second party as "Woolbright Lantana Square, LLC" but intended to refer to the second party as "Woolbright Pinewood LLC". (WUD 07-073) District 5 (JMB)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

6. Staff recommends motion to approve: a Termination of Developer Agreement with KSM Holding, LLC. **SUMMARY:** On February 21, 2006, KSM Holding, LLC (KSM) entered into a Developer Agreement (Agreement) with the Village of Royal Palm Beach (Village) to reserve potable water and wastewater capacity (Capacity) in order to develop an approximately 35-acre site (Site) along Southern Boulevard. The Agreement was recorded in the Public Records of Palm Beach County on March 7, 2006, at Book 20021, Page 1370. Under the Agreement's terms, KSM agreed to pay guaranteed revenue charges on a monthly basis to maintain reservation of the needed Capacity until such time as KSM made the physical potable water and wastewater connections associated with the reserved capacity. On April 27, 2006, Palm Beach County purchased the Village's potable water and wastewater assets and assumed responsibility for all outstanding Developer Agreements and related monthly billings for potable water and wastewater capacity reserved for various sites within the Village's former service area. KSM is significantly delinquent in the payment of the monthly guaranteed revenue charges and the reservation of their capacity has lapsed. The County notified KSM of this delinquency by certified letters dated October 16, 2007. While the certified letters were signed for, no response from KSM was received. This Termination will be recorded in the Public Records as notice that potable water and wastewater capacity originally reserved under the Agreement is no longer available to the Site. District 6 (MJ)
7. Staff recommends motion to receive and file: five (5) Standard Development Agreements complete with executed documents received during the month of November 2007:

Standard Development Agreements

A)	Penske Automotive Group, Inc.	01-01202-000
B)	ASACOL, LLC	01-01203-000
C)	Solid Waste Authority of Palm Beach County	03-01028-000
D)	Boynton Beach Associates XIX, LLLP	05-01094-000
E)	Boynton Beach Associates XIX, LLLP	05-90019-000

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

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

8. Staff recommends motion to approve: the Second Amendment to the Beeline Community Development District Water and Wastewater Utility Acquisition, Service and Service Area Agreement. **SUMMARY:** On February 15, 2005, the County entered into a Water and Wastewater Utility Acquisition, Service and Service Area Agreement (R2005-0366)(Agreement) with the Beeline Community Development District (District) to acquire the District's exclusive utility service area, utility system assets (exclusive of the District's potable water and wastewater plants which will be decommissioned) and customer base. The Agreement established a closing date of September 30, 2006, which was extended to September 30, 2007 by the First Amendment to the Agreement dated January 9, 2007 (R2007-0041). The extension of the closing date was necessitated by a court-ordered stay of a permit necessary to extend County pipelines to the District service area. The extension of the pipelines is now complete. As a result of uncertainty in the bond market, the District has requested an additional extension of the closing date until July 31, 2008. In order to promote the efficient use of water resources, this Second Amendment provides for the County to begin service initiation to District customers prior to full payment of water and wastewater capacity fees and pipeline extension costs by the District. County shall begin providing service to all District customers no later than January 31, 2008. District shall pay monthly capacity carrying costs for reservation of sufficient water and wastewater capacity to provide service to District customers until payment of permanent capacity costs at closing. District also agrees to reimburse the County for pipeline maintenance costs of \$91,184.45 to cover maintenance costs incurred from November 15, 2007 until January 31, 2008. District shall convey its service area, utility assets, customer base, and all easements required by the County by January 31, 2008. District 1 (MJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:
- A) approve** a Land Stewardship Memorandum of Understanding (MOU) with the Bureau of Land Management (BLM Eastern States Office) to collaborate on the joint management of the Jupiter Inlet Natural Area; and
- B) authorize** the County Administrator, or his designee, to sign all future time extensions, task assignments, and other forms associated with this MOU and necessary minor amendments that do not change the terms and conditions of the MOU.
- SUMMARY:** The execution of this MOU will ensure the continued management of the Jupiter Inlet Natural Area by County staff from the Department of Environmental Resources Management (ERM). This MOU is intended to be an Agreement to "bridge" the time from the expiration of the most recent Assistance Agreement (December 17, 2007) until the passage of designation for the Jupiter Inlet Natural Area as an Outstanding Natural Area. This designation is currently proposed in Congress and is working its way through the approval process with the help of our local Congressmen. District 1 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to:

A) accept a Purchase Order in the amount of \$129,483.12 from the Solid Waste Authority (SWA) for the purchase of 22,958 cubic yards of construction grade fill from the Winding Waters Natural Area (WWNA);

B) approve a Budget Amendment of \$129,483 in the Natural Areas Fund to recognize the revenue from the sale to Reserves; and

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

SUMMARY: Winding Waters Natural Area includes a large scale wetland restoration project designed by the Department of Environmental Resources Management (ERM). Part of the wetland restoration includes excavation of former agricultural fields to bring them down to wetland elevation. This process will result in excess fill which may be used to the benefit of the SWA as landfill construction material. SWA has agreed to purchase 22,958 cubic yards of construction grade fill which is currently stockpiled on site at the WWNA. District 7 (SF)

3. Staff recommends motion to approve: Amendment No. 5 to Grant Agreement No. 99PB1 (R2000-0082) with the Florida Department of Environmental Protection (FDEP) for additional cost-sharing in the amount of \$3,620,000 for a revised grant amount of up to \$5,630,687 for the South Lake Worth Inlet Management Plan and to extend the term of the Agreement twenty (20) months to December 31, 2009. **SUMMARY:** Amendment No. 5 provides for additional funding for construction of a new South Lake Worth Inlet Sand Transfer Plant. Under the terms of the Agreement, fifty percent (50%) of the project costs could be eligible for reimbursement. The bid for construction of the Plant was canceled in April 2007 when it came in \$2,000,000 higher than staff estimates. This project will be re-bid in April 2008 as part of a larger project which will include rehabilitation of the north and south jetties and construction of the Bird Island seawall. The Budget Amendment to recognize this revenue and Budget Transfer to provide the County's match for this Amendment will be provided when a construction contract is brought to the Board, which is estimated to be July 2008. District 4 (SF)

M. PARKS AND RECREATION

1. Staff recommends motion to approve: Agreement with the Palm Beach County Sheriff's Office (PBSO) to provide law enforcement services within Parks property for a five (5) year period commencing upon execution and ending September 30, 2012. **SUMMARY:** In 2002, the Board, with the Sheriff's concurrence, directed staff to develop a contract for parks law enforcement services (R2003-0073). This Agreement extends those services for an additional five (5) years and includes 50 sworn officers, an Administrative Assistant, a Parks Enforcement substation, and outlines responsibilities and expectations of both the PBSO and the Parks and Recreation Department. The adopted budget for these services in FY '08 is \$6,141,909 and is included in the Sheriff's budget. Countywide (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS AND RECREATION (Cont'd)

2. Staff recommends motion to receive and file: Original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for W.T. Dwyer Community High School (\$3,000), Jupiter Community High School (\$3,000), and Palm Beach Gardens Community High School (\$3,000), in an amount not-to-exceed \$9,000 for funding of Project Graduation 2008. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747), as amended. Funding is from the Recreation Assistance Program (RAP) District 1 Funds. District 1 (AH)

3. Staff recommends motion to receive and file: Original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for U.B. Kinsey/Palmview Elementary School of the Arts in an amount not-to-exceed \$10,000 (District 2 - \$5,000; District 7-\$5,000) for funding of the string orchestra trip to participate in the Heritage Festival in Atlanta, Georgia. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747), as amended. Funding is from the Recreation Assistance Program (RAP) Districts 2 and 7 Funds. District 7 (AH)

4. Staff recommends motion to:
 - A) adopt** a Resolution authorizing the lease of certain real property to Delray Beach Playhouse, Inc., pursuant to Florida Statutes, Section 125.38; and

 - B) approve** First Amendment to Lease Agreement with Delray Beach Playhouse, Inc., a Florida not-for-profit corporation, extending the Lease on a month-to-month basis from February 25, 2008, until terminated.

SUMMARY: Delray Beach Playhouse, Inc. (Playhouse) has requested a First Amendment to Lease Agreement (R2003-0291) to extend the term of its Lease Agreement for the Jaycee Clubhouse Building in order to continue to hold children's theater workshops and summer camp programs. The lease premises currently consist of one building with 1,759 square feet in Lake Ida 9th Street Park. Although the Playhouse recently added a new children's wing to the existing main playhouse building at an approximate cost of \$1,053,000, the children's theater programs are so popular and well attended they have outgrown the new addition, and need to continue to utilize space at the Jaycees Clubhouse. The current lease of the Jaycee Clubhouse expires on February 24, 2008, and the month-to-month extension will run from February 25, 2008, until terminated. Staff recommends the Board approve extending the term of the Lease. District 5 (HF)

5. Staff recommends motion to approve: Agreement with The Acreage Athletic League, Inc. for the period January 15, 2008, through February 28, 2008, in an amount not-to-exceed \$1,000 for funding of youth football equipment. **SUMMARY:** This funding is to help offset costs incurred by The Acreage Athletic League, Inc. for equipment for participants in its youth football program. The football program attracts approximately one thousand participants annually. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to January 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS AND RECREATION (Cont'd)

6. **Staff recommends motion to approve:** Agreement with Palm Beach County XXtreme Heat, Inc. for the period January 15, 2008, through March 1, 2008, in an amount not-to-exceed \$12,100 for funding of Girls U14 traveling basketball team tournament expenses. **SUMMARY:** This funding is to help offset the costs for the XXtreme Heat's Girls U14 participation in the AAU National Championship Tournament held in Salem, Virginia. 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 7 Funds. District 7 (AH)

7. **Staff recommends motion to approve:** Agreement with the City of Delray Beach for the period January 15, 2008, through May 15, 2008, in an amount not-to-exceed \$5,000 for the 2008 First Night Event. **SUMMARY:** This funding is to offset the cost of 2008 First Night Event held by the City of Delray Beach on December 31, 2007. The Delray Beach First Night Event features local entertainers and artists at a non-alcoholic accessible and affordable community New Year's Eve celebration geared toward families. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to October 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 7 funds. District 7 (AH)

8. **Staff recommends motion to approve:** Agreement with Marine Industries Association of Palm Beach County, Inc. for the period January 15, 2008, through August 30, 2008, in an amount not-to-exceed \$1,333 for the 2007 Holiday Boat Parade. **SUMMARY:** This funding is to assist with costs incurred by the Marine Industries Association of Palm Beach County, Inc. for the 2007 Holiday Boat Parade of the Palm Beaches, which was held on December 1, 2007. The parade attracted over 10,000 spectators. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to June 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 1 Funds. District 1 (AH)

9. **Staff recommends motion to approve:** Second Amendment to Agreement (R2004-1761, R2007-1151) with the City of Boynton Beach for funding of the Recreation Center at Wilson Park. **SUMMARY:** This Second Amendment to Agreement extends the completion date from December 31, 2007, to March 31, 2008, in order to ensure the project will be complete and documents submitted before the project completion date. Funding is from the 2002 \$50 Million Recreation and Cultural Facilities Bond referendum. District 7 (PFK)

3. CONSENT AGENDA APPROVAL

M. PARKS AND RECREATION (Cont'd)

10. Staff recommends motion to approve:

A) Agreement with Loggerhead Marineline Center, Inc. for the period January 15, 2008, through July 30, 2008, in an amount not-to-exceed \$57,185 for decking, walkways, and landscape improvements;

B) a Budget Transfer of \$57,185 in the Transportation Improvement Fund from Reserve for District 1 to the County Transportation Trust Fund;

C) a Budget Transfer of \$57,185 in the Transportation Trust Fund increasing the annual transfer from the Transportation Improvement Fund and decreasing the annual transfer from the General Fund;

D) a Budget Transfer of \$57,185 in the General Fund decreasing the annual transfer to the County Transportation Trust Fund and increasing the annual transfer to the Park Improvement Fund; and

E) a Budget Amendment of \$57,185 in the Park Improvement Fund increasing the annual transfer from the General Fund and increasing the appropriation to the District 1 Recreation Assistance Program (RAP).

SUMMARY: This funding is to assist with costs for construction of decking, walkways, and landscape improvements at the Loggerhead Marineline Center (formerly known as Marineline Center of Juno Beach). The Loggerhead Marineline Center attracts approximately 150,000 visitors annually. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to December 1, 2007. The budget transfers and budget amendment increase the gas tax support and decrease the ad valorem support of the County Transportation Trust Fund, thereby allowing for the allocation of the available ad valorem support to the District 1 Recreation Assistance Program (RAP). At the November 21, 2006, Board meeting, the flexibility of up to \$200,000 in transfers was approved for this purpose. With the approval of this project, the remaining balance available in transfers for District 1 will be \$40,315. District 1 (AH)

11. Staff recommends motion to approve: a Budget Transfer of \$60,000 in Park Improvement Fund from Reserves to American Homes Park Improvements (\$40,000) and Westgate Park Athletic Field Improvements (\$20,000). **SUMMARY:** This Budget Transfer will provide the additional funding necessary to complete the recent improvements to American Homes Park as well as athletic field improvements at Westgate Park. Funding is from the Park Improvement Fund reserve. Districts 2 & 5 (AH)

12. Staff recommends motion to approve: a Budget Transfer of \$100,000 in the \$25M GO Parks and Cultural Improvements Bond Fund - 2005 from John Prince Golf Learning Center to Park Ridge Golf Course. **SUMMARY:** This Budget Transfer will fund immediate site improvements needed at Park Ridge Golf Course (f/k/a Lantana Hills Golf Course) caused by weather events and user services. Items to be funded include additional asphalt cart path and drainage improvements. District 6 (AH)

3. CONSENT AGENDA APPROVAL

N. LIBRARY

1. **Staff recommends motion to receive and file:** a Cooperative Agreement with Literacy *AmeriCorps through the Literacy Coalition of Palm Beach County. **SUMMARY:** On June 19, 2007, the Board approved a site application (R2007-1001) for the County Library's participation in the Literacy*AmeriCorps PBC Program for the period of September 19, 2007, through August 31, 2008, and authorized the Chairperson to execute the agreement. This Agreement will provide the County Library with one (1) full-time Literacy*AmeriCorps member. This member will offer conversational English programs and oversee the literacy learning computer lab. The Library will pay a service fee of \$4,500 to the PBC Literacy Coalition and business-related mileage to the member up to \$1,500. AmeriCorps, with supplemental funds from the Coalition, will cover all other expenses including Workers' Compensation, liability, and health care coverage. Funds will be provided through the Library's FY '07 and '08 operating budgets and will have minimal fiscal impact. Countywide (TKF)

Q. CRIMINAL JUSTICE COMMISSION

1. **Staff recommends motion to approve:** a Budget Transfer of \$7,000 in Crime Prevention Fund (CPF) to provide funds for a pilot project in the Ex-Offender Reentry Program. **SUMMARY:** The funds will be used to provide financial support to the Ex-Offender Reentry Program administered by the Public Defender's Office to pay the cost of a pilot project to purchase Florida identification cards and necessary support documentation required by the Department of Highway Safety and Motor Vehicles for inmates about to be released from the county jail. The lack of identification creates a barrier to accessing other services upon release and increases the chances of an individual re-offending and returning to the criminal justice system. Countywide (DW)
2. **Staff recommends motion to approve:** the Agreement with the Chief Judge, 15th Judicial Circuit and the Palm Beach County Criminal Justice Commission to implement at the Chief Judge's Office a Mental Health Case Manager position for a one (1) year period from October 1, 2007, to September 30, 2008. **SUMMARY:** The County requested that the Criminal Justice Commission fund a Mental Health Case Management System Manager with funding from the Criminal Justice Reserve Fund. This position would be based in the Office of the Chief Judge, and would work with various criminal justice practitioners to evaluate the number of inmates currently housed at the correctional facility. More specifically, the manager would partner with the courts, Sheriff's Office, Public Defender's office and other agencies to work toward developing a comprehensive mental health system that would address this issue. This request was for one time funding from the Criminal Justice Commission with the hope that the Board will continue to fund it upon seeing the need for this position. The funding required is approximately \$60,000 inclusive of salary and fringe benefits. On July 9, 2007, the Criminal Justice Commission voted unanimously in favor of funding the above amount to the Office of the Chief Judge from the Criminal Justice Reserve Fund. The budget for this position was approved by the BCC as part of the July 11, 2007 Budget Workshop. Countywide (DW)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

3. Staff recommends motion to approve:

A) an Agreement in the amount of \$46,000 with the Palm Beach County Sheriff's Office (PBSO) for contractual services for a Clerical Specialist for the Westgate Community Justice Service Center (CJSC) for the period November 20, 2007 to September 30, 2008;

B) a Budget Transfer of \$46,000 in the Crime Prevention Fund to establish budget to reimburse funds to the PBSO for the CJSC Agreement; and

C) a Budget Amendment of \$46,000 in the Sheriff's Grant Fund to recognize the transfer from the Crime Prevention Fund.

SUMMARY: The Community Justice Service Center (CJSC) program addresses non-violent misdemeanor offenses and ordinance violations that erode the quality of life of a community. Residents are offered on-site social services and the licensed therapist assesses offenders with high risk behaviors. PBSO provides two staff positions (Social Worker and Community Services Coordinator), and will be reimbursed through this Agreement for a third position of Clerical Specialist. The Clerical Specialist, as an integral part of the Center's operation, will serve as receptionist and assist the residents requesting services, as well as assisting with the Community Court. The County will continue to provide the building and utilities. PBSO will continue to provide security services and three positions. The CJC will continue to provide the County Coordinator of the CJSC Program. One PBSO allocation is created with this action. There is no grant match required, and no additional County funds are required. Countywide (DW)

4. Staff recommends motion to approve:

A) an Interlocal Agreement in the amount of \$127,455 with the Palm Beach County Sheriffs Office (PBSO) as a partner to implement the law enforcement component of the Youth Violence Prevention Project from December 18, 2007, to September 30, 2008;

B) a Budget Transfer of \$35,000 in the General Fund;

C) a Budget Transfer of \$92,455 in the Crime Prevention Fund; and

D) a Budget Amendment of \$127,455 in the Sheriff's Grant Fund to establish budget for the project.

SUMMARY: Youth become involved in gateway crimes such as auto theft or burglary prior to be-coming involved in more violent crimes. The DNA evidence for property crimes is given a low priority compared to violent crimes. The purchase of these items and with training, they will be able to process the DNA on these property crimes, which will result in arrests before the youth get involved in more serious crimes. It is in conjunction with the \$35,000 in overtime for the Violent Crimes Task Force to conduct targeted operations to disrupt the activities of the gangs. Both of these support the Law Enforcement Component of the Youth Violence Prevention Project. They also support working with the State Attorney's Office to provide stronger cases to ensure more vigorous prosecution by the COMBAT Unit. The Law Enforcement Planning Council, representing the Law Enforcement component of the Youth Violence Prevention Project, has approved a plan for FY '08 which includes materials, equipment and training for the Forensic Biology Unit of the Palm Beach County Sheriff's Office. These materials, equipment, and training will allow the transition of a new DNA profiling platform to be completed with minimal disruption in processing evidence and reduce the backlog of cases. The Forensic Biology Unit received grant funding from the National Institute of Justice to purchase the instrumentation required. These additional funds would allow for the calibration and validation of the new equipment and training of staff to be completed on site and while still operating. Countywide (DW)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

5. Staff recommends motion to approve: a Contract with the Comprehensive Alcoholism Rehabilitation Program, Inc. (CARP), a not-for-profit agency (per County Purchasing Ordinance 96-17), in the amount of \$52,253 for the period October 1, 2007, through September 30, 2008 for the provision of substance abuse treatment services. **SUMMARY:** On May 29, 2007, the Criminal Justice Commission (CJC) approved the use of \$100,000 in Drug Abuse Trust Fund (DATF) monies to contract for residential and outpatient substance abuse services for indigent client's court ordered to treatment through the Civil Drug Court Program located in the City of Riviera Beach. Of this amount, \$52,253 will be used for substance abuse services and \$47,747 will be used to contract with the Civil Drug Court for a Case Manager position. District 7 (DW)

6. Staff recommends motion to approve: the Second Amendment to the Interlocal Agreement with the City of Riviera Beach (R2005-2435), dated December 20, 2005 to extend the agreement period and to increase the amount of the agreement by \$100,000. **SUMMARY:** In FY 2006, the Board of County Commissioners (BCC) approved an agreement with the City of Riviera Beach to provide \$100,000 to support the Weed and Seed "seeding" efforts for the period October 1, 2005, through April 30, 2007. The agreement has expired. The Criminal Justice Commission (CJC) recommends the use of an additional \$100,000 from the Criminal Justice Reserve Fund for the continuation of "seeding" services and to establish a new agreement period from October 1, 2007, to September 30, 2008. District 7 (DW)

7. Staff recommends motion to approve:
 - A) an Interlocal Agreement in the amount of \$300,000 with the City of Belle Glade as a partner to implement the Youth Violence Prevention Project in the targeted area; and
 - B) a Budget Transfer of \$300,000 from Criminal Justice Reserves to establish a budget for the Belle Glade Youth Violence Prevention Project.

SUMMARY: The Youth Violence Prevention Project and their primary partners, the five (5) cities at greatest risk for future violence which includes the City of Belle Glade, is beginning their first year of implementation and funding. To date, the funds have established Youth Empowerment Centers in Riviera Beach, West Palm Beach, Lake Worth, and Boynton Beach, and a Justice Service Center in Riviera Beach. In addition, an Assistant State Attorney for gun crimes, a juvenile violent offenders program, and joint law enforcement operations with multiple revenue sources completes the implementation plan. The City of Belle Glade has committed \$78,235 to this project for FY 2008. It is intended that the funding for this project be maintained for three (3) years. The Youth Empowerment Center in Belle Glade will be located temporarily in the City's Wellness Center which is known as the Lake Shore Civic Center located at 1224 SW Avenue E Place, in the heart of the targeted area. A permanent location has yet to be determined. This Youth Empowerment Center incorporates teen-specific programs such as: employment services, educational opportunities, tutoring, mentoring, audio visual production and marketing, computer hardware technology and the other components of the Youth Violence Prevention Plan. Additionally, the formation of a Belle Glade Youth Empowerment Center Teen Council will help define the needs and wants of the teens in the community. District 6 (DW)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. **Staff recommends motion to approve:** Addendum No. 1 to the License Agreement with Pictometry International Corporation (R2007-1010 and R2007-1011) for the Pictometry ActiveX Control Software Development Kit at no additional cost. **SUMMARY:** Addendum No. 1 to the Pictometry License Agreement will allow the use of the Pictometry Active X Control Software Development Kit. The Kit will allow ISS staff to customize the Pictometry viewing software to meet the needs of Palm Beach County. Countywide (PFK)

2. **Staff recommends motion to:**

A) receive and file Task Order No. 1 to Contract (R2006-2517) with BAE Systems/NSS for a not-to-exceed amount of \$94,425 for coastal aerial photography; and

B) approve Task Order No. 2 with BAE Systems/NSS to complete color digital ortho photography for a not-to-exceed total amount of \$165,000.

SUMMARY: Three (3) firms were selected using the Consultant Competitive Negotiations Act (CCNA) process. BAE Systems/NSS, Surdex Corporation and Woolpert, Inc. were contracted on November 21, 2006 to perform digital orthophotography and planimetric mapping for the County (R2006-2516, R2006-2517, and R2006-2518). Task Order No. 1 with BAE Systems/NSS provided environmental aerial photography for Palm Beach County coasts and inlets for Environmental Resource Management (ERM). This Task Order was under \$100,000 and was previously executed; and therefore, it is being submitted for receive and file purposes. Funding for Task Order 1 for a total amount of \$94,425 was provided by ERM based on the Budget Availability Statement provided. Due to weather delays in obtaining the aerial photography, a ninety day extension is required to take delivery of the product, perform quality assurance on the deliverable and make final payment on the Task Order. Task Order No. 2 with BAE Systems/NSS is to provide color orthophotos for the entire County. Funding for Task Order No. 2 is allocated in the GIS Capital Account. The proposed Task Order is recommended by the GIS Policy Advisory Committee. Countywide (PFK)

X. PUBLIC SAFETY

1. **Staff recommends motion to:**

A) receive and file an original fully executed Citizen Corps Grant (No. 08-CC-64-10-60-01-116) in the amount of \$11,600 with the Florida Department of Community Affairs; and

B) approve a Budget Amendment of \$11,600 in the Emergency Management Fund to establish revenue and appropriations budget.

SUMMARY: The State of Florida Division of Emergency Management and The Department of Community Affairs has awarded Palm Beach County Division of Emergency Management a grant to organize a Citizen Corps Council in Palm Beach County to coordinate the efforts of volunteer organizations through education, training, and volunteer service to make communities safer, stronger, and better prepared to respond to the threats of terrorism, crime, public health issues, and disasters of all kinds. This is the second year that the County is receiving this grant. No County match is required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. **Staff recommends motion to approve:** Special bus route service to the 2008 South Florida Fair on January 21st and 28th, 2008. **SUMMARY:** Palm Tran has annually operated special service to the South Florida Fair assisting in making the Fair more accessible for County residents. Palm Tran is proposing a reduced service plan this year. The proposed Special Service for 2008 would be limited to: 1) a route from the Mangonia Park Tri-Rail Station to the Fair on Monday, January 21st; and 2) operating route service on "Senior Day" on January 28th, specially designed to assist senior citizens travel from pre-designated origins to and from the Fair. The South Florida Fair has agreed to help Palm Tran cover the cost of the service by subsidizing Palm Tran for riders on the above services (at a cost equal to the normal \$3.50 one day pass for each passenger boarding) as well as by providing substantial marketing for the these services. Palm Tran is afforded a prime location at the Fair. This has proved invaluable in marketing Palm Tran services to the Fair attendees. Staff recommends that Palm Tran provide this service as it serves two (2) key functions: 1) assisting people who otherwise might not be able to get to the Fair; and 2) as a way of promoting usage of Palm Tran's regular fixed route services to new passengers. The reduced service plan will minimize the financial impacts with the potential excess costs of the service (estimated based on the service plan as shown in Attachment 1, "Description of Proposed 2008 Fair Service" to the agenda item) to be \$1,930, which will be absorbed through the existing Palm Tran budget. Countywide (DR)

2. **DELETED**

3. **Staff recommends motion to:**
 - A) adopt** a Resolution authorizing the conveyance of four (4) 2001 Freightliner Supreme custom Model BSTR-33 Trolleys to the Bay County Transportation Planning Organization; and

 - B) approve** an Agreement regarding the conveyance of trolleys to the Bay County Transportation Planning Organization, Bay County, Florida.

SUMMARY: Palm Tran needs to dispose of four (4) 2001 Freightliner Supreme custom Model BSTR-33 Trolleys. These trolleys have not reached their useful life and in accordance with the Federal Transit Administration (FTA) guidelines may be conveyed to another FTA grant recipient. The Bay County Transportation Planning Organization has approached Palm Tran and expressed their desire to acquire these trolleys. These trolleys were purchased using 100% Federal funds. The City of Lake Worth has discontinued their trolley service and they have returned the trolleys to Palm Tran. Countywide (DR)

4. **Staff recommends motion to adopt:** a Resolution approving a Florida Department of Transportation (FDOT) Supplemental Joint Participation Agreement (JPA) Number 1 – FM No. 41609619401 amending the scope of the original agreement. **SUMMARY:** The Board approved the original JPA on December 7, 2004 (R2004-2521) to market transit services to new Palm Beach County residents. The contract to complete this project was awarded twice following County procedures, and twice the contractor did not return the signed contract. Palm Tran requested and FDOT approved a change in scope for this JPA to use the same funds to target elderly and low income residents using service agencies in Palm Beach County; maintaining the same purpose as the original JPA, only targeting a different population. Countywide (DR)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF

1. **Staff recommends motion to receive and file:** a Grant Adjustment Notice amending the National Institute of Justice FY 2005 Forensic Casework DNA Backlog Reduction Program Grant K099 for payment of salaries, to extend the ending grant period from September 30, 2007. to December 31, 2007. **SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$118,830 on December 5, 2006; the original period for this grant was October 1, 2005, through September 30, 2006. A 20% match in the amount of \$39,610 is being provided by the Sheriff's Office. The Agenda Item accepted on December 5, 2006 by the BCC included Grant Adjustment Notices 1-4. These Grant Adjustment Notices removed conditions which allowed the funds to be released and extended the grant period from September 30, 2006, through September 30, 2007 (R2006-2765 thru R2006-2767). This agenda item will extend the grant period from September 30, 2007, through December 31, 2007. The National Institute of Justice (NIJ) awarded these funds, under the President's DNA Initiative, for hiring additional full time laboratory employees. The Palm Beach County Sheriff's Office has been given an extension to allow the grant funds to be fully expended. No additional positions are needed and no additional County funds are required. Countywide (DW)

2. **Staff recommends motion to receive and file:** a Grant Adjustment Notice amending the National Institute of Justice FY 2006 Forensic DNA Capacity Enhancement Program Grant K224 to extend the ending grant period from September 30, 2007, to September 30, 2008. **SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$205,343 on May 1, 2007; the original period for this grant was October 1, 2006, through September 30, 2007 (R2007-0717). This agenda item will extend the grant period from September 30, 2007, through September 30, 2008. The objective of this program is to continue to increase the efficiency of the PBSO DNA Section through organization of crime scene stain evidence, the increase of bench space for conducting serological and DNA analysis, and to update PBSO's electronic data capture capabilities. The Palm Beach County Sheriff's Office has been given an extension to allow the grand funds to be fully expended. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

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4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A.** Certificate of Appreciation for Richard Roberts.

- B.** Certificates of Appreciation to members of the Okeeheelee Park Citizens Advisory Committee: Peggy Kovacs, Sam Ferreri, Leah Schad and Lynne Stirling Reynolds. (Sponsored by Commissioner Marcus)

- C.** Proclamation declaring the month of January 2008 as “Stand Down House Month” in Palm Beach County. (Sponsored by Commissioner Kanjian)

- D.** Proclamation declaring January 18, 2008 as “Arbor Day” in Palm Beach County. (Sponsored by Commissioner Santamaria)

- E.** Proclamation acknowledging the long life and distinguished career of Owen H. Gassaway, Jr. (Sponsored by Commissioner Kanjian)

- F.** Proclamation declaring the “Palms West Chamber of Commerce and Florida Public Utilities WestFest Land and Sea Festival 2008 as a Palm Beach County Green Event.” (Sponsored by Commissioner Santamaria)

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

CONTINUED FROM OCTOBER 16, 2007

- A. **Staff recommends motion to NOT ADOPT:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, establishing a community development district over real property legally described on Exhibit "A" to this Ordinance comprising of approximately 86 acres; naming the initial members of the board of supervisors of the district; establishing the name of the district as Osprey Oaks Community Development District; designating the purpose of the district; designating the powers of the district; providing for severability; providing for repeal of laws in conflict; and providing for an effective date. **SUMMARY:** The Board of County Commissioners (BCC) has been petitioned to grant the establishment of the Osprey Oaks Community Development District (CDD) to finance and construct services for a master planned residential development district. After reviewing the petition, the Planning Division has found the petition to be sufficient in that it is consistent with the statutory requirements, has met the disclosure requirements and is limited to onsite improvements. However, staff is concerned (as explained in the staff report) with this petition due to a potential financial burden (in addition to the Home Owners Association (HOA) fees and the property taxes) on both the owners/renters of the: (i) 37 required workforce housing units resulting from the operation and maintenance fees (\$504/year or \$42/month) associated with the creation of the CDD; and (ii) 171 single-family detached units resulting from the annual assessment (operation and maintenance plus the debt service) fees (ranging from \$3,168/year or \$264/month to \$4,879/year or \$407/month) associated with the creation of the CDD. The District is located (within unincorporated County) on the west side of Jog Road and south of Hypoluxo Road. The CDD is being processed in conjunction with the Osprey Oaks Planned Unit Development (PUD) that was approved by the BCC on May 25, 2006. The proposed District will provide potable water, sanitary and sewer, storm water management systems and facilities, and will operate and maintain the Storm Water Management System. The ownership and maintenance of potable water and sanitary sewer system will be turned over to Palm Beach County upon completion. District 3 (BB)

CONTINUED FROM DECEMBER 18, 2007

- B. **Staff recommends motion to approve:** a Stipulated Settlement Agreement with Department of Community Affairs ("DCA") with the concurrence of Intervenor Lantana Farms Associates, Inc., as a partial settlement of the compliance issues raised in the administrative challenge styled, Department of Community Affairs, et al. vs. Palm Beach County, et al., DOAH Case No. 06-4544GM, relating to the site-specific Comprehensive Plan Amendment adopted for the Lantana Farms Associates, Inc. property by Palm Beach County Ordinance No. 2006-029. **SUMMARY:** Palm Beach County adopted Comprehensive Plan Amendment No. LGA 2006-00010 ("Plan Amendment") by Ordinance No. 2006-029 on August 21, 2006. The Plan Amendment re-designated approximately 26.23 acres of land located on Lantana Road and SR 7/US 441 from Rural Residential to Low Residential and included the property within the Urban/Suburban Tier. The Department of Community Affairs issued a Statement of Intent to find the Plan Amendment not "in compliance." The proposed settlement acknowledges the County's submission of additional documentation and analysis in support of the challenged amendment, and would also require the adoption of a Remedial Plan Amendment, which would amend the current Tier Boundary for the Urban/Suburban Tier to include two (2) parcels due east of the Lantana Farm Associates, Inc. property to square off the Tier boundary. The Department of Community Affairs has agreed to the proposed Settlement Agreement and, upon execution of same, will find the Comprehensive Plan Amendment "in compliance." Intervenor Lantana Farm Associates, Inc. concurs with the proposed Settlement Agreement. Intervenor Lantana Farm Associates, Inc. concurs with the proposed Settlement Agreement. Intervenor Lantana Farm Associates, Inc. concurs with the proposed Settlement Agreement. Intervenor Lantana Farm Associates, Inc. concurs with the proposed Settlement Agreement. The Board of County Commissioners considered and voted to reject the Stipulated Settlement Agreement on November 26, 2007; however, it was determined that the Intervenor did not receive actual notice of the hearing and the Board voted to reconsider the Stipulated Settlement Agreement and associated Remedial Plan on December 18, 2007, to allow the Intervenor an opportunity to be heard on the matter. District 6 (ATP)

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

CONTINUED FROM DECEMBER 18, 2007

- C. **Staff recommends motion to adopt:** Ordinance XXXX-XXX, adopting a Remedial Comprehensive Plan Amendment, in accordance with the Stipulated Settlement Agreement between Palm Beach County and the Department of Community Affairs (“DCA”) with the concurrence of Intervenor Lantana Farms Associates, Inc., in the administrative challenge styled, Department of Community Affairs, et al. vs. Palm Beach County, et al., DOAH Case No. 06-4544GM, relating to the site-specific Comprehensive Plan Amendment adopted for the Lantana Farms Associates, Inc. property by Palm Beach County Ordinance No. 2006-029. **SUMMARY:** Palm Beach County adopted Comprehensive Plan Amendment No. LGA 2006-00010 (“Plan Amendment”) by Ordinance No. 2006-029 on August 21, 2006. The Department of Community Affairs issued a Statement of Intent to find the Plan Amendment not “in compliance.” A stipulated settlement agreement was proposed, which acknowledges the County’s submission of additional documentation and analysis in support of the challenged amendment, and would require the adoption of a Remedial Plan Amendment, which would amend the current Tier Boundary for the Urban/Suburban Tier to address the DCA’s objections regarding internal inconsistency with FLUE Policy 1.1-b and to avoid piecemeal or parcel-by-parcel tier re-designations. The Remedial Plan Amendment would amend the current Tier boundary for the Urban/Suburban Tier to include two (2) parcels due east of the Lantana Farm Associates, Inc. property to square off the Tier boundary. The property owners were contacted and had no objection to the Tier Boundary change for their property. The Ordinance fulfills the County’s obligations under the Settlement Agreement to amend the Urban/Suburban Tier. The Board of County Commissioners considered and voted to reject the Stipulated Settlement Agreement and the associated Remedial Plan on November 26, 2007; however, it was determined that the Intervenor did not receive actual notice of the hearing and the Board voted to reconsider the Stipulated Settlement Agreement and associated Remedial Plan on December 18, 2007, to allow the Intervenor an opportunity to be heard on the matter. District 6 (ATP)

- D. **Staff recommends motion to adopt:** a Resolution abandoning that certain portion of University Parkway as recorded in Official Record Book 14099, Page 1816. **SUMMARY:** This petition site is located north of Glades Road and west of Riverside Drive. The petitioner is requesting the abandonment as it relates to an Agreement between Palm Beach County Board of County Commissioners (County) and the School Board of Palm Beach County School Board. District 5 (PFK)

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6. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to:

A) adopt a Resolution to support Claudia Anderson d/b/a Audio Enhancement for Florida's Qualified Target Industry Tax Refund Program;

B) approve the Job Growth Incentive Grant Agreement with Claudia Anderson d/b/a Audio Enhancement in the amount of \$40,000 for the creation of 50 jobs in Palm Beach County at an average annual salary of \$65,000, excluding benefits;

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

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

SUMMARY: Claudia Anderson d/b/a Audio Enhancement's relocation project involves establishing a new regional headquarters in Palm Beach County which will provide communication/information and science technology products and services. The company designs, markets and repairs infrared wireless microphones, projectors, computers and internet educational programs. Audio Enhancement's products and services integrate classrooms with technology to actively engage students, resulting in a more effective educational process. The company intends to locate in West Palm Beach. They are currently located in Utah.

Audio Enhancement has filed a Qualified Target Industry (QTI) Tax Refund program application with Enterprise Florida. It is anticipated that the State will award up to \$200,000. The QTI requires a 20% local match. Staff recommends that this company be approved as a QTI Business, and that the Board provide the necessary 20% local match of \$40,000 to be provided as a JGI Grant Agreement. The JGI Agreement requires that the company create 50 full time jobs by December 31, 2009 at an average salary of \$65,000, excluding benefits, and maintained for twenty four (24) months.

The Business Development Board RIMS model estimates an economic return on investment of \$45 million in total annual economic activity annually by Audio Enhancement directly and ancillary industries indirectly. District 2 (DW)

2. Staff recommends motion to adopt: a Resolution urging the Florida Legislature to enact protection for minors riding horses on public roadways or public trails by requiring the wearing of helmet or headgear protection. **SUMMARY:** Staff has prepared a Resolution as requested by Commissioner Jess Santamaria to support the Nicole Hornstein Act. The passage of this state legislation will require minors to wear headgear protection while riding horses on public roadways or trails. Countywide (DW)

6. REGULAR AGENDA

B. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** an Agreement for Art Services with Barbara Grygutis Sculpture, LLC. in the amount of \$611,500 for the creation, fabrication and installation of "Wave" at the Palm Beach County Convention Center. **SUMMARY:** On February 27, 2007, the BCC approved allocation of \$625,000 for a signature public art lighting project for the exterior of the Convention Center in order to establish a striking presence by day and night, and to enhance the Convention Center's visibility as a gateway feature to Palm Beach County. This project's budget is funded with \$375,000 from the public art designation of the 2002 Recreational and Cultural Facilities Bond Issue, combined with \$250,000 from the Convention Center Capital Project budget. The goals for the Convention Center public art project are: 1) feature technologies that are made of, generate, or use light as the primary medium; 2) strong visual presence by night and day; 3) artistic complexity at 45 mph; 4) iconic branding image for Palm Beach County; and 5) durability with minimal maintenance requirements. "Wave" was chose by the Public Art Committee (which included representatives from the Convention Center and the City of West Palm Beach for the purposes of selection) at the conclusion of a call to artist selection process and with the benefit of public workshop and comment. The duration of the contract is 353 days. (FDO Admin) Countywide/District 7 (JM)

2. **Staff recommends motion to approve:** a License Agreement with the Palm Beach County Bar Association (Bar Association) for the installation and operation of exhibits concerning civics and law within the Ceremonial Courtroom of the 1916 Historical Courthouse. **SUMMARY:** The Bar Association has requested that the County allow fixed exhibits to be installed on the balcony and mobile exhibits on the main floor of the Ceremonial Courtroom of the 1916 Historical Courthouse. The mobile exhibits may be removed from the Courtroom by the County should they interfere with any scheduled use. The exhibits were designed, constructed and funded by the Bar Association and will remain their property. The Bar Association shall install, operate, maintain and repair the exhibits. The County will only supply the electricity required to operate the fixed exhibits. The Bar Association may display the name of exhibit donors with the prior written approval of the County, though the name may be covered or removed when necessary for certain functions. Any new exhibits or changes to existing exhibits shall be submitted to the County and may be approved by the County Administrator provided the content meets the guidelines of the Agreement. The Bar Association shall also be entitled to use the Courtroom for special events such as presentations related to the exhibits or the legal process or fundraising activities related to the exhibits. There is no license fee associated with this License. The License Agreement shall extend for ten (10) years. (FDO Admin) Countywide/ District 7 (HJF)

6. REGULAR AGENDA

B. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve:

A) a County Deed to Callery-Judge Grove, L.P. (CJG) conveying 13.127 acres; and

B) a First Amendment to Settlement Agreement Regarding Agreement for Donation of Land and Road Extension Agreement (First Amendment) with CJG to provide for the conveyance of 13.127 acres, and to release the parties from all obligations thereunder.

SUMMARY: The County acquired 13.127 acres of land located west of Seminole Pratt Whitney Road across from the Grove Market Shopping Center, in unincorporated Loxahatchee, pursuant to a Settlement Agreement (R2006-1177) and Road Extension Agreement (R2007-0826) with CJG. The land was initially conveyed to the County at no cost for future construction of a fire station and branch library. The Settlement Agreement stipulated that if CJG was unsuccessful in obtaining DRI approval for its proposed development, then the County would have to pay for the 13.127 acres or convey the property back to CJG. After multiple time extensions, CJG was unable to obtain the required DRI approval for its development. Due to budgetary constraints, Fire Rescue has decided not to construct a station at this location and Libraries is pursuing a site owned by Indian Trail Improvement District behind the Publix shopping center at Pratt and Orange. This First Amendment provides for: (i) the re-conveyance of the entire 13.127 acres by January 3, 2008; (ii) the release and satisfaction of all further obligations of both the County and CJG contained within the Settlement Agreement and the Road Extension Agreement; and (iii) the County's reimbursement to CJG of \$51,069.35 that was paid to the County by CJG for anticipated construction expenses for the road extension which will not be built as a result of this First Amendment. (PREM) District 6 (JMB)

C. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve: an Interlocal Agreement with the Village of Palm Springs providing for the annexation of ten (10) enclaves generally located on Springfield Lane, Hayden Drive, north of 10th Avenue North, as well as on Gulfstream Road and Rostan Lane, south of 10th Avenue North. **SUMMARY:** The Board of County Commissioners has directed staff to work with municipalities to strategically address annexations. Chapter 171, F.S., allows annexation of enclaves less than ten (10) acres through an Interlocal Agreement with the annexing municipality and the County. By Resolution No. 2007-84, the Village of Palm Springs has petitioned the County to enter into such an agreement for the annexation of ten (10) enclaves identified within the Interlocal as Exhibit "A" and Exhibit "B". Each enclave is less than ten (10) acres in size. The proposed annexation meets the requirements of Chapter 171, F.S., and is consistent with the Intergovernmental Coordination Element of the County's Comprehensive Plan. District 3 (RB)

2. Staff recommends motion to approve: a conceptual enhanced mining review process and direct staff to bring the process to the BCC for final approval. **SUMMARY:** County staff and BCC have been attempting to find an acceptable way to review pending mining applications to ensure that the impacts can be addressed before Conditional Use approval is given. Consistent with prior direction to have South Florida Water Management District (SFWMD) technical review prior to making a staff recommendation, staff is recommending a process be developed with Department of Environmental Protection (DEP) to do a review, to be defined and agree to, which would be required before Development Review Officer (DRO) certification. District 6 (RB)

6. REGULAR AGENDA

D. PUBLIC SAFETY

TIME CERTAIN 10:30 A.M.

1. Staff recommends motion to approve:

A) Budget Transfer of \$500,000 from the General Fund Contingency to establish a Countywide Sterilization Voucher Program;

B) establish an additional full-time veterinarian position to be funded by rabies tag fees which are non-ad valorem dollars; and

C) authorizing staff to implement the following new programs which will enhance the County's sterilization efforts:

1) Establishment of a Countywide Sterilization Voucher Program;

2) Establishment of a West County No-Cost Spay/Neuter Clinic;

3) Expand existing Spay Shuttle operational hours/days;

4) Develop a Humane Education Program with the school system and Channel 20;

5) Establish three (3) "24-Hour OP AROUND THE CLOCK" events for owned and/or feral cats; and

6) Implement a "Citizens Animal Patrol" volunteer program for public education.

SUMMARY: As a result of a workshop on October 23, 2007, to discuss pet overpopulation in Palm Beach County, the Board directed staff to prepare an amendment to the Animal Care Ordinance to implement a sterilization program for dogs and cats and to review options to further enhance spaying and neutering in Palm Beach County. Staff has developed several new programs, as identified above, which would enhance the sterilization efforts and improve educational awareness of pet owners in Palm Beach County. **Staff recommends that the implementation of these programs be contingent on approval of the revised ordinance.** Countywide (SF)

TIME CERTAIN 10:30 A.M.

2. Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on February 5, 2008, at 9:30 a.m.:

an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 4 of the Palm Beach County Code (Ordinance No. 98-22, as amended by Ordinance No. 2003-27 and Ordinance No. 2005-44) pertaining to Animal Care and Control; amending Section 4-2 of the Palm Beach County Code (definitions); amending Section 4-10 of the Palm Beach County Code (rabies vaccinations); amending Section 4-11 of the Palm Beach County Code (dog and cat rabies/license tags); amending Section 4-26 of the Palm Beach County Code (animal agencies); providing for a sterilization program for dogs and cats; providing for hobby breeder permits; providing for repeal of laws in conflict; providing for savings clause; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for captions; and providing for an effective date. **SUMMARY:** As a result of a workshop on October 23, 2007 to discuss pet overpopulation in Palm Beach County, the Board directed staff to prepare an amendment to the Animal Care Ordinance to implement a sterilization program for dogs and cats with reasonable exclusions and to implement a licensing program for hobby breeders. The proposed implementation date of the ordinance will be April 1, 2008. Countywide (SF)

6. REGULAR AGENDA

E. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to:

A) adopt a Resolution with attachments authorizing the negotiation of a loan in an amount not-to-exceed \$18 Million from the Sunshine State Governmental Financing Commission for the acquisition of environmentally sensitive lands; approving the execution and delivery of a Loan Agreement; providing for the repayment of such Loan from certain legally available revenues of the County; providing certain other matters in connection with the making of such Loan; providing an effective date;

B) approve a Budget Amendment of \$11,890,000 in the \$11.89 Million Sunshine Loan No. 12 Environmentally Sensitive Land 2008 Capital Fund to record loan proceeds, capital projects, cost of issuance and transfers to the debt service reserve and debt service funds;

C) approve a Budget Amendment of \$203,270 in the \$11.89 Million Sunshine Loan No. 12 Environmentally Sensitive Land 2008 Debt Service Reserve Fund to record reserve for future debt service payments;

D) approve a Budget Amendment of \$435,207 in the \$11.89 Million Sunshine Loan No. 12 Environmentally Sensitive Land 2008 Debt Service Fund to record interest, recurring issue costs and reserve for future debt service payments;

E) approve a Budget Transfer of \$429,262 in General Fund from the General Fund Contingency to the \$11.89 Million Sunshine Loan No. 12 2008 Debt Service Fund for debt service payments.

SUMMARY: On December 4, 2007, the Board approved the First Amendment to the Agreement for Purchase and Sale with Indiantown-Jupiter Venture, a Florida general partnership, and Walter J. Hatcher & Joyce B. Hatcher and assigns and an Interlocal Agreement between the County and the Solid Waste Authority (SWA) to acquire, design, permit and construct a water resource and environmental restoration project within the property. The purchase price for the 230.54 acre parcel is \$19,826,440. The Interlocal Agreement assigns a 28% undivided interest in the contract for purchase to the SWA for \$5.5 Million to be contributed at closing on the property. The Board is authorizing the loan of up to \$18 Million subject to the SWA contribution at closing. The amount of the loan will be reduced by the SWA contribution. The closing on the purchase of the property is scheduled for not later than February 10, 2007. The Sunshine Loan will close on January 23, 2007. Countywide (PFK)

6. REGULAR AGENDA

F. FIRE RESCUE

1. Staff recommends motion to approve:

A) the First Amendment to the Emergency Services Agreement for Mutual Assistance, Automatic Aid, and Dispatch Services with the City of West Palm Beach (R2006-0507) effective retroactively to December 1, 2007;

B) two (2) new positions to be added to the Fire Rescue employee complement; and

C) a Budget Amendment in the Fire Rescue MSTU Fund in the amount of \$473,000 to recognize the external revenue of \$473,000 and establish the appropriation budget for the additional personnel costs and operating supplies.

SUMMARY: On March 14, 2006, the Board approved an Emergency Services Agreement for Mutual Assistance, Automatic Aid, and Dispatch Services with the City of West Palm Beach (the City). The parties wish to amend the Agreement to provide for maintenance and emergency repair of the City's fire rescue emergency response apparatus. This Amendment will also authorize the parties' respective Fire Chiefs to develop and enter into a Memorandum of Understanding (MOU) identifying the specific services to be provided and the emergency response apparatus to be serviced. Fire Rescue is also requesting two (2) additional positions be added to the employee complement to absorb the additional workload and labor hours associated with the maintenance and repair of the City's fire rescue apparatus. A Budget Amendment in the amount of \$473,000 will establish the appropriation budget for the personnel costs associated with these positions, as well as the additional operating supplies necessary to provide this service. Countywide (SB)

6. REGULAR AGENDA

G. WATER UTILITIES

1. Staff recommends motion to approve:

A) an Interlocal Agreement with the City of Belle Glade for the reimbursement of design and construction costs related to potable water pipeline construction; and

B) an Interlocal Agreement with the Health Care District of Palm Beach County for the reimbursement of design and construction costs related to potable water pipeline construction.

SUMMARY: Palm Beach County Water Utilities is in the process of constructing the Lake Region Water Treatment Plant to provide bulk potable water service to the cities of Belle Glade, Pahokee, and South Bay. In order to serve current and future development, the City of Belle Glade (“Belle Glade”) requires the extension of a potable water pipeline (“Pipeline”) from the Lake Region Water Treatment Plant to a point of connection with existing Belle Glade potable water facilities. Construction of the pipeline will provide Belle Glade with increased potable water capacity in order to better serve existing Belle Glade customers, and to serve future Belle Glade customers connecting to the pipeline. Under the terms of the Interlocal Agreement with Belle Glade, Belle Glade will charge new customers connecting to the Pipeline their proportionate share of the pipeline design and construction costs, and then remit said funds to the County. The Health Care District of Palm Beach County (“District”) will also benefit from the extension of this pipeline, and has agreed to reimburse the County their proportionate costs of the design and construction of the Pipeline. Under the terms of the Interlocal Agreement with the District, the District shall reimburse the County their proportionate share of design and construction costs following design and construction of the Pipeline. Ultimately, the total reimbursement from both entities will be approximately \$900,000 (\$825,000 from Belle Glade and \$75,000 from the District). Any construction costs not reimbursed after twenty (20) years shall be reimbursed from the County’s General Fund. (WUD Project No. 07-084) District 6 (MJ)

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7. BOARD APPOINTMENTS

A. **AIRPORTS**
(Citizens Committee on Airport Noise (CCAN))

1. **Staff recommends motion to approve:** appointment of the following individuals to the Citizens Committee on Airport Noise (CCAN) for a term of three (3) years beginning on January 15, 2008, through January 14, 2011:

<u>Name</u>	<u>Seat</u>	<u>Nominated By:</u>
Michael Klingensmith	No. 8	PBC League of Cities, Inc.
Joe Gutierrez	No. 13	PBIA Air Carriers

SUMMARY: Per Resolution No. R94-1060, the Citizens' Committee on Airport Noise consists of 13 seats of which 6 (seat No. 8 through seat No. 13) are recommended for appointment by the organizations approved by the BCC. The Palm Beach County League of Cities, Inc. and the PBIA Air Carriers submitted their recommendations for representation by letter. Countywide (AH)

B. **OFFICE OF FINANCIAL MANAGEMENT & BUDGET**
(Investment Policy Committee)

1. **Staff recommends motion to approve:** appointment of one (1) new member to the Investment Policy Committee:

<u>Nominee</u>	<u>Seat No.</u>	<u>Nominated By</u>
Barry A. Weiss	3	Commissioner Aaronson

SUMMARY: James Derba has resigned his seat on the Investment Policy Committee (IPC). Mr. Derba's seat on the Committee needs to be filled. The Committee is comprised of seven (7) members, including a current member of the Board of County Commissioners, four (4) representatives from the private sector approved by the BCC, a designee of the Palm Beach County Sheriff's Office, and an employee of the Office of Financial Management and Budget selected by the County Administrator. Commissioner Aaronson currently serves as the Board's representative and as the Committee's Chairman. Countywide (PFK)

7. BOARD APPOINTMENTS

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

1. **Staff recommends motion to approve:** appointment of the following representatives to the Community Action Council Administering Board for a terms beginning January 15, 2008, and ending September 30, 2010:

<u>Name</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated By:</u>
Pamela Williams	5	Public Official	Comm. Koons
Ann Simpson	8	Business/Community	Comm. Koons
Kathie Beeson	9	Business/Community	Comm. Koons
Teresa Johnson	11	Business/Community	Comm. Koons
Tequisha Myles	13	Business/Community	Comm. Koons
Evelyn Palencia	14	Business/Community	Comm. Koons
Tombalena Guyton	17	Rep. of Poor	Comm. Koons
Mildred Edwards	18	Rep. of Poor	Comm. Koons
Phylis Clark	19	Rep. of Poor	Comm. Koons
Lillie Pettigrew	20	Rep. of Poor	Comm. Koons

SUMMARY: Ordinance No. 2004-042, establishes the Community Action Council Administering Board (CACAB). The CACAB is comprised of not less than 15, and not more than 23 members. One third of the members are elected public officials, holding term on the date of selection, or their representatives. The remaining are members of business, industry, labor religion, law enforcement, education or other major groups in the community served. On November 8, 2007, written notice was sent to each Commissioner to request nominations. The nominees above meet all applicable guidelines and requirements outlined in the Community Services Block Grant Contract establishing ordinance. Seat 9 was vacated by Laura Tingo and the candidate Kathie Beeson will be completing her term. Seat 11 vacated by Easie LaRose is being filled by candidate Teresa Johnson to complete the term. The CACAB has reviewed and approved the nominees listed above. (Community Action) Countywide (TKF)

D. **COUNTY ADMINISTRATION**
(Health Facilities Authority)

1. **Staff recommends motion to approve:** appointment of one (1) individual to the Health Facilities Authority, effective January 15, 2008:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Term Expiration</u>	<u>Nominated by:</u>
James T. Howell	4	Resident of PBC	04/30/2011	Comm. Koons Comm. McCarty Comm. Greene

SUMMARY: Per Chapter 154.207, Florida Statutes and Resolution Nos. R77-379, R77-398 and R92-563, the Health Facilities Authority is composed of five (5) members appointed at-large by the Board of County Commissioners (BCC). A memo dated December 12, 2007, was circulated to the BCC notifying the BCC that there was a vacancy on the Health Facilities Authority, left by Dr. Dick L. Van Eldik. Dr. James T. Howell has expressed an interest in replacing Dr. Dick L. Van Eldik and meets the applicable requirements. Countywide (TKF) (Administration)

E. **COMMISSION DISTRICT APPOINTMENTS**

JANUARY 15, 2008

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

JANUARY 15, 2008

9. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS

B. District 2 - COMMISSIONER JEFF KOONS, VICE CHAIR

C. District 3 - COMMISSIONER ROBERT J. KANJIAN

Proclamation declaring January 13, 2008 as "Windward Palms Day" in Palm Beach County.

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

10. ADJOURNMENT

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

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

JANUARY 15, 2008

<u>PAGE</u>	<u>ITEM</u>	
7	3A-1	<u>DELETED:</u> Staff recommends motion to approve: Agreement with Belle Glade Housing Authority in an amount not-to-exceed Five Hundred Dollars (\$500) for the No Wind For Seniors Program ...(Moved to February 5, 2008) (Admin./Community Revitalization)
13	3E-5	<u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to approve: four (4) three (3) contracts with financially assisted agencies totaling \$259,945 \$234,945 for the indicated activities, for the period October 1, 2007, through September 30, 2008: A) Gulfstream Goodwill Industries, Inc. - \$19,750 for services to assist homeless people with disabilities overcome barriers and find employment; B) Florida Outreach for the Blind, Inc. - \$25,000 for classes provided at no charge in instruction in Braille, Electronic Communications, Daily Living Skills, Mobility, Computer Training and Personal and Home Management; C) B) Children's Place at Home Safe - \$51,500 for services provided in a child-friendly environment designed to provide short-term, intensive treatment and coordinated services to children and families victimized by domestic violence; and D) C) City of Pahokee - \$163,695, a social-recreational program providing before- and after-care services to at-risk children and their families. SUMMARY: On July 11, 2007, and September 20, 2007, the Board of County Commissioners (BCC) approved the list of agencies and funding allocations under the Financially Assisted Agency Program. The information submitted in this item reflects the final part of the total funding approved by the Board of County Commissioners for the FY 2008, which is \$13,749,311. These four (4) <u>three (3)</u> contracts required additional staff assistance in the area of outcomes development and unit cost finalization, delaying their submittal to the BCC. (Community Services)
21	3I-2	<u>DELETED:</u> Staff recommends motion to adopt: a Resolution approving the Fifth Amendment to the local Hurricane Housing Recovery Plan (HHRP) (R2005-1885)... (Moved to February 5, 2008) (HCD)
22	3I-5	<u>DELETED:</u> Staff recommends motion to approve: additional State Housing Initiative Program (SHIP) funding in the amount of \$8,900 to Dean and Mary Allen...(Moved to February 5, 2008) (HCD)
30	3Q-2	<u>DELETED:</u> Staff recommends motion to approve: the Agreement with the Chief Judge, 15 th Judicial Circuit....Mental Health Case Manager position for a one (1) year period from October 1, 2007, to September 30, 2008. (Further staff review) (CJC)
36	4G	<u>ADD-ON:</u> State of the District Presentation by Congressman Ron Klein
39	6A-1	<u>DELETED:</u> Staff recommends motion to: A) adopt a Resolution to support Claudia Anderson d/b/a Audio Enhancement for Florida's Qualified Target Industry Tax Refund Program;...(Moved to February 5, 2008) (Admin./Economic Development)

- 39 6A-2 **TO BE HEARD AS THE LAST ITEM UNDER SPECIAL PRESENTATIONS (4H): Staff recommends motion to adopt:** a Resolution urging the Florida Legislature to enact protection for minors riding horses on public roadways or public trails by requiring the wearing of helmet or headgear protection. (Admin./Legislative Affairs)
- 41 6B-4 **ADD-ON: Staff recommends motion to approve:** Change Order No. 58 to the Contract with The Weitz Company (R2002-1868) in the amount of \$290,397.60 and a 196 day time extension for the South County Courthouse. **SUMMARY:** Change Order No. 58 provides for cost associated with revisions to the electrical systems for the access control system, and additions to the Clerk of Courts transaction area with respect to the low voltage systems and Closed Circuit TV (CCTV) equipment. The Change Order includes a time extension of 196 days to the contract due to design changes and procurement of materials. Completion of Phase II work is now scheduled for March 2008. A portion of this work has been completed prior to the approval of this Change Order. The M/WBE goal is 15% overall with 5% Black participation. This Change Order includes 0% overall and 0% Black participation. When combined with previous work done under this contract, the M/WBE percentages are 17.5% overall and 1.0% Black. (Capital Improvements Division) Countywide (JM)
- 42 6D-2 **REVISED TITLE:** **Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on February 5, 2008, at 9:30 a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 4 of the Palm Beach County Code (Ordinance No. 98-22, as amended by Ordinance No. 2003-27 and Ordinance No. 2005-44) pertaining to Animal Care and Control; amending Section 4-2 of the Palm Beach County Code (definitions); amending Section 4-10 of the Palm Beach County Code (rabies vaccinations); amending Section 4-11 of the Palm Beach County Code (dog and cat rabies/license tags); amending Section 4-12 of the Palm Beach County Code (redemption and adoption); amending Section 4-26 of the Palm Beach County Code (animal agencies); creating a new Section 4-28, providing for a sterilization program for dogs and cats; creating a new Section 4-29, providing for hobby breeder permits; providing for repeal of laws in conflict; providing for savings clause; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for enforcement; providing for penalty; providing for captions; and providing for an effective date. (Public Safety)
- 43 6E-2 **ADD-ON: Staff recommends motion to adopt:** a Resolution amending and restating in its entirety the County's Resolution adopted December 18, 2007 with respect to its Public Improvement Revenue Bonds, Series 2008 (Law Enforcement Information Technology Project) (R2007-2313); ratifying the award of the Bonds; amending the payment dates and provisions for redemption with respect thereto; and providing an effective date. **SUMMARY:** On December 18, 2007, the Board adopted a Resolution authorizing the issuance of Public Improvement Revenue Bonds, Series 2008 (Law Enforcement Information Technology Project) for the purpose of financing the costs of acquiring law enforcement information technology equipment and software and paying all other costs necessary or incidental thereto. The County received bids on January 10, 2008 and Citicapital Municipal Finance won the bid for the Series 2008 Bonds with a fixed interest rate of 3.038%. The above amended Resolution ratifies the award of the Bonds and amends certain terms to agree with the bid. The bonds are scheduled to close on January 24. Countywide (PFK) (OFMB)
- 44 6F-1 **DELETED:** **Staff recommends motion to approve: A)** the First Amendment to the Emergency Services Agreement for Mutual Assistance, Automatic Aid, and Dispatch Services with the City of West Palm Beach (R2006-0507) effective retroactively to December 1, 2007;....(Further staff review) (Fire Rescue)

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 (*).