

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

**JANUARY 13, 2009**

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

**COMMISSION  
CHAMBERS**

- 1. CALL TO ORDER**
  - A. Roll Call
  - B. Invocation
  - C. Pledge of Allegiance
- 2. AGENDA APPROVAL**
  - A. Additions, Deletions, Substitutions
  - B. Adoption
- 3. CONSENT AGENDA (Pages 7 -39)**
- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 40)**
- 5. PUBLIC HEARINGS - 9:30 A.M. (Page 41)**
- 6. REGULAR AGENDA (Pages 42 - 48)**  
**TIME CERTAIN – 10:00 A.M. (Judge Winikoff Road Street Name Change) (Page 47)**  
**TIME CERTAIN – 10:15 A.M. (Boat Trailer Parking Fee) (Page 47)**
- 7. BOARD OF COUNTY COMMISSIONERS SITTING AS ENVIRONMENTAL CONTROL BOARD (Page 49)**
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- 9. STAFF COMMENTS (Page 56)**
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to receive and file:** Resolution No. 2008-2705 of the City Commission of the City of Belle Glade, Florida, urging the Florida Legislature to equalize funding based on population to provide each region of Florida, including South Florida, its fair share of State funding.
  
2. **Staff recommends motion to approve:** an Agreement with Palm Beach County Cultural Council in the amount of \$291,000 for the funding and administration of a cultural grant program for community-based non-profit organizations for FY 2008-2009. **SUMMARY:** This Agreement in the amount of \$291,000 provides for the Cultural Council to administer a grant program which will fund the activities of non-profit organizations (Category C-I: small and emerging, children's and multicultural programs/projects). Of the \$291,000 in county funding, up to \$280,000 will be applied to the Category C-I grants and a portion of the remaining funds, not to exceed 10% of the total amount, may be used by the Council to administer the program. In the event any funds are unspent, the Council will reallocate those funds to support cultural programs in the underserved areas of the County. Countywide (MC)
  
3. **Staff recommends motion to approve:** two (2) agreements for Cultural grants (Category C-II) funded through Tourist Development ("bed tax") revenues as follows:  
  

**A)** Grant agreement with Dolly Hand Cultural Arts Center at Palm Beach Community College (PBCC) in the amount of \$23,791 for the period of October 1, 2008, through September 30, 2009; and

**B)** Grant agreement with Duncan Theatre at Palm Beach Community College in the amount of \$24,001 for the period of October 1, 2008, through September 30, 2009.

**SUMMARY:** These grantees are mid-sized cultural organizations that were selected for funding from "bed tax" revenues by the Cultural Council and approved by the Tourist Development Council. Because these agreements contain indemnification provisions that vary from the standard form agreement, they require approval of the Board. Countywide (MC)
  
4. **DELETED**
  
5. **Staff recommends motion to approve:** Amendment No. 001 to the grant (R2008-1814) with ARC of Palm Beach County to replace the phrase "to install a ramp with handrails" with "to cover a portion of the costs for the conversion of an existing restroom to meet ADA standards." **SUMMARY:** The Board of County Commissioners approved this grant on October 21, 2008 (R2008-1814) with the ARC of Palm Beach County. Due to a scrivener's error, the grant, as approved, stated that the funds were to be used to "install a ramp with handrails". This Amendment correctly states that the funds are to be used to "cover a portion of the costs for the conversion of an existing restroom to meet ADA standards." The funds for this grant are derived from funds collected from parking violations in designated parking spaces. County Ordinance 92-29 provides that revenue from these fines shall be used to improve accessibility and equal opportunity to qualified physically disabled persons in the County and to provide funds to conduct public awareness programs concerning physically disabled persons. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

6. Staff recommends motion to approve: Amendment No. 2 to Agreement (R2007-0360) with Tripp Electric Motors, Inc. to extend the expiration date from December 31, 2008, to June 30, 2009. **SUMMARY:** On March 13, 2007, the Board of County Commissioners (BCC) approved a Community Development Block Grant (CDBG) Economic Set-Aside Agreement with Tripp Electric Motors, Inc. totaling \$400,000 for the purchase and installation of specialized equipment and parking lot improvements. Through this funding, Tripp Electric Motors, Inc. will create 27 full-time equivalent jobs for low and moderate income residents in the Lake Okeechobee region. On April 1, 2008, the BCC approved Amendment No. 1 to extend the Agreement 12 months and revise the project to include the purchase of building materials to construct a warehouse to house a 20 ton crane and submersible pump tank. This Amendment No. 2 will allow the company an additional six (6) months to complete its project caused by a delay in the closing of a loan which is now complete. District 6 (DW)

7. Staff recommends motion to approve:

**A)** a Contract between the U.S. Housing & Urban Development (HUD) and Palm Beach County (PBC) in the amount of \$199,000;

**B)** a Loan Agreement between PBC and Glades Gas and Electric Corporation (GG&EC) in the amount of \$199,000 under the PBC Section 108 Program;

**C)** Brownfield Economic Development Initiative (BEDI) Grant disbursement in the amount of \$99,258; and

**D)** an Inter-creditor Agreement between GG&EC and the Bank of Belle Glade.

**SUMMARY:** On October 9, 2008, the Section 108 Loan Review Committee, made up of representatives from the Economic Development Office, Housing and Community Development and Office of Financial Management & Budget, recommended providing a loan through the Palm Beach County Section 108 Program for GG&EC, a full service propane gas, appliance and air conditioning company. This is the first Avenue A Revitalization project. The total project investment is \$596,774, which includes \$278,516 from the Bank of Belle Glade, \$199,000 from the County's Section 108 Loan Program, \$99,258 from HUD's Brownfield Economic Development Initiative (BEDI) grant, and \$20,000 from the County's Business Frontage Program, in partnership with the Lake Okeechobee Regional Economic (LORE) Alliance of the Palm Beaches. Of the \$199,000 of Section 108 funds, \$99,000 will be for fixed assets and \$100,000 for working capital, which is within the County's criteria. The combined Section 108 loan and BEDI grant amount per job to be created is \$33,140, which is within the HUD criteria. The project will create nine (9) full-time equivalent jobs in the next six (6) years. The borrower will use the funds to renovate the interior and exterior of the building in which the business operates, construct a 15 x 200 sq. ft. addition, landscape and improve the driveway and parking areas. The family business was established in 1929 and is located at 5 Southwest Avenue A, Belle Glade. The interest on the Section 108 loan will be the three (3) month London Inter Bank Offered Rate (LIBOR) at the time of closing (as of December 30, 2008, LIBOR was 1.460%) plus one percent (1%). The fixed assets loan will have a term of 20 years and the working capital loan will have a term of ten (10) years. **These are Federal funds that require no local match.** Closing is planned to occur after January 13, 2009, and is contingent upon release of funds by HUD. District 6 (DW)

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Regular	August 21, 2008
Comprehensive Plan	August 21, 2008

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. **Staff recommends motion to 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 2009. **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 (PK)
5. **Staff recommends motion to approve:** the Bond of re- elected Clerk & Comptroller, Sharon R. Bock; Sheriff, Ric L. Bradshaw; Property Appraiser, Gary R. Nikolits; and Tax Collector, Anne M. Gannon. **SUMMARY:** Following the election, newly elected or re-elected officials must secure bonding for presentation to the Board of County Commissioners for approval pursuant to Ordinance No. 98-51. Payment for the costs of bond premiums is paid out of the County's General Revenue Fund pursuant to Chapter 113.07(4), F.S. Countywide (PK)
6. **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 November 2008. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:**
  - A)** a payment of \$132,635.48 to the Florida Department of Transportation (FDOT) for future maintenance of Hooker Highway; and
  - B)** a Budget Transfer of \$132,636 in the Transportation Improvement Fund from Reserves – Road Program Sweeps to Hooker Highway Maintenance – FDOT Payment.

**SUMMARY:** Approval of this payment will transfer funds, provided by the Health Care District of Palm Beach County for future maintenance of Hooker Highway, to the FDOT. District 6 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

2. Staff recommends motion to:

**A) approve** a County Deed in favor of the Town of Cloud Lake (Town) for a parcel of land measuring 90 foot wide for the south 660 feet and 60 feet wide for the remaining 115 feet (Parcel). This Parcel is located immediately west of the Stub Canal right-of-way within the Town limits, and is subject to a reservation for a drainage and maintenance easement over the east 40 feet of the Parcel; and

**B) accept** a temporary construction easement from the Town, over the west 50 feet of the Parcel for the south 660 feet and over the west 20 feet for the remainder.

**SUMMARY:** On October 21, 2008, the Board of County Commissioners (County) approved R2008-1834, an Interlocal Agreement (Agreement) with the Town for the Stub Canal right-of-way ownership. The Agreement contemplated the conveyance of the Parcel to the Town, subject to a drainage and maintenance easement reservation, and a temporary construction easement in favor of the County. The reserved maintenance easement will grant the County a perpetual easement on the east 40 feet of the Parcel for the purpose of maintaining and potentially widening the Stub Canal. The temporary construction easement will allow the County to utilize the west 50 feet of the Parcel as a construction staging area. This area measures 50 feet wide over the south 660 feet and 20 feet wide over the remaining north 115 feet. The area will also be used to install a berm in accordance with the Agreement. The Town approved the temporary construction easement on November 20, 2008. District 3 (PK)

3. Staff recommends motion to adopt: a Resolution approving recordation and filing of a Specific Purpose Survey Maintenance Map with the Clerk of the Circuit Court of and for Palm Beach County (County), Florida, certifying that 59<sup>th</sup> Lane North, from the "M" Canal west to 200<sup>th</sup> Trail North, has been maintained or repaired, continuously and uninterrupted, by the County for over four (4) years and all right, title, easement appurtenances in and to the road is therefore vested in the County. **SUMMARY:** This recordation and filing will establish and confirm title of 59<sup>th</sup> Lane North, the westerly extension of 60<sup>th</sup> Street North, to the County in accordance with Section 95.361, Florida Statutes, which provides that upon four (4) years of continuously and uninterrupted maintenance or repair of the road by the County and upon filing of a map with the Clerk, title to the road becomes vested in the County for the extent in width that it has been actually maintained. This maintenance includes road grading and roadside mowing of vegetation. The Road and Bridge Division Director has certified, on the cover of the 59<sup>th</sup> Lane North Specific Purpose Survey Maintenance Map, that it depicts the limits of maintenance by the County. District 6 (MRE)

4. Staff recommends motion to adopt: a Resolution re-designating a parcel of Palm Beach County (County) owned land at the northeast corner of the intersection of Charleston Road and Clendenin Street as County right-of-way. **SUMMARY:** Approval of this action will allow the Property and Real Estate Management Division to satisfy a condition of zoning approval R2008-1383, for the replacement of Fire Rescue Station No. 32. This condition requires that the County re-designate a parcel of County owned land as right-of-way. The parcel measures 50 square feet and is located at the northeast corner of the intersection of Charleston Road and Clendenin Street. District 2 (PK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

5. Staff recommends motion to approve: assignment of a lift station easement in favor of the Loxahatchee River Environmental Control District (District) covering a parcel of land measuring 40 feet by 40 feet, located immediately north of Australian Street and east of Limestone Creek Road. **SUMMARY:** The District has requested the Board of County Commissioners assign the existing lift station easement (ORB 15574, Pages 666 to 668) to the District. The approval of this assignment of the lift station easement will allow the District to perpetually maintain the lift station. District 1 (PK)
  
6. Staff recommends motion to approve: an Amendment to the Interlocal Agreement R2006-0952 with the City of Delray Beach (City), extending the completion deadline from December 31, 2008 to May 30, 2009. **SUMMARY:** On June 6, 2006, the City and Palm Beach County (County) entered into an Interlocal Agreement to provide reimbursement funds in an amount not to exceed \$100,000 for the upgrade of the Linton Boulevard bascule bridge tender house. The City desires to amend the Agreement by extending its termination date to May 30, 2009. District 4 (MRE)
  
7. **DELETED**
  
8. Staff recommends motion to adopt: a Resolution vacating approximately 2.80 feet of a 10 foot wide utility easement within Lot 461, Homes of Lee's Crossing, Plat 7, as recorded in Book 50, Pages 132-133, Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located north of Lantana Road, east of Jog Road, on the west side of Westfall Road. The petitioner is requesting the vacation to increase the buildable lot area, to allow the expansion and enclosure of a patio. District 3 (PK)
  
9. Staff recommends motion to approve: the renewal of the Surveying and Mapping Annual Agreement with Dennis J. Leavy & Associates, Inc. The original Agreement was dated January 15, 2008 (R2008-0020). **SUMMARY:** Approval of this Agreement will renew for one (1) year required professional services, on a task order basis. Countywide (PK)
  
10. Staff recommends motion to approve: a Maintenance and Ingress/Egress Easement granted by Jupiter Country Club Homeowner's Association, Inc., for a golf cart underpass within the right-of-way of Indiantown Road. **SUMMARY:** Approval of this Maintenance and Ingress/Egress Easement will allow Palm Beach County to access, inspect, and maintain the golf cart underpass within the right-of-way of Indiantown Road when and if necessary. District 1 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

11. Staff recommends motion to approve:

A) a Budget Transfer of \$30,000 in the Transportation Improvement Fund from Reserve for District 2 to Cabana Colony Local Drainage; and

B) a Budget Transfer of \$30,000 in the Capital Outlay Fund from Cabana Colony Local Drainage to Keep Palm Beach County Beautiful.

**SUMMARY:** This item provides funding not to exceed \$30,000 for the third of four (4) annual allocations to Keep Palm Beach County Beautiful (KPBCB) for Fiscal Year 2007 through Fiscal Year 2010 for a maximum total of \$120,000. The efforts of KPBCB serve a public purpose by promoting and facilitating public and community area enhancement programs and by promoting, facilitating, and reviewing beautification grants for the purpose of enhancing thoroughfare roadways throughout Palm Beach County. Countywide (MRE)

12. Staff recommends motion to approve: Supplemental Agreement No. 1 to Project Number 2007102 under annual agreement R2004-2466 in the amount of \$133,279.76 with Arcadis U.S., Inc. for professional services. **SUMMARY:** Approval of this Supplemental Agreement will provide the services necessary for the preparation of design plans and construction bid documents for Burns Road and Military Trail intersection improvements. District 1 (PK)

13. Staff recommends motion to approve: the renewal of the Intersection Improvement Annual Agreement with Erdman Anthony of Florida, Inc. The original Agreement was dated February 5, 2008, R2008-0164. **SUMMARY:** Approval of this Agreement will renew for one (1) year, required professional services, on a task order basis. Countywide (PK)

14. Staff recommends motion to approve: the renewal of the Structural Engineering Services Annual Agreements with Corzo Castella Carballo Thompson Salman, P.A., original Agreement dated February 5, 2008 (R2008-0161), and R. J. Behar & Company, Inc., original Agreement dated February 5, 2008 (R2008-0160). **SUMMARY:** Approval of these Agreements will renew for one (1) year, required professional services, on a task order basis. Countywide (PK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

15. Staff recommends motion to:

**A) approve** the First Amendment to the State Road 845 (Powerline Road) Maintenance Agreement with Boca Pointe Community Association, Inc.;

**B) approve** the First Amendment to the Powerline Road Maintenance Agreement with Boca Del Mar Improvement Association, Inc.;

**C) adopt** a Resolution authorizing the Chairman or Vice-Chairman to execute the Second Amendment to the Maintenance Memorandum of Agreement (MOA) with the Florida Department of Transportation (FDOT); and

**D) approve** the Second Amendment to the MOA with the FDOT for landscaping and irrigation on Powerline Road from the Broward County Line to State Road 808 Glades Road.

**SUMMARY:** On February 3, 2004, the BCC approved an MOA (R2004-0197) with FDOT for Palm Beach County's (County) maintenance of landscaping and irrigation to be installed by FDOT as components of its Powerline Road reconstruction project. Concurrent with the approval of the MOA, the County also entered into its own related agreements with adjacent Property Owners' Associations (POAs). Those agreements provide for the POAs' actual maintenance of the landscaping and irrigation to be installed by FDOT. The First Amendment to the MOA excluded a segment of Powerline Road from the limits addressed by the original MOA. Because of delays in implementing its project, and in recognition of annexations by the City of Boca Raton, FDOT has agreed to amend the existing MOA to reflect reductions to the project's limits referenced as Exhibit "A" in the MOA, plans referenced as Exhibit "B" in the MOA and estimated costs to construct the improvements referenced as Exhibit "C" in the MOA. Corresponding amendments to the Maintenance Agreements with the remaining unincorporated area POAs have been executed by the POAs and are included herewith for your concurrent approval. District 4 (MRE)

16. Staff recommends motion to approve: a Budget Transfer of \$7,000 in the Transportation Improvement Fund from the Reserves for District 6 to Road and Maintenance – District 6. **SUMMARY:** Approval of this Budget Transfer will provide funds to supplement the Road and Bridge Maintenance account, and is to be used toward work in unincorporated Palm Beach County. District 6 (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: Amendments to agreements for bond counsel and related services effective January 1, 2009, through December 31, 2010 with the following law firms: District 1—Nabors, Giblin & Nickerson, P.A.; District 2—Hogan & Hartson, LLP; District 3—Ruden McClosky Smith Schuster & Russell, P.A.; District 4—Holland & Knight, LLP; District 5—Greenberg Traurig, P.A.; District 6—Edwards Angell Palmer & Dodge, LLP; District 7—Bryant Miller Olive, P.A./Isaacs Williams & Associates, P.A. **SUMMARY:** The above seven (7) law firms (or teams of firms) will provide bond counsel and related services to the County. At the December 2, 2008 Board meeting, the Board appointed the above bond counsel firms to act as County bond counsel from January 1, 2009, through December 31, 2010. The form of the Amendment has been approved by the Board. The amendments to agreements with those law firms for bond counsel and related services are now ready for approval and execution. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

2. Staff recommends motion to approve: Payment of Invoice No. 2 in the amount of \$1,250.27 to the Leon County Board of County Commissioners for Palm Beach County's pro-rata share of the Nabors, Giblin & Nickerson invoice for professional services rendered through November 30, 2008, in the Criminal Conflict and Civil Regional Counsel litigation styled *Leon County, et al. v. Jeffrey Lewis, et al.*, Second Judicial Circuit Civil Case No. 2008-CA-2475. **SUMMARY:** Leon County retained Nabors, Giblin & Nickerson to challenge the state law that requires counties to fund the Office of Criminal Conflict and Civil Regional Counsel. In response to the request for other counties to participate in the litigation, the County Attorney recommended that Palm Beach County join and expend up to \$6,000. Palm Beach County was named along with 25 other counties as a plaintiff in the subject action. On December 2, 2008, the Board of County Commissioners approved payment of Invoice No. 1 in the amount of \$688.96. Approval of this item will bring the total to date to \$1,939.23. This item requests approval of the Nabors, Giblin & Nickerson invoice attached, which is the second invoice for professional services rendered. Subsequent invoices will be submitted for approval as they are received. Countywide (DMN)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: Amendment No. 1 to the Contract with the City of Pahokee (R2008-0033) for the period October 1, 2008, through September 30, 2009, in the amount of \$157,966, for a social recreational program providing before and after care services to at risk children and their families. **SUMMARY:** This Amendment is the final renewal option under the current contract with the City of Pahokee. On July 14, 2008, the Board of County Commissioners approved the list of agencies and funding allocations under the Financially Assisted Agency Program, and subsequently adopted a budget for FY 2009 that included funds for Other County Sponsored programs. Countywide (TKF)
2. Staff recommends motion to approve: Provider Head Start Enhancement Initiative Agreement with Florence Fuller Child Development Center, Inc., for the period of February 1, 2009, through August 14, 2009, in an amount of \$38,239, for services to Head Start children and families. **SUMMARY:** Florence Fuller Child Development Center, Inc., will extend hours and provide Head Start services to approximately 15 children currently not enrolled or receiving only limited hours and services funded through Enhancement Initiative subsidized child care or parent fees. This Agreement will enhance school readiness for 4-year-old children. The County enters into contracted service agreements with child care agencies to provide comprehensive Head Start services. Funding consists of \$38,239 in County funds only. (Head Start) Countywide (TKF)
3. Staff recommends motion to approve: Provider Head Start Enhancement Initiative Agreement with The Union Missionary Baptist Church, Inc. (Day Care Center), for the period of February 1, 2009, through August 14, 2009, in an amount of \$26,200 for services to Head Start children and families. **SUMMARY:** The Union Missionary Baptist Church Inc. (Day Care Center) will extend hours and provide Head Start services to approximately ten (10) children currently not enrolled or receiving only limited hours and services funded through Enhancement Initiative subsidized child care or parent fees. This Agreement will enhance school readiness for four-year old children. The County enters into contracted service agreements with child care agencies to provide comprehensive Head Start services. Funding consists of \$26,200 in County funds only. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. **Staff recommends motion to approve:** Provider Head Start Enhancement Initiative Agreement with The King's Kids Early Learning Center, Inc., for the period of February 1, 2009, through August 14, 2009, in an amount of \$31,188, for services to Head Start children and families. **SUMMARY:** The King's Kids Early Learning Center, Inc. will extend hours and provide Head Start services to approximately ten (10) children currently not enrolled or receiving only limited hours and services funded through Enhancement Initiative subsidized child care or parent fees. This Agreement will enhance school readiness for 4-year-old children. The County enters into contracted service agreements with child care agencies to provide comprehensive Head Start services. Funding consists of \$31,188 in County funds only. (Head Start) Countywide (TKF)
  
5. **Staff recommends motion to approve:** Provider Head Start Enhancement Initiative Agreement with Apostolic Child Development Centers, Inc., for the period of February 1, 2009, through August 14, 2009, in an amount of \$24,903 for services to Head Start children and families. **SUMMARY:** Apostolic Child Development Centers, Inc. will extend hours and provide Head Start services to approximately ten (10) children currently not enrolled or receiving only limited hours and services funded through Enhancement Initiative subsidized child care or parent fees. This Agreement will enhance school readiness for 4-year-old children. The County enters into contracted service agreements with child care agencies to provide comprehensive Head Start services. Funding consists of \$24,903 in County funds only. (Head Start) Countywide (TKF)
  
6. **Staff recommends motion to:**
  - A) rescind** State of Florida, Department of Children and Families (DCF) Agreement (R2008-1618); and
  - B) approve** with the State of Florida, DCF Agreement beginning upon receipt of the fully executed agreement for a period of three (3) years, or until terminated.

**SUMMARY:** This Agreement will allow the Community Services Department (CSD) which includes the Division of Senior Services and the Division of Human Services to participate in DCF's Automated Community Connection to Economic Self-Sufficiency (ACCESS) initiative. The initiative will allow CSD Divisions the ability to more easily assist clients with applying for public assistance programs administered by DCF. Public assistance programs include food stamps, temporary cash assistance, refugee assistance, and Medicaid. The CSD Division staff can apply on-line while in a client's home, off site such as at the Senior Centers or in the DCF office. No County funds are required. Countywide, except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

7. Staff recommends motion to approve: Contracts with the following agencies, totaling \$281,714 for the period and services as indicated:

**A)** Child Protection Team of Palm Beach, Inc. for the period October 1, 2008, through September 30, 2009, in the amount of \$160,000 to fund medical evaluations for children who are the alleged victims of abuse, neglect and /or abandonment and are referred to CPT by law enforcement, Department of Children and Families, and or the courts; and

**B)** Palm Beach County Health Department for the period October 1, 2008, through September 30, 2009, in the amount of \$121,714 to provide in-depth, comprehensive counseling for recalcitrant HIV positive clients tested by the PBCPHU and necessary punitive actions for repeat offenders.

**SUMMARY:** On July 14, 2008, the Board of County Commissioners approved the list of agencies and funding allocations under the Financially Assisted Agency (FAA) Program, and subsequently adopted a budget for FY 2009 that included funds for Other County sponsored programs. The contracts being recommended for approval reflect the funding amounts previously approved by the Board. Recalcitrant HIV positive clients are those who are non-compliant and engage in behavior to spread transmission of the infection. Examples of punitive action include court ordered counseling, behavior modification, hospitalization, and isolation. Countywide (TKF)

8. Staff recommends motion to approve: Amendment No. 1 to Contract (R2008-1005) with Palm Beach County Health Department, for the period March 1, 2008, through February 28, 2009, to decrease funding by \$200,000 for Laboratory/Diagnostic services. **SUMMARY:** Palm Beach County Health Department has been successful in their efforts to first bill other insurance sources and use Ryan White Part A funding as the last resort. As a result, \$200,000 is being moved to the Administrative reserve and will be reallocated at a later date. No County funds are required. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

9. **Staff recommends motion to approve:** six (6) amendments to the Ryan White Part A HIV Health Support Services Contracts (Formula) for the period March 1, 2008, through February 28, 2009, totaling \$79,234:

**A)** Amendment No. 2 to Contract (R2008-0953; dated June 3, 2008) with Comprehensive Community Care Network to decrease funding by \$15,000 for a total not to exceed amount of \$452,173;

**B)** Amendment No. 1 to Contract (R2008-1002; dated, June 3, 2008) with Health Care District of Palm Beach County to increase funding by \$49,748 for a total not to exceed amount of \$691,636;

**C)** Amendment No. 1 to Contract (R2008-0732; dated May 6, 2008) with Minority Development & Empowerment, Inc. to increase funding by \$7,486 for a total not to exceed amount of \$107,486;

**D)** Amendment No. 2 to Contract (R2008-0731; dated May 6, 2008) with Legal Aid Society, Inc. to increase funding by \$15,000 for a total not to exceed amount of \$209,008;

**E)** Amendment No. 1 to Contract (R2008-0734; dated May 6, 2008) with Treasure Coast Health Council, Inc. to increase funding by \$7,000 for a total not to exceed amount of \$467,322;

**F)** Amendment No. 2 to Contract (R2008-0728; dated May 6, 2008) with Compass, Inc. to increase funding by \$15,000 for a total not to exceed amount of \$406,512.

**SUMMARY:** Ryan White HIV Health Support service dollars are reviewed throughout the contract year and allocated to best meet the needs of affected clients. Funding of \$64,234 is being moved from the Administrative reserve and the remaining \$15,000 is a reallocation. These dollars are being moved to ensure that agencies will have funds to meet budgetary needs for the grant period. No County funds are required. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

10. Staff recommends motion to approve:

**A)** a Contract with Ruth Rales Jewish Family Service of South Palm Beach County for the period January 13, 2009, through September 30, 2009, in the amount of \$100,000 for case management services to eligible seniors;

**B)** a Budget Transfer of \$100,000 in the Transportation Improvement Fund from Reserves for District 5 (\$50,000) and Reserves for District 7 (\$50,000) to the County Transportation Trust Fund;

**C)** a Budget Transfer of \$100,000 in the County 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 \$100,000 in the General Fund decreasing the annual transfer to the County Transportation Trust Fund and increasing County Sponsored Agencies – Ruth Rales Jewish Family Service of South Palm Beach County contract.

**SUMMARY:** This Contract provides a one-time allocation of funding for case management services provided by Ruth Rales Jewish Family Services, Inc. Ruth Rales serves seniors residing primarily in South County. The budget transfers being recommended in this item increase the gas tax support and decrease the ad valorem support of the County Transportation Trust Fund. This will enable the Contract to be funded with ad valorem dollars from the General Fund. The Transportation Improvement Fund transfers and associated contract have been initiated by staff at the request of the District 5 and District 7 Commissioners. Copies of the authorizations are attached to the agenda item. Funding is from District 5 and District 7. District 5 (TKF)

F. AIRPORTS

1. Staff recommends motion to approve: First Amendment to Airline Operating and Lease Agreement (Amendment) with Air Canada to clarify certain provisions in the Agreement. **SUMMARY:** On November 6, 2007, the Board of County Commissioners approved a standard form Airline Operating and Lease Agreement (R2007-1968) (Agreement), which the County Administrator or his designee is authorized to execute on behalf of the Board. Although Air Canada executed the standard form Agreement, the airline has requested minor changes to its Agreement with the County to clarify certain provisions, which include clarifying that the airline shall only be subject to applicable laws, providing express statements that a reasonableness standard applies certain Departmental approvals, and clarifying insurance and indemnification provisions. Countywide (JB)

2. Staff recommends motion to approve: a First Amendment to Easement Exchange Agreement with GAM Realty (USA), LLC, extending the date to complete certain drainage improvements to February 18, 2009. **SUMMARY:** On November 20, 2007, the Board approved an Easement Exchange Agreement (R2007-2071) with GAM Realty, LLC (GAM). The Easement Exchange Agreement required GAM to complete the design, permitting and construction of drainage improvements within one (1) year. Delays in the issuance of permits by the South Florida Water Management District (SFWMD) resulted in a request by GAM to extend the date of completion of construction. The First Amendment extends date of completion of construction to February 18, 2009. The SFWMD permit has been issued, and construction of the drainage improvements is anticipated to be completed prior to February 18, 2009. Countywide (JB)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. **Staff recommends motion to approve:** a Construction Manager Authorization for Task No. D-8 under the Construction Manager (CM) at Risk Contract with David Brooks Enterprises, Inc. in the amount of \$825,228 for Construction Phase Services for the Jet Blue Tenant Build-out at Palm Beach International Airport (PBIA). **SUMMARY:** The Department is requesting Board approval of Task Authorization D-8 to David Brooks Enterprises, Inc. under the continuing contract for CM at Risk services approved May 20, 2008 (R2008-0848). Tasks D-1 through D-7 were approved in the amount of \$4,424,716. The services provided in this Construction Manager Authorization Task No. D-8 is in the amount of \$825,228 and establishes a construction time of 150 calendar days. The Small Business Enterprise (SBE) goal for this contract was established at 15%. The SBE participation for this Task is 32.07%. The total SBE contract participation including Task D-8 is 26.89%. Countywide (JCM)
  
4. **Staff recommends motion to approve:** a Construction Manager Authorization for Task No. M-3 under the Construction Manager (CM) at Risk Contract with The Morganti Group, Inc. in the amount of \$909,000 for Construction Phase Services for the Apron A Expansion Utility Relocation at Palm Beach International Airport (PBIA). **SUMMARY:** The Department of Airports is requesting Board approval of Task Authorization M-3 to The Morganti Group, Inc. under the continuing contract for CM at Risk services approved May 20, 2008 (R2008-0850). Task No. M-1 for The Morganti Group, Inc. was approved by the Board on May 20, 2008 (R2008-0850.1) in the amount of \$1,089,000. Task No. M-2 in the amount of \$2,058,000 was approved by the Board on October 21, 2008 (R2008-1848). The services provided in this Construction Manager Authorization constitute the third task to be assigned to The Morganti Group, Inc. Task No. M-3 is in the amount of \$909,000 and establishes a construction time of 150 calendar days. The Small Business Enterprise (SBE) goal for this contract was established at 15%. The SBE participation for this Task is 56.64%. The total SBE contract participation including Task M-3 is 13.03%. Countywide (JCM)
  
5. **Staff recommends motion to approve:** Agreement for Sale and Purchase of Easement with RaceTrac Petroleum, Inc. (RaceTrac) in exchange for \$64,000 and an avigation easement. **SUMMARY:** The Agreement for Sale and Purchase of Easement provides for the sale of an easement to RaceTrac over approximately .35 acres of County property on Wallis Road, west of Palm Beach International Airport, for the installation and maintenance of stormwater drainage improvements, a landscape buffer, and to meet the setback requirements of the County's Unified Land Development Code. In exchange for the easement, the County will receive \$64,000 and an avigation easement over RaceTrac's property. Countywide (JB)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. **Staff recommends motion to approve:** Amendment No. 10 to the General Consulting Agreement with CH2M Hill, Inc. for consulting/professional services in the amount of \$683,900 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 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 1-9 were approved for a net increase in the amount of \$11,063,745. Approval of Amendment No. 10 in the amount of \$683,900 will provide funds to complete the following tasks and services: Task I Services - Palm Beach International Airport (PBIA) – Environmental Impact Statement (EIS) Planning Support, PBIA Miscellaneous Airfield Pavement Repairs and Rehabilitation, PBIA Airport Surveillance Radar (ASR) Facilities Demolition, PBIA Taxiway F Extension Construction Administration Services, and PBIA Miscellaneous Taxiway and Apron Pavement Repairs and Rehabilitation; Task III Services - Staff Extension and Miscellaneous Planning and Engineering Services. Staff extension services will have a retroactive Notice-to-Proceed date of October 10, 2008. Certain tasks performed during the term of this Amendment will be eligible for State and/or Federal grant participation. The Disadvantaged Business Enterprise (DBE) participation for this Amendment is 34.82%. The total DBE contract goal including all amendments is 28.08%. Countywide (JCM)
  
7. **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 September 23, 2008 (R2008-1636), 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 aprons and taxilanes at North Palm Beach County General Aviation Airport. The FDOT has issued SJPA Number 1 amending the original project description to include construct hangars at North Palm Beach County General Aviation Airport with no increase in funding. This change will allow the Department of Airports to utilize the state funds towards the construction of hangar facilities at the Airport. Countywide (AH)
  
8. **Staff recommends motion to receive and file:** three (3) original Agreements for the Department of Airports:
  - A)** Airline Operating and Lease Agreement with Air Canada, commencing November 1, 2008, expiring September 30, 2009, and automatically extended on a year-to-year basis (October 1<sup>st</sup> through September 30<sup>th</sup>);
  - B)** License Agreement with DTG Operations, Inc. for overflow parking commencing December 10, 2008, expiring December 31, 2008, and automatically extended on month-to-month basis;
  - C)** Non-Concessionaire Rental Car Airport Permit with Simply Wheelz LLC, commencing November 1, 2008, expiring September 30, 2008, and automatically extended on a year-to-year basis (October 1<sup>st</sup> through September 30<sup>th</sup>).**SUMMARY:** Delegation of authority for execution of the standard County agreements above was approved by the BCC in R2005-0451, R2007-1968 and R2007-2070. Countywide (JB)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve:

**A)** a Budget Transfer of \$589,000 in the School Impact Fee Zone 1 Fund from the reserve account to transmit payment to the School District of Palm Beach County;

**B)** a Budget Transfer of \$270,400 in the School Impact Fee Zone 2 Fund from the reserve account to transmit payment to the School District of Palm Beach County;

**C)** a Budget Transfer of \$355,500 in the School Impact Fee Zone 3 Fund from the reserve account to transmit payment to the School District of Palm Beach County; and

**D)** a Budget Transfer of \$357,000 in the School Impact Fee Zone 4 Fund from the reserve account to transmit payment to the School District of Palm Beach County.

**SUMMARY:** Estimated impact fees budgeted in reserve accounts cannot be appropriated until funds have been collected. Budget Transfers from school impact fee reserve accounts to school impact fee appropriation accounts allow for the appropriation of impact fee collections so that the County may remit funds to the School District in accordance with Article 13 of the ULDC. Countywide (LB)

2. Staff recommends motion to approve: a negotiated settlement offer in the amount of \$12,500 for the full satisfaction of a Code Enforcement Lien that was entered against Leonard McWhorter on August 16, 2001. **SUMMARY:** The Code Enforcement Special Master (CESM) entered an Order on May 2, 2001 giving Mr. McWhorter until July 1, 2001, to cease the storage of trucks and cars, remove the yard trash, rubble and debris and cut the Brazilian Pepper back to a height less than 18 inches within 25 feet of an adjacent developed property. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$75 per day was imposed. The CESM then entered a claim of lien against Mr. McWhorter on August 16, 2001. The cited code violations were fully corrected as of June 13, 2007. The total accumulated lien amount through January 28, 2008, the date settlement discussions began, totaled \$249,079, of which Mr. McWhorter's widow has agreed to pay the County \$12,500 for full settlement of his outstanding Code Enforcement Lien. District 3 (PGE)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: JOC Work Order No. 09-006 with H.A. Contracting Corp., (R2007-0944) in the amount of \$245,476.16 for replacement of the pavilion steel deck roof at John Stretch Memorial Park in Lake Harbor. **SUMMARY:** The work consists of replacement of the existing 38' x 84' steel deck roof including necessary structural repairs/replacement of purlins, vertical I-beams, anchor bolts and cabled cross bracing as well as re-painting after removal of all corrosion and existing paint. The SBE participation in this Work Order is 37.57%. When the participation for this Work Order is added to H.A.'s total participation-to-date, the resulting values are 24.5%. The SBE goals are 15%. The total construction duration is 180 days. The Bond funds are identified as \$25M GO 2005 and are specifically targeted for recreation and/or cultural capital projects. The remaining funds are ad valorem targeted for maintenance. (FD&O Admin) Countywide/District 6 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. **Staff recommends motion to approve:** Amendment No. 3 to Contract (R2006-2091) with Precision Air Systems, Inc. to implement the third renewal of an annual HVAC Contract. **SUMMARY:** Amendment No. 3 is a renewal to the Annual Contract–HVAC which was awarded to Precision Air Systems, Inc. as one (1) of eight (8) approved contractors. The contractor will continue to perform on projects for various facilities. The annual HVAC Contract is an indefinite-quantity Contract and this renewal has a maximum value of \$1,200,000. The renewal term is 12 months or until \$1,200,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the Contract. Due to the volume of pending work, the total dollar value limit for each term is being increased from \$1,000,000 to \$1,200,000. All terms of the original Contract remain in effect. This is the third of four (4) extensions allowed by the Contract. SBE participation goals for the HVAC contracts are 15%. Precision Air's participation for work orders issued to date is 100%. Work orders issued to date for all eight (8) annual contracts include a combined SBE participation of 83.2%. (FD&O Admin) Countywide (JM)
  
3. **Staff recommends motion to approve:** Amendment No. 3 to Contract (R2006-2092) with York International/A Johnson Controls Company to implement the third renewal of an annual HVAC Contract. **SUMMARY:** Amendment No. 3 is a renewal to the Annual Contract–HVAC which was awarded to York International/A Johnson Control Company as one (1) of eight (8) approved contractors. The contractor will continue to perform on projects for various facilities. The annual HVAC Contract is an indefinite-quantity Contract and this renewal has a maximum value of \$1,200,000. The renewal term is 12 months or until \$1,200,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. Due to the volume of pending work, the total dollar value limit for each term is being increased from \$1,000,000 to \$1,200,000. All terms of the original Contract remain in effect. This is the third of four (4) extensions allowed by the Contract. SBE participation goals for the HVAC contracts are 15%. York's participation for work orders issued to date is 0%. Work orders issued to date for all eight (8) annual contracts include a combined SBE participation of 83.2%. (FD&O Admin) Countywide (JM)
  
4. **Staff recommends motion to approve:** Amendment No. 3 to Contract (R2006-2103) with Siemens Building Technologies, Inc. to implement the third renewal of an annual HVAC Contract. **SUMMARY:** Amendment No. 3 is a renewal to the Annual Contract–HVAC which was awarded to Siemens Building Technologies, Inc. as one (1) of eight (8) approved contractors. The contractor will continue to perform on projects for various facilities. The annual HVAC Contract is an indefinite-quantity Contract and this renewal has a maximum value of \$1,200,000. The renewal term is 12 months or until \$1,200,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. Due to the volume of pending work, the total dollar value limit for each term is being increased from \$1,000,000 to \$1,200,000. All terms of the original Contract remain in effect. This is the third of four (4) extensions allowed by the Contract. SBE participation goals for the HVAC contracts are 15%. Siemens' participation for work orders issued to date is 0%. Work orders issued to date for all eight (8) annual contracts include a combined SBE participation of 83.2%. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. **Staff recommends motion to approve:** Amendment No. 3 to Contract (R2006-2089) with Farmer & Irwin Corp. to implement the third renewal of an annual HVAC Contract. **SUMMARY:** Amendment No. 3 is a renewal to the Annual Contract–HVAC which was awarded to Farmer & Irwin Corp. as one (1) of eight (8) approved contractors. The contractor will continue to perform on projects for various facilities. This annual HVAC Contract is an indefinite-quantity Contract and this renewal has a maximum value of \$1,200,000. The renewal term is 12 months or until \$1,200,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the Contract. Due to the volume of pending work, the total dollar value limit for each term is being increased from \$1,000,000 to \$1,200,000. All terms of the original Contract remain in effect. This is the third of four (4) extensions allowed by the Contract. SBE participation goals for the HVAC contracts are 15%. Farmer & Irwin’s participation for work orders issued to date is 0%. Work orders issued to date for all eight (8) annual contracts include a combined SBE participation of 83.2%. (FD&O Admin) Countywide (JM)
  
6. **Staff recommends motion to approve:** Amendment No. 3 to Contract (R2006-2093) with E.C. Stokes Mechanical Contractor, Inc. to implement the third renewal of an annual HVAC Contract. **SUMMARY:** Amendment No. 3 is a renewal to the Annual Contract–HVAC which was awarded to E.C. Stokes Mechanical Contractor, Inc. as one (1) of eight (8) approved contractors. The contractor will continue to perform on projects for various facilities. The annual HVAC Contract is an indefinite-quantity Contract and this renewal has a maximum value of \$1,200,000. The renewal term is 12 months or until \$1,200,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the Contract. Due to the volume of pending work, the total dollar value limit for each term is being increased from \$1,000,000 to \$1,200,000. All terms of the original Contract remain in effect. This is the third of four (4) extensions allowed by the Contract. SBE participation goals for the HVAC contracts are 15%. Stokes’ participation for work orders issued to date is 100%. Work orders issued to date for all eight (8) contracts include a combined SBE participation of 83.2%. (FD&O Admin) Countywide (JM)
  
7. **Staff recommends motion to approve:** Amendment No. 3 to Contract (R2006-2090) with Kerney & Associates, Inc. to implement the third renewal of an annual HVAC contract. **SUMMARY:** Amendment No. 3 is a renewal to the Annual Contract–HVAC which was awarded to Kerney & Associates, Inc. as one (1) of eight (8) approved contractors. The Contractor will continue to perform on projects for various facilities. The annual HVAC Contract is an indefinite-quantity Contract and this renewal has a maximum value of \$1,200,000. The renewal term is 12 months or until \$1,200,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the Contract. Due to the volume of pending work, the total dollar value of each term is being increased from \$1,000,000 to \$1,200,000. All terms of the original Contract remain in effect. This is the third of four (4) extensions allowed by the Contract. SBE participation goals for the HVAC contracts are 15%. Kerney’s participation for work orders issued to date is 100%. Work orders issued to date for all eight (8) annual contracts include a combined SBE participation of 83.2%. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

8. **Staff recommends motion to approve:** Use Agreement with the Florida Department of Law Enforcement (FDLE) which provides for the use and occupancy of 2,683 square feet of space in Airport Center, Building 2. **SUMMARY:** During the 2008 legislative session, funding for the lease payments for the West Palm Beach FDLE Field Office were eliminated requiring the agents and support staff to relocate to Broward County. Both the Sheriff and FDLE agree that there is a benefit to both the residents of Palm Beach County as well as the State by maintaining a field office within the County to provide the most effective law enforcement services and encouraging inter-agency investigative operations. FDLE will use 2,683 square feet of the Airport Center Building 2 pursuant to this Use Agreement. The Use Agreement is not commercially marketable and does not provide the FDLE with any typical rights granted to a Lessor under a Lease. The County is entering into this Agreement to further State and County law enforcement operations and is being fully compensated for its expenses. The County shall perform the start-up tasks required to render the premises usable for FDLE's purposes prior to occupancy and FDLE shall fund the start-up costs. In addition, FDLE shall pay the County a use fee of \$24,300 for the one (1) year term of the Agreement. The term may be extended for three (3) - one (1) year renewal periods with consent of both parties under the same terms and conditions. Both parties have the right to terminate this Agreement for any reason with 60 days notice to the other party. (FDO Admin) District 2 (JB)
  
9. **Staff recommends motion to approve:** Change Order No. 4 to the Contract with West Construction, Inc., (R2008-0197) in the amount of \$112,000 and a 60 day time extension for Fire Station No. 73, located in Belle Glade. **SUMMARY:** Change Order No. 4 provides for relocation of an existing 12" water main. This Change Order is necessary as the existing water main conflicts with the installation of foundation piling, a concrete slab for the fuel island, and the site retention pond. This is an unforeseen condition as the design documents did not consider this condition as existing utility information could not be obtained. The condition was discovered during construction. This project is being funded from ad valorem taxes through the Fire Rescue MSTU. SBE participation for this Change Order is 6%. The goal for this project is 15% and when combined with previous change orders, the total participation is 16.5%. (Capital Improvements Division) District 6 (JM)
  
10. **Staff recommends motion to:**
  - A) adopt** a Resolution authorizing the conveyance of the County's interest in 0.2518 acres of land to the School Board of Palm Beach County, without reservation of mineral and petroleum rights;
  
  - B) approve** a Sale and Purchase Agreement with the School Board of Palm Beach County; and
  
  - C) approve** a County Deed in favor of the School Board of Palm Beach County.

**SUMMARY:** In 1921, the School Board built Northboro Elementary School located south of 40<sup>th</sup> Street between Spruce Avenue and Poinsetta Avenue in West Palm Beach. In 1945, the County received title to 0.2518 acres adjacent to the school property due to non-payment of taxes. This parcel is located within the school site. In 1991, the School Board constructed an addition located on the south side of the school. A title report recently completed by the School Board revealed that a portion of the building encroaches onto the County's property. The School Board is requesting conveyance of the property to rectify the ownership issue. The sale price of \$88,000 was calculated at 0.2518 acre X \$350,000 per acre = \$88,130; rounded to \$88,000. At the request of the School Board, the County will convey its interest without reservation of mineral rights. (PREM) District 7 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

11. Staff recommends motion to approve: Exercise of the first option to extend the term of the Lease Agreement (R2007-0395) dated March 13, 2007, with Tallman, LLC for approximately 10,990 square feet within the Murphy Towing Complex located on Southern Boulevard in unincorporated Palm Beach County at an annual rate of approximately \$102,838. **SUMMARY:** The County on behalf of the Palm Beach County Sheriff's Office (PBSO) currently leases approximately 4,990 square feet for building floor space and approximately 6,000 square feet of a paved parking lot within the Murphy Towing Complex, at 6907 Southern Boulevard in unincorporated Palm Beach County, for the operation of both indoor and outdoor secured vehicle storage lots. The initial term of the Lease Agreement was for two (2) years ending on March 28, 2009, with four (4) extension options, each for a period of one (1) year. This option will extend the term of the Lease Agreement for one (1) year, from March 29, 2009, through March 28, 2010. The annual rent for this extension period is approximately \$102,838. Annual rent is subject to a 3.5% increase each March 28. (PREM) District 2 (JMB)

12. Staff recommends motion to approve:

**A)** an Interlocal Agreement with the City of Boynton Beach (City) for construction and operation of a sewer force main at Caloosa Park;

**B)** a Temporary Construction Easement in favor of the City of Boynton Beach for the installation of a sewer force main; and

**C)** a Utility Easement in favor of the City of Boynton Beach across a portion of Caloosa Park for access to and maintenance of the sewer force main.

**SUMMARY:** The County's Caloosa Park is located south of Woolbright Road, east of Congress Avenue, west of and adjacent to the FEC Railroad right-of-way in Boynton Beach. In order to improve sanitary sewer utility services to its service area, the City is in the process of installing a new lift station and regional sewer force main. To complete the overall project, the City requires access through the Park property. Pursuant to the terms of this Interlocal Agreement, the County will grant the City a Temporary Construction Easement (TCE) to install the force main and will also grant a perpetual Utility Easement to access and maintain the force main. Both easement areas are located within an existing FPL easement area along the eastern Park boundary. The TCE is approximately 40' wide x 1,773.84' long for a total area of 70,953 square feet (1.63 acres). The Utility Easement is approximately 12' wide x 1,749.92' long for a total area of 20,999 square feet (.48 acres) and provides for access along the western boundary of the Park. In exchange for the County granting the easements to the City at no charge, the City will extend its reclaimed waterline to the Park boundary and allow the County to connect without charge. The City will also install a new landscape buffer along the western boundary of the easement. The Interlocal Agreement is for a term of three (3) years or the completion of the improvements, whichever is earlier. (PREM) District 3 (JMB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

13. **Staff recommends motion to approve:** Amendment No. 5 to the Contract with Moss & Associates, LLC. (R2007-0031) for construction management services for State Road 15 improvements and the asphalt site package for the West County Detention Facility for a Guaranteed Maximum Price (GMP) in the amount of \$2,108,442. **SUMMARY:** In November 2007 (R2007-1973), February 2008 (R2008-0199), and July 2008 (R2008-1310), the Board approved amendments which authorized the demucking, installation of site utilities and the construction of the outbuildings (New Eagle Academy, Fuel Station, Impound Building and renovations to the existing Eagle Academy) for the first phase of the Jail Expansion Program 2, West County Detention Facility. Amendment No. 5 will provide for the construction of the parking areas, access drive, and road improvements to State Road 15. This work was not awarded as part of previous GMPs in order to take advantage of the more favorable market conditions which now exist. This resulted in saving of approximately \$400,000. Amendment No. 5 is funded from Criminal Justice and Public Improvement Revenue Bonds' Series 2008. The Small Business Enterprise (SBE) goal for the project is 15%. Moss & Associates will be providing 12.8% SBE participation in this Amendment. Moss's overall SBE participation for this project including this work is 18%. The duration of this work is 50 days for State Road 15 improvements and 114 days for onsite paving. (Capital Improvements Division) Countywide (JM)

I. HOUSING & COMMUNITY DEVELOPMENT

1. **DELETED**
2. **Staff recommends motion to approve:** a Conditional Grant Agreement with McCurdy Center Ltd., in the amount of \$600,000 in State Housing Initiative Partnership (SHIP) Multi-Family Rental Development Program funds. **SUMMARY:** Palm Beach County Housing and Community Development (HCD) through its Commission of Affordable Housing (CAH) provides SHIP financing to local developers to facilitate affordable rental housing opportunities. This Agreement provides \$600,000 toward the construction of a 93-unit apartment complex, known as Quiet Waters, to serve lower income households. Additional project financing is being provided by Florida Housing Finance Corporation (FHFC). This McCurdy Center project was reviewed and recommended by the CAH Advisory Board on May 29, 2008; and conceptually approved by the Palm Beach County Board of County Commissioners (BCC) (Agenda Item 3I-7 on June 17, 2008). **These are State funds which require no local match.** District 7 (TKF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to approve:

**A)** a one (1) year extension to Water Utilities Department Development Agreements eligible for renewal that are expiring between September 1, 2008, and September 30, 2013; and

**B)** an extension of one (1) year to Water Utilities Department Development Agreements at the end of their ten (10) year life that are expiring between September 1, 2008, and September 30, 2013.

**SUMMARY:** Developers that meet certain criteria as outlined in the Water Utilities Department's Uniform Policies and Procedures Manual (UPAP) are required to enter into Development Agreements (Agreement) to reserve potable water, wastewater, and/or reclaimed water capacity (Capacity) for their projects. The terms of the Agreement require the submittal of a Mandatory Agreement Payment (MAP) to reserve Capacity for a period of five (5) years. Any unused Capacity remaining in the Agreement after five (5) years can be renewed for one (1) additional five (5) year term upon payment of another MAP and execution of a Renewal Agreement. No further renewals are available after ten (10) years. Due to the current economic crisis, the payment of the renewal MAP adversely impacts the development community, as does the loss of the MAP after ten (10) years. Granting the extension will assist the development community in weathering the economic downturn while not severely impacting the Water Utilities Department's operations. Any Agreements entered into on or after October 1, 2008, will not be granted the additional one (1) year extension. Districts 1, 2, 3, 5 & 6 (MJ)

2. Staff recommends motion to receive and file: three (3) Standard Development Agreements complete with executed documents received during the months of November and December 2008:

**Standard Development Agreements**

- |                                                                             |              |              |
|-----------------------------------------------------------------------------|--------------|--------------|
| <b>A)</b> Byron Russell, Trustee                                            | (District 6) | 01-01212-000 |
| <b>B)</b> Byron Russell, Trustee and Timothy A. Blash and Patricia G. Blash | (District 6) | 01-01213-000 |
| <b>C)</b> Eglise Chretienne Haitienne De Palm Beach, Inc.                   | (District 6) | 01-01214-000 |

**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)

3. Staff recommends motion to receive and file: Termination and Release of Standard Potable Water and Wastewater Development Agreements Due to Zoning Denial/Withdrawal for the following property owner:

Termination of Standard Development Agreements

A) Asacol, Inc. (District 2) 01-01203-000

**SUMMARY:** The terms and conditions for Standard and Non-Standard Development Agreements (Development Agreement) are outlined in the Water Utilities Department's Uniform Policies and Procedures Manual (UPAP). The developer has requested refund of the Mandatory Agreement Payment required at the time of submittal of the Development Agreement. The refund request met the refund requirements as defined in the Department's UPAP and the Department Director's execution of the Termination of Standard Development Agreement is the final step in the process to terminate and release the original Development Agreement. The Department recommends the Board receive and file the Termination and Release document. Countywide (SF)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

**A) approve** Contract with the Loggerhead Marinelifelife Center of Juno Beach in the not-to-exceed amount of \$592,365 for sea turtle monitoring services in association with the Juno Beach Shoreline Protection Project and the Jupiter Carlin Shoreline Protection Project, expiring December 31, 2011; and

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

**SUMMARY:** Environmental permits issued by state and federal agencies for the Juno Beach Shoreline Protection Project, scheduled for January 2009, and the two (2) Jupiter Inlet Maintenance Dredging Projects, conducted in winter 2007/2008, require specific monitoring activities to assess the impact of the beach nourishment on sea turtles for one nesting season pre-construction and three nesting seasons post-construction; similar conditions are expected for the Jupiter Carlin Shoreline Protection Project, scheduled for winter 2010/2011. The Loggerhead Marinelifelife Center of Juno Beach will conduct all permit-required sea turtle monitoring for these projects. The Contract is funded from a combination of tourist development taxes, interest and balance forward, and ad valorem funds. The Contract is effective upon execution by both parties and expires December 31, 2011. District 1 (SF)

2. Staff recommends motion to receive and file: Interlocal Agreement with the Riviera Beach Police Department for \$20,000 for manatee speed zone law enforcement. **SUMMARY:** As part of the Manatee Protection Plan, the County has committed to annually provide \$200,000 of funding for additional on-water law enforcement in the County's waterways. On December 18, 2007, the Board of County Commissioners approved a Resolution (R2007-2277) with a standard form Interlocal Agreement with law enforcement agencies for an increased law enforcement presence in estuarine waters of Palm Beach County. Delegation of the authority to execute these standard form Interlocal Agreements was approved, pursuant to PPM No. CW-O-051, on January 2, 2008 (R2007-2277). District 7 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to approve: Amendment No. 3 retroactively extending Contract (R2004-0940) with Florida Atlantic University (FAU) from September 30, 2006, to January 30, 2009 to allow for final payment for the Manatee Protection Plan. **SUMMARY:** In 2004, FAU was contracted to develop a Manatee Protection Plan for \$104,580 (R2004-0940). On August 20, 2006, the Board approved the Plan and sent it to Florida Fish and Wildlife Conservation Commission (FWC) for approval. At that point, the only work remaining in the Contract was for final document copying and distribution (\$8,066). The Contract expired September 30, 2006 before FWC approved the Plan. FWC made substantial revisions to the Plan and it was subsequently approved by the Board in August 20, 2007. This no-cost contract extension will allow FAU to be paid for the remaining work. Countywide (SF)

4. Staff recommends motion to:

**A) approve** Contract with the Sea to Shore Alliance, Inc. (a non-profit corporation) in the not-to-exceed amount of \$114,755 for manatee aerial survey services expiring March 31, 2011; and

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

**SUMMARY:** A priority initiative of the Manatee Protection Plan which was approved in 2007 was to provide updated manatee aerial survey data to identify changes in manatee distribution and abundance in Palm Beach County waters. This Contract is for biweekly aerial surveys for two (2) years and includes data analysis, mapping and reporting. The results will be used to determine whether changes to the Plan are necessary when it undergoes formal review in 2014. The Contract will be funded from the Manatee Protection allocation effective upon execution by both parties and expires March 31, 2011. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

5. Staff recommends motion to:

**A) approve** a Contract with Great Lakes Dredge & Dock Company, LLC in the amount of \$12,223,252.80 for the construction of the Juno Beach Shore Protection 2<sup>nd</sup> Nourishment Project No. 2008ERM06;

**B) approve** Grant Agreement No. 08PB1 with the Florida Department of Environmental Protection (FDEP) in the amount of \$5,390,596 for cost-sharing on the Juno Beach Nourishment Project (Project) through March 1, 2010;

**C) approve** a Budget Amendment of \$5,390,596 in the Beach Improvement Fund to recognize the revenue from the Agreement;

**D) approve** a Budget Transfer of \$1,500,000 in the Beach Improvement Fund from Reserves (\$1,000,000) and Emergency Beach Response (\$500,000) to the Juno Beach Project; and

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

**SUMMARY:** One (1) bid was received for this Project. Great Lakes Dredge & Dock Company, LLC was a responsive, responsible bidder with 0% Small Business Enterprise (SBE) participation, which does not meet the established 15% goal. This Contract includes offshore dredging and constructed placement of fill along 2.4 miles of publicly accessible beach in Juno Beach and Jupiter. Under the terms of the Grant Agreement, FDEP will reimburse 50% of the non-federal Project costs or up to \$5,390,596. Federal reimbursement of at least \$2,698,461 for Project construction, management and design costs are available through FEMA. The remaining \$2,692,135 is funded from a combination of tourist development taxes, interest and balance forward, and ad valorem funds. District 1 (JM)

6. Staff recommends motion to:

**A) approve** Amendment No. 6 to Grant Agreement No. 99PB1 (R2000-0082) with the Florida Department of Environmental Protection (FDEP) for additional cost-sharing in the amount of \$238,925 for a revised grant amount of up to \$5,869,612 for the South Lake Worth Inlet Management Plan. The term of the Agreement remains unchanged at December 31, 2009; and

**B) approve** Budget Amendment of \$3,858,925 in the South Lake Worth Inlet Fund to recognize the State revenue share from Amendment No. 5 (\$3,620,000) and Amendment No. 6 (\$238,925).

**SUMMARY:** Amendment No. 6 provides for additional funding for design and permitting, construction, and monitoring. Under the terms of the Agreement, fifty percent (50%) of the project costs could be eligible for reimbursement. The necessary match has been made available with a combination of funds from the South Lake Worth Inlet Fund, Beach Improvement Fund, Capital Outlay Fund and General Fund Inlet Operating and Maintenance. The Budget Amendment includes an award executed January 15, 2008 (R2008-0010). District 4 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

7. Staff recommends motion to adopt: a Resolution to establish the Erosion Control Line (ECL) between Department of Environmental Protection reference monuments R60 through R69 for the Singer Island Shore Protection Project. **SUMMARY:** The Florida Statutes require an ECL be established to delineate the boundary between the upland properties and State-owned submerged lands when coastal projects below the mean high water line are proposed. The mean high water line survey used to establish the ECL and survey drawings have been completed. Upon execution of the Resolution, a State Hearing Officer will conduct a public workshop/hearing, and then submit a recommendation to the Director of State lands. District 1 (SF)

8. Staff recommends motion to:

**A) approve** a Project Agreement with Florida Inland Navigation District (FIND) that requires FIND to reimburse the County an estimated amount of \$2,257,187 to cover the majority of the costs of the Juno Dunes FIND MSA 614B Project (Project), which include engineering, surveying, and permitting services, contractor procurement and construction oversight, construction of public use facilities and mitigation and restoration projects, and monitoring of the mitigation area;

**B) approve** a Grant Agreement (Grant Agreement) with the Metropolitan Planning Organization (MPO) to provide \$100,000 for the design and construction of water taxi docking facilities at the Project site, expiring April 1, 2009;

**C) approve** a Budget Transfer in the MPO Fund from Palm Beach County Water Taxi Facilities to transfer to the Environmental Resources Capital Projects Fund in the amount of \$100,000;

**D) approve** a Budget Amendment in the Environmental Resources Capital Projects Fund in the amount of \$2,357,187 to recognize the Revenue from the Project Agreement with FIND and the transfer from the MPO Fund for the Project; and

**E) authorize** the County Administrator, or his designee, to sign all future time extensions, task assignments, certifications and other documents associated with the Project and Grant Agreements and any necessary minor amendments to those documents that do not change the scope of work or terms and conditions of the Project and Grant Agreements.

**SUMMARY:** On August 19, 1997, the County entered into a Management Lease with FIND for this property for an initial term of 25 years, with options to renew for additional 10-year terms (R97-1047D). This Project Agreement will provide for funding from FIND to cover the costs for the mitigation and enhancement project elements, management and maintenance of the mitigation area, and construction of public use and recreational facilities. FIND will provide \$2,257,187 on a reimbursement basis for the construction of a boat basin, creation of mangrove habitat, vegetation restoration and public use facilities, including water taxi docking facilities so that the Project site can be used as a destination for public water taxi service. The MPO has approved a \$100,000 grant award to the County for this purpose with no match requirement. In addition to FIND and MPO funding, the County will contribute an estimated \$138,153 from the allocation for Environmental Restoration in support of the Project. District 1 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

9. Staff recommends motion to:

**A) approve** Grant Agreement No. 08PB3 with the Florida Department of Environmental Protection (FDEP) for cost-sharing in the amount of \$492,302 for the Ocean Ridge Beach Nourishment, expiring December 31, 2009;

**B) approve** Budget Amendment of \$492,302 in the Beach Improvement Fund; and

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

**SUMMARY:** Grant Agreement No. 08PB3 provides funding for permit-required monitoring and design, permitting, and construction of the Ocean Ridge mitigation reef. Under the terms of the Agreement, fifty percent (50%) of the non-Federal project costs could be eligible for reimbursement. The County is responsible for the local match requirement of fifty percent (50%) of the non-Federal share, or \$492,302, which is available from a combination of tourist development taxes, interest, balance forward, and ad valorem funds. Reimbursement is retroactive to June 30, 2007. District 4 (SF)

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: First Amendment to Agreement (R2007-1736) with the City of Lake Worth for funding of Northwest Park ballfield improvements. **SUMMARY:** This fully executed First Amendment to Agreement in an amount not-to-exceed \$37,000 amends the project time frame from August 1, 2007, through September 1, 2008, to February 1, 2007, through March 1, 2009, in order to accommodate dates of payment, allow additional time to complete the project, and accomplish completion of the reimbursement process. The Amendment is in accordance with Resolution R2005-1738 authorizing the delegation of authority for amending RAP agreements to the County Administrator or his designee. All other terms of the Agreement, including the funding amount, remain the same. Funding for the project is from the Recreation Assistance Program (RAP) District 3 Funds. District 3 (AH)

2. Staff recommends motion to approve: Agreement with Wellington Soccer Club, Inc. for the period January 13, 2009, through April 1, 2009, in an amount not-to-exceed \$10,000 for Wellington Wave Soccer program expenses. **SUMMARY:** This funding is to help offset the cost of the Wellington Wave Soccer program sponsored by the Wellington Soccer Club, Inc. The Wellington Soccer Club has approximately 450 youth participants, including the Wellington Wave travel team. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to April 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. This program operates within District 6. District 6 (AH)

3. Staff recommends motion to approve: Agreement with Boynton Cultural Centre, Inc. for the period January 13, 2009, through August 5, 2009, in an amount not-to-exceed \$2,500 for Boynton Beach Schoolhouse Children's Museum and Learning Center programs. **SUMMARY:** This funding is to assist with costs for after school historical and environmental enrichment programs at the Boynton Beach Schoolhouse Children's Museum. The programs are offered to approximately 530 children annually by Boynton Cultural Centre, Inc. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to January 2, 2009. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

4. **Staff recommends motion to approve:** Agreement with the City of Delray Beach for the period January 13, 2009, through May 15, 2009, in an amount not-to-exceed \$5,000 for the 2009 First Night Event. **SUMMARY:** This funding is to offset the cost of the 2009 First Night Event held by the City of Delray Beach on December 31, 2008. The Delray Beach First Night Event featured local entertainers and artists at a community New Year's Eve celebration. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to October 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)
  
5. **Staff recommends motion to approve:** Agreement with Museum of Lifestyle and Fashion History, Inc. for the period January 13, 2009, through November 30, 2009, in an amount not-to-exceed \$7,825 for funding of 2008-2009 exhibits and programs. **SUMMARY:** This funding is to help offset costs for 2008-2009 exhibits and programs offered by the Museum of Lifestyle and Fashion History, Inc. Approximately 4,000 people will participate in the exhibits and programs. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to September 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)
  
6. **Staff recommends motion to approve:** Agreement with the Delray Beach Downtown Marketing Cooperative for the period January 13, 2009, through July 1, 2009, in an amount not-to-exceed \$10,000 for 2008 winter holiday decorations. **SUMMARY:** This funding is to offset the cost of 2008 winter holiday decorations for the City of Delray Beach assisted by the Delray Beach Downtown Marketing Cooperative. This funding will help offset expenses for the erection, lighting, and dismantling of the 100-foot winter holiday tree, which is the focal point of the winter holiday decorations in Delray Beach. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to November 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)
  
7. **Staff recommends motion to approve:**
  - A) Interlocal Agreement with the City of Pahokee in an amount not-to-exceed \$100,000 for the period January 13, 2009, through January 12, 2010, for renovations to the Pahokee Recreational Complex and the purchase of capital maintenance equipment for municipal parks; and
  - B) Budget Transfer of \$100,000 within the \$25 Million GO Parks and Cultural Improvements Bond Fund - 2003 to Pahokee Park Improvement Projects.

**SUMMARY:** This allocation provides funding for the renovation of the Pahokee Recreational Complex at 360 East Main Street and the purchase of capital maintenance equipment for Pahokee municipal parks. Expenses eligible for reimbursement include building materials, electrical labor and materials, air conditioners, construction labor, mower equipment, and other miscellaneous park improvement expenses. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to January 1, 2008. Funding is from the 2002 \$50 Million Recreation and Cultural Facilities Bond referendum. District 6 (PK)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

8. Staff recommends motion to approve:

**A)** Tri-Party Agreement with the City of Boca Raton and The Children's Museum, Inc. in an amount not-to-exceed \$330,000 for the period January 13, 2009, through January 12, 2011, for design and construction of the Rickards House at the Children's Museum of Boca Raton campus; and

**B)** Budget Transfer of \$330,000 within the \$25 Million GO Parks and Cultural Improvements Bond Fund - 2003 to The Children's Museum/Rickards House Project.

**SUMMARY:** This allocation provides funding for design and construction of the Rickards House at the Boca Raton Children's Museum campus located at 498 Crawford Boulevard in Boca Raton. Expenses eligible for reimbursement include architectural design, construction of a 3,000 square-foot, two story house (Rickards House), all interior and exterior features of the Rickards House, integrated water/sewage/irrigation, drainage system, utility lines and easements, excavation and earthwork. The Agreement allows for the reimbursement of pre-agreement expenses in an amount not to exceed \$40,000 incurred subsequent to February 27, 2007. Funding is from the 2002 \$50 Million Recreational and Cultural Facilities Bond referendum. District 4 (PK)

9. Staff recommends motion to receive and file: executed Independent Contractor Agreement received during the month of November: Valerie Bell, Crafts and Fun, West Jupiter Recreation Center. **SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Independent Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 02-2103 and 07-0409, and is now being submitted to the Board to receive and file. District 1 (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve: a Contract with the City of Riviera Beach for its Family Restart Program in the amount of \$16,500 for the period October 1, 2008, through September 30, 2009. **SUMMARY:** On February 25, 2008, the Criminal Justice Commission (CJC) approved the use of \$16,500 in Criminal Justice Reserve Fund monies for the Family Restart Program to arrange and provide services to the families of the Civil Drug Court clients. The program allows clients and their families to receive complete care including individual, group and family counseling, random drug testing to ensure proper compliance and continued assessments to identify the strengths and weaknesses of the client to determine needs for education, employment and housing. District 7 (DW)

2. Staff recommends motion to approve:

**A)** acceptance of \$500 from the Quantum Foundation for the Belle Glade Youth Empowerment Center; and

**B)** a Budget Amendment of \$500 in the General Fund to receive and post the donation.

**SUMMARY:** On October 1, 2008, the board of directors of the Quantum Foundation approved a grant of \$500 in honor of staff members Christine Koehn and Richard Koehn for the Youth Violence Prevention Program. District 6 (DW)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

3. **Staff recommends motion to approve:** the Second Amendment to an Amended and Restated Agreement (R2008-0088), with the City of Belle Glade (The City) to reduce the amount by \$44,200, for a new total not to exceed \$142,800 for the contract period October 1, 2008, to September 30, 2009 to support the build-out of the Youth Empowerment Center, the prevention component of the Youth Violence Prevention Project. **SUMMARY:** The City previously set aside \$113,000 to pay the Palm Beach County Facilities Development & Operations Department (FDO) to move a donated modular from Palm Beach to Belle Glade. The City recently submitted a site plan which includes a sidewalk, parking lot, lighting, fencing and other enhancements which supports the additional request of \$44,200. FDO requires a total of \$157,200 to complete the project as outlined in the revised site plan, with a mid-late March date for occupancy. These funds are included in the FY 2009 approved budget as part of the City's original Interlocal Agreement (R2008-0088), with \$142,800 remaining for program operations. The Criminal Justice Commission (CJC) recommends the use of \$44,200 as recommended by FDO and the City for moving, relocating and enhancing a modular which will be used as the Youth Empowerment Center, located at 227 Southwest 6<sup>th</sup> Street, Belle Glade, Florida. District 6 (DW)

S. FIRE RESCUE

1. **Staff recommends motion to approve:** a Professional Services Agreement with Hope Health and Wellness, Inc., to provide Fire Department physician and related services for a one (1) year and nine (9) months period, retroactively to January 1, 2009, in an amount not-to-exceed \$500,000 annually. **SUMMARY:** The components of the Palm Beach County Fire Rescue Wellness Program established by the Collective Bargaining Agreement (CBA) include the provision of a Fire Department physician, the administering of medical physical examinations and drug testing for Fire Rescue employees. The Palm Beach County Fire Rescue Wellness Steering Committee (Committee) is comprised of staff appointed by the Fire Rescue Administrator and the Professional Firefighters/Paramedics of Palm Beach County (Local 2928), to direct, establish guidelines, make recommendations and evaluate the Fire-Rescue Wellness Program. The Committee is responsible for selecting a service provider and approving a service agreement. The parties to the previous Agreement were Hope Health and Wellness, Inc. and Local 2928, with the County responsible for reimbursing Local 2928 for all costs associated with the Agreement. The County now desires to enter into an Agreement directly with the Provider. On October 6, 2008, the County issued a Request for Proposal (RFP) for Fire-Department Physician and Related Services. Seven (7) proposals were received in response to the RFP. The Committee members evaluated each proposal and selected Hope Health and Wellness, Inc. based on a total points scoring system. This Agreement is effective retroactively to January 1, 2009 for a one (1) year and nine (9) months period. It also provides for three (3) additional one (1) year periods by written agreement of the parties, and prior written approval of the Committee. The total amount to be paid by the County under this Agreement shall not exceed a total annual amount of \$500,000. Countywide (SB)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE (Cont'd)

2. Staff recommends motion to approve: an Agreement with Emergency Medical Sciences Academy, Inc. (Academy), which establishes a set tuition for students enrolled in the Academy's paramedic certification course and for clinical field experience for paramedic students. This is a three (3) year Agreement effective retroactively to October 1, 2008, through September 30, 2011. **SUMMARY:** The Academy is the organization used by Palm Beach County Fire Rescue for its paramedic sponsorship program. This Agreement provides a set tuition of \$4,200 per student for the term of the Agreement. This Agreement also allows Palm Beach County Fire Rescue to provide clinical field experience to paramedic students of the Academy. These students will respond with County paramedics to observe and assist in delivering emergency medical care under actual emergency conditions. This clinical field experience is a component of the paramedic training required for state certification, and will enhance the available job pool of qualified personnel. Countywide (SB)

X. PUBLIC SAFETY

1. Staff recommends motion to:

**A) receive and file** the executed grant agreement with Florida Department of Community Affairs Homeland Security Grant Program (SHSGP) grant funding in the amount of \$92,205 for planning, training and exercises for the period of July 1, 2007, to April 30, 2010; and

**B) approve** a Budget Amendment of \$92,205 in the Emergency Management Grant Fund to establish grant budget.

**SUMMARY:** Palm Beach County was awarded a grant totaling \$92,205 from the State Homeland Security Grant Program. The grant will be used to plan and develop Emergency Operating Procedures (EOPs) for the Domestic Security protocols, and solutions, and provide domestic security training for critical infrastructures and other key resources in Palm Beach County. R2006-0401 provided authority to the County Administrator or his designee to execute these agreements on behalf of the Board. No County match is required. Countywide (GB)

2. Staff recommends motion to receive and file: time extensions to the standard renewal agreements with the following providers: Dr. Byron Reid d/b/a Byron Reid & Associates V.M.D.P.A. for the provision of large animal services, Dr. Michael Geraghty, D.V.M. d/b/a Pet Emergency of Palm Beach County and Dr. Xavier Garcia, D.V.M. d/b/a El Cid Animal Clinic, for the provision of relief veterinary services and emergency on-call after-hour veterinary services upon request by Animal Care and Control for an additional one year period from October 1, 2008, to September 30, 2009 at an annual cost not to exceed \$10,000. **SUMMARY:** On May 6, 1997, the Board adopted a resolution authorizing the County Administrator, or his designee, to execute standard contracts with various Florida licensed veterinarians to provide needed part-time, relief and emergency "on-call" professional medical services for shelter animals. Countywide (SF)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. **Staff recommends motion to adopt:** Resolution approving a grant application with the Florida Department of Transportation (FDOT) to provide operating funding for mass transit in the amount of \$250,000 of Federal funds passed through the State for the Lakes Region of Palm Beach County for FY 2010. **SUMMARY:** FDOT has notified us that the tentative allocation of Section 5311 funds for Palm Beach County is \$250,000 for non-urbanized areas for mass transit operating assistance. This is used to partially offset the operating costs of mass transit in the Lakes Region of Palm Beach County. The operating costs of mass transit to the Lakes Region include operating, maintenance, and administrative costs. This is the maximum amount of FDOT operating assistance available to Palm Beach County for FY 2010 for mass transit services. The grant application for \$500,000 requires 50% local match (\$250,000 State, \$250,000 Local Funds) and execution of a section 49 USC§ 5333 (b) assurance. Palm Beach County provides the local funding from the local option gas tax. Grant and match to be included in the FY 2010 budget. District 6 (DR)
  
2. **Staff recommends motion to:**
  - A) adopt** Resolution approving a Florida Department of Transportation (FDOT) Supplemental Joint Participation Agreement No. 1 (JPA) FM No. 409820-1-94-01 amending the Scope of the original agreement to utilize existing project funds for AVL real time signs, signals, transit amenities and construction costs at the West Palm Beach Intermodal Center;
  
  - B) approve** Budget Transfer of \$541,616 in the Palm Tran Grants Fund to reallocate capital project funding to the Public Building Improvement Fund for the Intermodal project; and
  
  - C) approve** an upward Budget Amendment of \$541,616 to the Public Building Improvement Fund increasing the funds available for Intermodal construction.

**SUMMARY:** FDOT is amending the scope of JPA FM No. 409820-1-94-01 (R2002-1452) to utilize existing project funds for AVL real time signs, traffic signal, transit amenities and construction costs at the West Palm Beach Intermodal Center. The JPA, as originally approved, allowed grant funds to be used to improve transit infrastructure along Route 1 (serving U.S. 1) to provide improvements and enhancements needed to better serve the riders; specific locations were selected by FDOT. This Amendment allows for expenditures in infrastructure to include the location of the Intermodal Facility. Countywide (DR)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN (Cont'd)

3. Staff recommends motion to:

**A) adopt** a Resolution approving a Florida Department of Transportation (FDOT) Supplemental Joint Participation Agreement No. 1 (JPA) FM No. 410959-1-84-01 extending the JPA expiration date to March 1, 2009 and increasing the amount of the JPA to \$110,000; and

**B) approve** an upward Budget Amendment of \$40,000 in Palm Tran's Grants Fund to reconcile the budget to the increased grant award.

**SUMMARY:** FDOT is providing a supplemental grant of \$40,000 (100% state funds, no match required) from the Public Transit Service Development Program to continue with Palm Tran's Commuter Bus Service from Belle Glade to Clewiston, continue until February 28, 2009. Countywide (DR)

BB. MEDICAL EXAMINER'S OFFICE

1. Staff recommends motion to:

**A) receive and file** the Paul Coverdell National Forensic Sciences Improvement Grant for \$5,800, through the Florida Department of Law Enforcement, for the period of October 1, 2008, through September 30, 2009; and

**B) approve** a Budget Amendment of \$5,800 in the General Fund to establish revenue and grant expenditure budget.

**SUMMARY:** The Department of Justice has awarded a Paul Coverdell Forensic Sciences Improvement Grant to the Palm Beach County Medical Examiner's Office, through the Florida Department of Law Enforcement, for morgue body cart wheels to enhance the operations of the Medical Examiner's Office. This is a 100% grant funded award and no County match is required. Countywide (DW)

CC. SHERIFF'S OFFICE

1. Staff recommends motion to:

**A) accept** on behalf of the Palm Beach County Sheriff's Office a Bureau of Justice Assistance (BJA) State Criminal Alien Assistance Program FY 2007 Grant in the amount of \$320,681, for the period of October 1, 2008, through September 30, 2009 for the purchase of the Automated Key Control System for the Main Detention Center and Stockade Facility; and

**B) approve** a Budget Amendment of \$320,681 in the Sheriff's Grants Fund.

**SUMMARY:** The Bureau of Justice Assistance (BJA) has made funds available to be used for correctional purposes only. These funds will be used to purchase and install the Key Trak Systems for the Main Detention Center and the Stockade Facility. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required in FY 2009. Countywide (DW)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF'S OFFICE (Cont'd)

2. Staff recommends motion to:

**A) accept** on behalf of the Palm Beach County Sheriff's Office an agreement with the City of West Palm Beach for reimbursement of overtime cost, in the amount of \$19,074, associated with the Gramercy Village Weed and Seed for the period of October 1, 2008, to September 30, 2009; and

**B) approve** a Budget Amendment of \$19,074 in the Sheriff's Grant Fund.

**SUMMARY:** The City of West Palm Beach, received an award from the United States Department of Justice Office of Justice Programs for the Gramercy Village Weed and Seed. On November 19, 2008, the Palm Beach County Sheriff's Office (PBSO) and the City of West Palm Beach entered into an agreement to continue the Gramercy Village Community Area Multi-Agency Law Enforcement Unit (MALEU). The objective of the MALEU is to prevent, control, and reduce violent crime, drug abuse, and gang activity in the Gramercy Village Community Area. Under this agreement, the Palm Beach County Sheriff's Office will receive \$19,074 in reimbursable funds for overtime costs associated with the program. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. District 3 (DW)

3. Staff recommends motion to:

**A) accept** on behalf of the Palm Beach County Sheriff's Office (PBSO) a settlement from an equipment vendor; and

**B) approve** a Budget Amendment of \$75,000 in the PBSO General Fund for the purchase of driving simulator equipment.

**SUMMARY:** The PBSO purchased two (2) driving simulators in 2006. A lawsuit resulted because the equipment ended up not being useable by PBSO. The \$75,000 is final settlement of the suit. PBSO will use the settlement and trade-in of the original simulators to purchase one (1) driving simulator for the Training Division. Countywide (DW)

\* \* \* \* \*

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

- A.** Presentation to the Palm Beach County Utilities Department of the 2008 Florida Section AWWA Water Distribution System Award for outstanding performance (First Place) during the preceding year in Division VI (Over 130,000 water services).
  
- B.** Proclamation declaring February 19, 2009 as “Free Sons of Israel Day” in Palm Beach County. (Sponsored by Commissioner Aaronson)
  
- C.** Proclamation declaring March 9 – 15, 2009 as “Palm Beach County Green Week, including the South Florida Green, Energy & Climate Conference/Expo and WestFest Land & Sea Festival” in Palm Beach County. (Sponsored by Commissioner Vana)
  
- D.** Proclamation declaring February 8 - 14, 2009 as “The Lord’s Place Homeless Awareness Week and Sleepout 2009” in Palm Beach County. (Sponsored by Commissioner Santamaria)

\* \* \* \* \*

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

- A. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing Ordinance 2005-045 Palm Beach County amendments to the Florida Building Code, 2004 Edition, Chapter 1 “administration” and figure 1606.1.6 basic wind speed map, adopting the Palm Beach County amendments to the Florida Building Code, 2007 Edition, Chapter 1 “administration” and section and figure 1609.1 basic wind speed map of Palm Beach County; providing for applicability; providing for repeal of laws in conflict; providing for inclusion in the Code of Laws and Ordinances; providing for savings clause; providing for severability; and providing for an effective date. **SUMMARY:** The Legislature adopted F.S. 553.73, which mandates a Statewide Florida Building Code. The Statute allows local governments to adopt their own Administrative Section of the Florida Building Code, 2007 Edition. This section would apply in the unincorporated area of Palm Beach County, and those municipalities participating in an Interlocal Agreement for the provision of County plan review and inspection services. This administrative section is based upon recommendations of the Palm Beach County Building Code Advisory Board. Figure 1609 in the Florida Building Code is accurate for basic wind design to the County and provides for local government to establish specific wind speed/wind borne debris lines using physical landmarks which is Figure 1609.1. Significant changes to this administrative code are the clarification that quality control is not within purview of the code, except as it relates to the purpose of the code (Section 101.3.1) and the code enforcement procedures relative to unsafe structures or systems. Unincorporated (GB)
  
- B. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, adopting Appendix F “proposed construction building codes for turf and landscape irrigation systems” of the 2007 Florida Building Code, plumbing volume, with Palm Beach County amendments; requiring the permitting of work covered by this code, and the performance of the work by contractors, licensed for competency to perform such work; and the adoption of reasonable fees to cover the costs of permitting and inspections provided by Florida Statute 125.56(2); providing for adoption; providing for licensing of contractors; providing for permit fees; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for an effective date. **SUMMARY:** The Board of County Commissioners has instructed staff to investigate the benefits of adopting landscape irrigation regulations and the permitting of irrigation systems in Palm Beach County. A survey of the municipalities in the County found that over 90% of the 35 jurisdictions who responded require permits for irrigation systems, as do Broward and Dade Counties, and municipalities within them. This Ordinance will act to protect the drinking water quality of unincorporated Palm Beach County residents and provide for a more sustainable water ecosystem through permitting, inspection, and the requirement that irrigation work be performed by contractors licensed for competency in the trade. This is a state proposed code for optional adoption by local governments. To insure the use of best practices, promote consistency of enforcement, and clarify code requirements, local amendments were made to the Florida proposed text, which are illustrated in an underline/strike-through format of the appendix. Unincorporated (GB)
  
- C. **Staff recommends motion to adopt:** a Resolution confirming the special assessment process for the 3<sup>rd</sup> Place and 81<sup>st</sup> Avenue Water Main Extension. **SUMMARY:** Petitions in favor of the installation of a potable water main have been provided by 67% of the property owners in the 3<sup>rd</sup> Place and 81<sup>st</sup> Avenue project area. The project will serve 15 residential properties currently on private wells. Individual assessments of \$10,870.33 per acre are based on 100% of the assessable cost and may be paid over 20 years with equal annual payments of principal and 6½% interest. The total project cost is \$153,162.96, and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration, and construction contingency. The project will be constructed utilizing a work authorization under the Water Utilities Department Continuing Construction Contract (R2008-0769). (WUD Project No. 06-139) District 6 (JM)

\* \* \* \* \*

6. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to:

**A) approve** a Contract with Palm Beach Community College Small Business Development Center (SBDC) in the amount of \$70,500 to provide technical assistance and training to small businesses in Palm Beach County for the period of January 1, 2009, through September 30, 2009; and

**B) authorize** a one time payment of \$23,500 for services that have been rendered from October 1, 2008, through December 31, 2008, for a total of \$94,000.

**SUMMARY:** This Contract provides Palm Beach County’s Small Business Enterprise firms with technical assistance and training in the form of direct consulting services in the areas of finance, marketing, management, construction, human resources, business plans and international trade. In addition, \$50,000 of the \$94,000 contracted amount secures services to develop federal certifications, such as 8 (a), HUBZone and Small Disadvantaged Business; identify federal contract opportunities for local small businesses; and, assist local businesses in submitting bids to local, state, and federal agencies. On July 29, 2008, the Office of Small Business Assistance completed an audit for Programmatic Efficiency, Financial Accountability, Contract Compliancy and Customer Satisfaction, and concluded that the SBDC satisfactorily provided business consultation services to start-up and existing businesses. As of September 30, 2008, the SBDC equaled or exceeded the deliverables for the Scope of Work. Countywide (TKF)

	<b>Deliverables</b>	<b>FY08 Contracted</b>	<b>Achieved As of 9/30/08</b>	<b>FY09 Contracted</b>
	<b><i>SMALL BUSINESS DEVELOPMENT CENTER</i></b>			
1	Management & Technical Assistance Clients	440	667	440
2	Loans Approved	\$1,750,000	\$1,992,650	\$1,750,000
3	Client Profiles	4	4	4
	<b><i>PROCUREMENT TECHNICAL ASSISTANCE CENTER PROGRAM (PTACP)</i></b>			
4	Management & Technical Assistance Clients	65	111	65
5	Procurement Approved	\$3,500,000	\$36,391,097	\$3,500,000
6	Government Procurement Seminars	16	17	16
7	Certification Training	8	8	8
8	Review of RFP/Bid Process	6	6	6

6. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

2. Staff recommends motion to approve:

**A)** waiver of the competitive solicitation process for professional services, upon recommendation of the County Administrator, based on Kathleen Owen's expertise and familiarity with fire rescue level of service and communication/dispatch system issues in Palm Beach County; and

**B)** a Consulting/Professional Services Agreement with Kathleen Owens relating to implementing a fire-rescue level of service and common communication/dispatch system. This Agreement is for 12 months until December 31, 2009, with the option of two (2) yearly renewals/extensions, in an amount not to exceed \$12,000.

**SUMMARY:** The Fire Rescue Level of Service Committee has made significant progress, but there are still several tasks that have not yet been completed. Key among these issues is the development of a response time methodology and standard for the entire region by October 2009. The Fire Rescue Level of Service Committee is recommending Ms. Owens' Agreement to assist with the finalization of these final important tasks. Ms. Owens has an expertise and familiarity with fire rescue level of service and communication/dispatch system issues in Palm Beach County and has assisted the Fire Rescue Level of Service Committee since its inception. Due to Ms. Owens' expertise and familiarity with the issues, the County Administrator is recommending that the competitive selection process for professional services be waived, as authorized by Section 2-54(h) of the Palm Beach County Purchasing Code. Countywide (SB)

6. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

3. Staff recommends motion to discuss and approve: Commission appointments to various boards and committees by District:

**District 1**

BioScience Land Protection Advisory Board  
\*County Coalition for Responsible Management of Lake Okeechobee and St. Lucie and Caloosahatchee Estuaries and Lake Worth Lagoon (Ten County Coalition)  
Criminal Justice Commission  
\*Metropolitan Planning Organization  
\*Treasure Coast Regional Planning Council  
\*Value Adjustment Board  
\* PalMar Water Control District

**District 2**

Artificial Reef & Estuarine Enhancement Committee  
\*Children's Services Council  
Homeless Advisory Board  
\*Metropolitan Planning Organization  
\*Palm Beach County Culture Council (Ex-Officio)  
\*South Florida Regional Transportation Authority  
Tourist Development Council  
\*Treasure Coast Regional Planning Council  
\*Value Adjustment Board  
Water Resources Task Force

**District 3**

Audit Committee  
Corrections Task Force  
\*Early Learning Coalition  
Green Task Force  
\*Intergovernmental Coordination Program  
\*Metropolitan Planning Organization (Alternate)  
Public Safety Coordinating Council  
\*Treasure Coast Regional Planning Council

**District 4**

Education and Government Programming Advisory Board  
\*Education Commission of Palm Beach County  
\*Kravis Center Board of Directors (Ex-Officio)  
\*Metropolitan Planning Organization (Alternate)  
Overall Economic Development Program Committee  
Public Art Committee  
\*Treasure Coast Regional Planning Council (Alternate)  
\*Workforce Alliance, Inc.

**District 5**

\*Business Development Board  
Investment Policy Committee  
\*Metropolitan Planning Organization  
\*Treasure Coast Regional Planning Council (Alternate)

**District 6**

\*Community Alliance  
\*County Coalition for Responsible Management of Lake Okeechobee and St. Lucie and Caloosahatchee Estuaries and Lake Worth Lagoon (Ten County Coalition) (Alternate)  
\*Intergovernmental Coordination Program  
\*Issues Forum  
\*Metropolitan Planning Organization  
\*South Florida Fair Board of Trustees  
\*Treasure Coast Regional Planning Council (Alternate)  
\*Value Adjustment Board (Alternate)  
Victim Coordinating Council

**District 7**

BioScience Land Protection Advisory Board (Alternate)  
\*Metropolitan Planning Organization  
Overall Economic Development Program Committee  
\*Value Adjustment Board (Alternate)

\* Not a Board of County Commission created board/committee

6. REGULAR AGENDA

B. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to:

**A) adopt** a Resolution authorizing the conveyance of the County's interest in three (3) properties to the Community Land Trust of Palm Beach County, Inc., without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration;

**B) approve** one (1) County Deed in favor of Community Land Trust of Palm Beach County, Inc. (CLTPBC);

**C) approve** an Agreement with Community Land Trust of Palm Beach County, Inc., for the disposition of said properties; and

**D) receive and file** copies of two (2) County Deeds conveying property to Frank Harris III, and to Pamela Nealy.

**SUMMARY:** On June 7, 2005, the Palm Beach County Board of County Commissioners approved the creation of the Local Homesteading Pilot Program, and allocated Federal Community Development Block Grant (CDBG) funds for the acquisition of residential properties. Properties acquired under this program, were to be resold to low-income homeowners at affordable prices. Of the five (5) homes purchased with these funds, two (2) were resold (one to Mr. Harris, and the second to Ms. Nealy), and the other three (3) remain in the County's ownership. Despite various attempts by the Department of Housing and Community Development (HCD) to market the remaining homes, they continue to be unsold due to the difficulty encountered by potential low-income buyers to obtain adequate financing, and more recently, due to the soft real estate market. HCD is recommending the conveyance of the three (3) remaining homes to the CLTPBC, in support of the CLTPBC's mission to provide affordable housing. Under the CLTPBC's model, in order to achieve affordability, the land for each home will be leased to a County approved low income homeowner for 99 years, and only the home will be sold to the homeowner. The financial burden on potential homeowners is lessened under this model because the land is leased for a small monthly cost, rather than being purchased, and only the home requires financing to enable its purchase. The proposed Agreement provides for the conveyance of the three homes to the CLT, and contains the conditions and restrictions that HCD will use to monitor and enforce the CDBG requirements. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. **These are Federal CDBG funds that require no local match.** Districts 3 & 7 (TKF)

6. REGULAR AGENDA

B. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to approve:

A) an Agreement with the Community Land Trust of Palm Beach County, Inc., for the acquisition and development of property to be used for affordable housing, for the period of January 13, 2009, through December 31, 2011; and

B) a reimbursement to the Housing Partnership, Inc. in the amount of \$2,500.

**SUMMARY:** On July 11, 2006, Palm Beach County entered into an Agreement with the Housing Partnership, Inc., wherein the County agreed to purchase 7.29 acres of land located on Davis Road just south of Melaleuca Lane in unincorporated Palm Beach County. According to this Agreement the land was purchased with Community Development Block Grant (CDBG) funds in the name of the Housing Partnership, Inc., who agreed to the eventual transfer of its title to a recipient to be selected by the County. In exchange for the receipt of title to the land, the Community Land Trust of Palm Beach County, Inc., (CLT), has agreed to develop the land for affordable housing. The CLT has agreed to develop the portion of land west of Davis Road (which is the larger of two portions) for the construction of single-family detached and/or attached homes all of which, for a period of 30 years, will be sold to homeowners with incomes at or below 80% of the median income. On the portion of land east of Davis Road, the CLT will construct rental units, 51% of which, for a period of five (5) years, will be rented to tenants whose household incomes are also at or below 80% of the median income. The reimbursement to the Housing Partnership, Inc. is for costs incurred in connection with maintaining the property. **These are Federal CDBG funds that require no local match.** District 3 (TKF)

3. Staff recommends motion to approve:

A) an increase of \$2,500 in the maximum State Housing Initiative Partnership (SHIP) Program subsidy a household can receive for foreclosure prevention assistance from \$7,500 to \$10,000; and

B) to permit moderate income households, earning up to 120% of AMI, to receive SHIP foreclosure prevention assistance.

**SUMMARY:** The SHIP Program provides funding to Palm Beach County's Commission on Affordable Housing (CAH) for various programs designed to assist in the development and preservation of affordable housing. Currently, the Mortgage Assistance Program provides financial assistance to eligible very low and low income households who are facing foreclosure due to an unexpected loss of household income. The goal of this program is to prevent the foreclosure by paying up to six (6) months of delinquent mortgage payments including principal, interest, taxes, insurance. Due to the current local housing conditions, it is recommended that the maximum level of assistance be increased to \$10,000; and that moderate income households be permitted to receive assistance. The proposed program policies were reviewed and recommended by the Commission on Affordable Housing's Advisory Board on September 25, 2008. **These are State funds which require no local match.** Countywide (TKF)

6. REGULAR AGENDA

C. PLANNING, ZONING & BUILDING

**TIME CERTAIN - 10:00 A.M.**

1. Staff recommends motion to:

**A) adopt** Resolution of the Board of County Commissioners of Palm Beach County, Florida, changing the street name of Oriole Country Road to Judge Winikoff Road, located in Sections 14, 23, 25 & 26, Township 47, Range 41, West Palm Beach; and

**B) approve** a Budget Transfer from the Transportation Improvement Fund Reserves for District 5 Improvements which will be utilized to pay the \$1,400 application fee for street name changes.

**SUMMARY:** The Board of Directors of the West Boca Community Council has asked the Palm Beach County Board of County Commissioners to rename Oriole Country Road to Judge Winikoff Road to honor the Circuit Court Judge who passed away on June 17, 2008. Approval of the Budget Transfer will provide funds for the fees associated with the name change process. Upon receiving a copy of the approved resolution, PZ&B staff will implement the name change by notifying appropriate parties and agencies. District 5 (RB)

D. PARKS & RECREATION

**TIME CERTAIN - 10:15 A.M.**

1. **Staff recommends motion to approve:** establishing a boat trailer parking fee at the County's five (5) saltwater boat ramps. **SUMMARY:** During the 2008/2009 budget process, the Board considered a proposal to establish a boat trailer parking fee at the County's saltwater boat ramps. Due to the opposition expressed by the Marine Industries Association (MIA), staff was directed to meet with representatives of the MIA, receive their input, and bring the matter back for further consideration. Staff has met with the MIA, which continues to strongly oppose the fee, and modified the original fee proposal to include several suggestions made by the MIA. Staff is recommending that the Board approve a \$10 per day parking fee to be collected year round at the County's five (5) saltwater boat ramp parks. It is further recommended that a \$75 annual parking permit be made available to County residents. Countywide (AH)

2. Staff recommends motion to approve: reallocation of \$1,000,000 in project funding within the 2002 \$50 Million Recreational and Cultural Facilities Bond referendum from Riviera Beach – Harbor Village Amphitheatre to the following projects:

**A)** TAB Development, Inc. for construction of the U.B. Kinsey Educational & Community Center; and \$500,000

**B)** Palm Beach County for construction of the Gramercy Park Neighborhood Park project. \$500,000

**SUMMARY:** The District 7 Commissioner has identified \$1,000,000 from the \$50 Million Recreational and Cultural Facilities Bond that she has requested the Board redirect to a not-for-profit agency project (TAB Development, Inc. U.B. Kinsey Educational & Community Center) and the proposed Palm Beach County Gramercy Park Neighborhood Park project. District 7 (PK)

6. REGULAR AGENDA

E. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

**A) adopt** a Resolution authorizing an expansion of the building space being leased to LJL Food Management, Inc. d/b/a Tina's Café, extending the term of the Lease and finding that the First Amendment to Governmental Center Lease Agreement with LJL Food Management, Inc. is in the best interest of the County; and

**B) approve** a First Amendment to Governmental Center Lease Agreement (R2002-0829) with LJL Food Management, Inc. d/b/a Tina's Café, to expand the current leased premises by 1,050 square feet and extend the term of the Lease to a period of ten (10) years, specifying the rental rate.

**SUMMARY:** On December 16, 2008, the Board approved allowing Tina's Café to expand into the adjacent 1,050 square feet of space previously occupied by Channel 20. This motion includes extending the term of the Lease to a total of ten (10) years. The current term of the Lease expires August 31, 2011, and this Amendment extends the term until January 31, 2018. The current annual rent is \$23,702. (\$15.76/sf) and increases annually by four percent (4%). With the inclusion of the additional space, rent will increase to \$40,250.64. Tina's Café has requested that the annual rent be reduced by \$3.25/sf to \$12.51/sf, for a total annual rent of \$31,950.54. While operating statements submitted by Tina's Café indicate that the owners have been losing money on the operation of their business, Staff cannot recommend a rental reduction. This Lease was procured through an RFP process, and general procurement policy would normally require a new competitive process be conducted to make such material changes to the terms of a competitively bid agreement. (PREM) Countywide (HJF)

\* \* \* \* \*

**RECESS AS THE BOARD OF COUNTY COMMISSIONERS**

**CONVENE AS THE ENVIRONMENTAL CONTROL BOARD**

7. BOARD OF COUNTY COMMISSIONERS SITTING AS ENVIRONMENTAL CONTROL BOARD

A. HEALTH DEPARTMENT

- 1. Staff recommends motion to approve: appointment of the following individual to the Environmental Control Hearing Board, to complete the unexpired term of Jane West, Esq., who resigned as of November 5, 2008, and whose term expires January 12, 2011:

<u>Name</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Recommended By</u>
Denise Bleau	1	Attorney	Palm Beach County Bar Association

**SUMMARY:** The Board is composed of five (5) members. Membership must consist of one (1) lawyer recommended by the Palm Beach County Bar Association, one (1) medical doctor recommended by the Palm Beach County Medical Society, one (1) engineer recommended by the Palm Beach County Chapter of the Florida Engineering Society, and two (2) citizens-at-large not holding elective office. This action will fill this seat until January 12, 2011. Countywide (GB) (Health Department)

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**ADJOURN AS THE ENVIRONMENTAL CONTROL BOARD**

**RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS**

8. BOARD APPOINTMENTS

A. **COMMUNITY SERVICES**

**(Palm Beach County HIV Comprehensive AIDS Resources Emergency Council)**

1. **Staff recommends motion to approve:** reappointment/appointment of the following individuals to the Palm Beach County HIV Comprehensive AIDS Resources Emergency (CARE) Council for a term of two (2) years, effective January 13, 2009:

<b><u>Seat No.</u></b>	<b><u>Reappointment</u></b>	<b><u>Seat Requirement</u></b>
1	Dr. Nicholas Potochny	Health Care Provider
2	Lorenzo Robertson	Community Based Organization
13	Thomas McKissack	Mental Health Substance Abuse Provider
15	Mary Piper Kannel	Local Public Agencies
16	Mary Jane Reynolds	Affected Community
18	Glenn Krabec, PhD	Affected Community
22	Cecil Smith	Affected Community
25	Shirley Samples	Affected Community
27	Laurence Osband	Affected Community
41	Michael Greene	Hospital Planning Agency/ Health Care Planning Agency
45	David Begley	Representative of Incarcerated PLWH

<b><u>Seat No.</u></b>	<b><u>Appointment</u></b>	<b><u>Seat Requirement</u></b>
17	Alice Holmes	Affected Community
19	Chris LaCharite	Affected Community
23	Bobbie Cleveland	Affected Community
24	Raymond Philmore	Affected Community
26	Gilbert Owens	Affected Community
40	Kimberly Bradley	State Ryan White Part B Agency
42	Jennifer Piva	Ryan White Part D Agency
44	Linda Leary	Other Federal HIV Programs

**SUMMARY:** The Palm Beach County HIV CARE Council Bylaws state that total membership shall be no more than 45 and no less than 21 members. Founding members were appointed for one (1) and two (2) year terms with subsequent terms of two (2) years. The HIV CARE Council Nominations Process is an open process with publicized criteria and legislatively defined conflict of interest standards. The 11 reappointments and seven (7) new appointments successfully completed the HIV CARE Council Nominations process, and the HIV CARE Council has recommended their reappointment/appointment. (Ryan White) Countywide (TKF)

8. BOARD APPOINTMENTS

B. **PLANNING, ZONING & BUILDING**  
**(Construction Board of Adjustment and Appeals)**

1. **Staff recommends motion to approve:** the appointment of one (1) individual to the Construction Board of Adjustment and Appeals (CBAA), to complete the unexpired term of Bryon Scholz, Plumbing Contractor, who resigned, and whose term expires on February 6, 2010:

<b><u>Nominee</u></b>	<b><u>Seat</u></b>	<b><u>Requirement</u></b>	<b><u>Nominated By</u></b>
Bart Rasper	1	Plumbing Contractor	CIMC

**SUMMARY:** Palm Beach County Ordinance 89-31 created the Construction Board of Adjustment and Appeals. The term of the office is three (3) years. Bart Rasper is nominated by the Construction Industry Management Council of Palm Beach County. The nomination represents the Plumbing Contractor member of the Board as required by the Palm Beach County Ordinance 2002-005, as amended, Palm Beach County Amendments to the Florida Building Code, 2004 Edition. The Board is comprised of seven (7) members consisting of one (1) registered architect; one (1) registered engineer; one (1) general contractor; one (1) electrical contractor; one (1) HVAC contractor; one (1) plumbing contractor and any other contractor licensed category. In addition to the seven (7) members, there should be two (1) alternate members, one (1) member with the qualifications referenced above and one (1) member at-large from the public. Countywide (GB)

**(Construction Industry Licensing Board)**

2. **Staff recommends motion to approve:** appointment of the following individuals to the Construction Industry Licensing Board (CILB) for the term January 13, 2009, to September 30, 2011:

<b><u>Appoint</u></b>	<b><u>Seat No.</u></b>	<b><u>Requirement</u></b>	<b><u>Nominated by</u></b>
Ronald Daniels	5	General Contractor Member	Comm. Greene Comm. Koons Comm. Marcus

<b><u>Appoint</u></b>	<b><u>Seat No.</u></b>	<b><u>Requirement</u></b>	<b><u>Nominated by</u></b>
Steven Hackl	10	Swimming Pool Contractor Member	Comm. Greene Comm. Koons Comm. Marcus

**SUMMARY:** The Construction Industry Licensing Board was established by Special Act, Chapter 67-1876, Laws of Florida as amended. The Special Act sets forth the membership of the Board, which consists of 12 members. The membership consists of two (2) general contractors, one (1) member of the following categories; building; residential; electrical; plumbing; HARV, roofing; swimming pool; architect; engineer and a building official. In addition, F.S. § 489.131 requires that we have three (3) consumer representatives. The above named have been recommended by their respective organization. Memorandums were sent to the Board of County Commissioners on October 27, 2008 advising of the vacant positions; No other nominations were received. Countywide (GB)

8. BOARD APPOINTMENTS

B. **PLANNING, ZONING & BUILDING (Cont'd)**  
**(Construction Board of Adjustment and Appeals)**

3. **Staff recommends motion to approve:** the reappointment of the following named individual to the Construction Board of Adjustment and Appeals (CBAA) for a three (3) year term from January 2, 2009, to January 1, 2012:

<b><u>Nominee</u></b>	<b><u>Seat</u></b>	<b><u>Requirement</u></b>
Albert G. Godfrey	3	Electrical Contractor

**SUMMARY:** Albert G. Godfrey is re-appointed by the Construction Industry Management Council of Palm Beach County. The nomination represents the electrical contractor member of the Board as required by the Palm Beach County Ordinance 2002-005, as amended, Palm Beach County Amendments to the Florida Building Code, 2004 Edition. Countywide (DW)

**(Building Code Advisory Board)**

4. **Staff recommends motion to approve:** reappointment of the following individuals to the Building Code Advisory Board (BCAB) for a three (3) year term from January 2, 2009, to January 1, 2012.

<b><u>Nominee</u></b>	<b><u>Seat</u></b>	<b><u>Requirement</u></b>	<b><u>Nominated By</u></b>
William R. Higgins	13	Electrical Contractor	CIMC
Maurice Jacobson	15	HVAC Contractor	CIMC

**SUMMARY:** The Building Code Advisory Board was established by Special Act of Florida Legislature in 1974, and amended in 2001. The term of office is three (3) years; with no limit to the number of terms a member may serve. William R. Higgins and Maurice Jacobson are re-appointed by the Construction Industry Management Council of Palm Beach County. These nominations represent the electrical contractor, and HVAC contractor cited in the Special Act establishing the Building Code Advisory Board. The Board comprises of 16 members; seven (7) regional Building Officials (nominated by the Building Official Association of Palm Beach County); seven (7) members who must be appointed from nominations submitted by the Construction Industry Management Council of Palm Beach County; one (1) member who must be a registered Architect nominated by the Palm Beach County Chapter of the American Institute of Architects; and one (1) member who must be a Professional Engineer nominated by the Palm Beach County Chapter of the Florida Engineering Society. Countywide (GB)

8. BOARD APPOINTMENTS

B. **PLANNING, ZONING & BUILDING (Cont'd)**  
**(Building Code Advisory Board)**

5. **Staff recommends motion to approve:** reappointment of the following individual to the Building Code Advisory Board (BCAB) for a three (3) year term from January 2, 2009, to January 1, 2012:

<b><u>Nominee</u></b>	<b><u>Seat</u></b>	<b><u>Requirement</u></b>	<b><u>Nominated By</u></b>
Wayne R. Bergman	3	Building Official	BOAPBC

**SUMMARY:** The Building Code Advisory Board was established by Special Act of Florida Legislature in 1974, and amended in 2001. The term of office is three (3) years; with no limit to the number of terms a member may serve. The reappointment of Wayne R. Bergman is nominated by the Building Official Association of Palm Beach County. The Board comprises of 16 members; seven (7) regional Building Officials (nominated by the Building Official Association of Palm Beach County); seven (7) members who must be appointed from nominations submitted by the Construction Industry Management Council of Palm Beach County; one (1) member who must be a registered Architect nominated by the Palm Beach County Chapter of the American Institute of Architects; and one (1) member who must be a Professional Engineer nominated by the Palm Beach County Chapter of the Florida Engineering Society. Countywide (GB)

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

1. **Staff recommends motion to approve:** appointment or reappointment of five (5) members to the countywide Consumer Affairs Hearing Board as follows:

<b><u>Nominee</u></b>	<b><u>Term</u></b>	<b><u>Expires</u></b>	<b><u>Seat</u></b>	<b><u>Requirement</u></b>	<b><u>Recommended by</u></b>
Alexander Domb	New	1/13/2011	1	Attorney	Comm. Jeff Koons
Pedro Guilarte	Reappoint	1/13/2011	2	Chamber of Comm.	Comm. Jeff Koons
Herbert Milstein	Reappoint	1/13/2011	9	Special Technical	Comm. Jeff Koons
Edwin Rubin*	New	12/31/2009	4	PBC Citizen	Comm. Jeff Koons
Daniel Pikula	New	1/13/2011	5	Bus. Management	Comm. Jeff Koons

\*Edwin Rubin would replace Joseph Abruzzo who resigned from the board mid-term. That terms expires December 31, 2009.

**SUMMARY:** Palm Beach County Consumer Affairs Ordinance 72-10 established a Hearing Board. The nine (9) members of the Board are selected for countywide representation and serve two (2) year terms for a maximum of six (6) years. The Board serves in both an advisory capacity to the County Commissioners, and as an Appeals Board to hear and act on consumer concerns about unfair/deceptive business practices and appeals relating to the towing, vehicle for hire, moving and price gouging ordinances. The Hearing Board represents various businesses, professionals and the general public. With the appointment of these five (5) seats, the Hearing Board will still have one (1) vacancy for a certified contractor. Nominations are being sought from the Board of County Commissioners for this vacant position. With approval of this motion the Hearing Board will have eight (8) of nine (9) appointed/active members. Countywide (GB)

8. BOARD APPOINTMENTS

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

1. **Staff recommends motion to approve:** appointment of one (1) At-Large member for a term of two (2) years, effective January 13, 2009, to the Palm Tran Service Board:

<b><u>Nominee</u></b>	<b><u>Category, Seat Number</u></b>	<b><u>Term to Expire</u></b>	<b><u>Nominated By</u></b>
Sheila Chamberlain	Representative from Belle Glade/Lake Region of Palm Beach County, Seat No. 13	01/12/2011	Comm. Santamaria

**SUMMARY:** The Palm Tran Service Board is composed of 13 at-large members. The new appointment of Sheila Chamberlain for Seat 13 will fill the seat recently created by the Board of County Commissioners under Resolution 2008-1568. Countywide (DR)

E. **ADMINISTRATION**  
**(Overall Economic Development Program (OEDP) Committee)**

1. **Staff recommends motion to approve:** the appointments of the following two (2) representatives to the Overall Economic Development Program (OEDP) Committee to complete the unexpired terms of four (4) years:

<b><u>Seat No.</u></b>	<b><u>The Business Incubators</u></b>	<b><u>Unexpired Term</u></b>
2	Jane E. Teague	Feb. 5, 2011
<b><u>Seat No.</u></b>	<b><u>A North County Business Representative</u></b>	
27	Professor Roy A. Periana	July 15, 2011

**SUMMARY:** The OEDP consists of 31 members. The OEDP Committee reviews and makes recommendations to the Board of County Commissioners on important economic development program, projects and issues. The new appointment, Jane E. Teague, will replace former member, Seabron Smith. This representation alternates among the county supported business incubators. The new appointment, Professor Roy A. Periana, will replace former member, Casey Steinbacher, who represented the North Palm Beach Chamber of Commerce. These recommendations were made by the OEDP Committee on December 4, 2008. Countywide (DW)

8. BOARD APPOINTMENTS

F. **WATER UTILITIES**  
**(Water Resources Task Force)**

1. **Staff recommends motion to:**

**A) ratify** the following members, having been appointed to the Water Resources Task Force (WRTF) in accordance with Resolution No. R2008-1810 by another entity:

APPOINTED BY:	REPRESENTING:	APPOINTEE NAME:	ALTERNATE NAME:	REPRESENTING:
League of Cities	Town of Haverhill	Jay Foy, Council Vice President	David Autrey, Council Member	Town of Loxahatchee Groves
League of Cities	Town of Palm Beach	Susan Markin, Council Member	Betty Bingham, Vice Mayor	Town of Ocean Ridge
League of Cities	Village of Wellington	Dr. Carmine Priore, Vice Mayor	Lynne Hubbard, Council Member	City of Riviera Beach
League of Cities	Town of Jupiter	Todd Wodraska, Councilor	Michael Dahlgren, Council Member	City of Atlantis
League of Cities	City of Palm Beach Gardens	David Levy, Vice Mayor	Susan Haynie, Council Woman	City of Boca Raton
League of Cities	City of Belle Glade	Steve Wilson, Mayor	David Stewart, Mayor	City of Lantana
SFWMD Governing Board	South Florida Water Management District	Patrick Rooney, Palm Beach County Representative	Chip Merriam, Deputy Executive Director	South Florida Water Management District
Seacoast Utility	Special Independent District Water & Wastewater Providers	Donald Noel	D.Albrey Arrington, Executive Director Loxahatchee River District	Special Independent Districts
Lake Worth Drainage District	Lake Worth Drainage District	James M. Alderman, President	John I. Whitworth, III, Supervisor	Lake Worth Drainage District
Northern Palm Beach County Improvement District	Drainage/Water Control Districts	O'Neal Bardin, Jr. Executive Director	C.Danvers Beatty, Deputy Executive Director	Drainage/Water Control Districts

**B) appoint** the following members to the Water Resources Task Force (WRTF)

SEAT:	REPRESENTING:	APPOINTEE NAME:	ALTERNATE NAME:
Environmental Representative	Environmental	John Flanigan, Esq.	Richard Tomasello, P.E.
Active Farming Agricultural Landowner	Agriculture	Steve Bedner	Ted Winsberg

**SUMMARY:** On October 7, 2008, the Board of County Commissioners adopted Resolution No. R2008-1810 establishing a 14 member Water Resources Task Force to identify and evaluate opportunities and impediments to providing future water supply, conservation, wastewater treatment, and reuse or reclaimed water opportunities that are most efficient and cost effective. At that meeting, the Commission appointed Commissioner Koons to represent Palm Beach County and Northern Water Control District to represent the requisite Drainage/Water Control District representative member. In addition, Mr. Ken Todd, being the Water Resource Manager for Palm Beach County is by Resolution, appointed to the Task Force in an Ex-Officio, non-voting capacity to serve also as the Chair of the Technical/Professional Workgroup. Countywide (JM)

G. **COMMISSION DISTRICT APPOINTMENTS**

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**JANUARY 13, 2009**

**9. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**JANUARY 13, 2009**

**10. COMMISSIONER COMMENTS**

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

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

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

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

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

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

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

**11. ADJOURNMENT**

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

BOARD OF COUNTY COMMISSIONERS  
BOARD MEETING  
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

JANUARY 13, 2009

<u>PAGE</u>	<u>ITEM</u>	
8	3A-7	<p><b><u>REVISED TITLE &amp; SUMMARY:</u></b> <u>Staff recommends motion to approve: A..B)..C)..D)..E) authority for County Administrator to sign all documents associated with this item.</u> <b>SUMMARY:</b> On October 9, 2008, the Section 108 Loan Review Committee..recommended providing a loan through the Palm Beach County Section 108 Program for GG&amp;EC, a full service propane gas, appliance and air conditioning company...The project will create nine (9) full-time equivalent jobs in the next six <del>(6)</del> <b>five (5)</b> years...<u>All documents are subject to such modifications required for consistency with the loan commitment, compliance with HUD's criteria, and to protect the County's interest. District 6 (DW) (Admin/Economic Development)</u></p>
26	3I-2	<p><b><u>REVISED TITLE:</u></b> <u>Staff recommends motion to approve: A) a Conditional Grant Agreement with McCurdy Center Ltd...and B) Approval of the Subordination Agreement. (HCD)</u></p>
30	3L-5	<p><b><u>REVISED TITLE &amp; SUMMARY:</u></b> <u>Staff recommends motion to:</u></p> <p><del>A) approve a Contract with Great Lakes Dredge &amp; Dock Company, LLC in the amount of \$12,223,252.80 for the construction of the Juno Beach Shore Protection 2<sup>nd</sup> Nourishment Project No. 2008ERM06;</del></p> <p><del>AB) approve Grant Agreement No. 08PB1 with the Florida Department of Environmental Protection (FDEP) in the amount of \$5,390,596 for cost-sharing on the Juno Beach Nourishment Project (Project) through March 1, 2010;</del></p> <p><del>BC) approve a Budget Amendment of \$5,390,596 in the Beach Improvement Fund to recognize the revenue from the Agreement;</del></p> <p><del>CD) approve a Budget Transfer of \$1,500,000 in the Beach Improvement Fund from Reserves (\$1,000,000) and Emergency Beach Response (\$500,000) to the Juno Beach Project; and</del></p> <p><del>DE) authorize the County Administrator or his designee to sign all future time extensions, task assignments, certifications and other forms associated with the Grant Agreement, and necessary minor amendments that do not change the scope of work or terms and conditions of the Agreement.</del></p> <p><b>SUMMARY:</b> <del>One (1) bid was received for this Project. Great Lakes Dredge &amp; Dock Company, LLC was a responsive, responsible bidder with 0% Small Business Enterprise (SBE) participation, which does not meet the established 15% goal. This Contract includes offshore dredging and constructed placement of fill along 2.4 miles of publicly accessible beach in Juno Beach and Jupiter. Under the terms of the Grant Agreement, FDEP will reimburse 50% of the non-federal Project costs or up to \$5,390,596. Federal reimbursement of at least \$2,698,461 for Project construction, management and design costs is available through FEMA. The remaining \$2,692,135 is funded from a combination of tourist development taxes, interest and balance forward, and ad valorem funds in the Beach Improvement Fund included in the Transfer and retroactive to January 2006. Staff originally proposed a construction contract for this Project with Great Lakes Dredge &amp; Dock Company, LLC with this board item. Staff have been unsuccessful in receiving all environmental permits necessary for executing a contract and continuing this construction project at this time. It is staff's intent to continue working on the receipt of all necessary permits and rebid the Project for a construction window following turtle nesting season starting November 1, 2009, a 10-month project delay. As we only received one (1) responsive, responsible bid which exceeds the original construction estimate by 24%, staff would expect a more favorable response as we would be able to provide a broader construction window (November to March). (ERM)</del></p>

- 35 3Q-3 **REVISED TITLE & SUMMARY:** ~~Staff recommends motion to approve: the Second Amendment to an Amended and Restated Agreement the Interlocal Agreement (R2008-0088), with the City of Belle Glade (The City) to reduce the amount of funding being provided to the City for programming in FY 2008-2009 by \$44,200, for resulting in a new total not to exceed \$142,800 \$442,800 for the contract period October 1, 2008, to September 30, 2009 to support the build-out of the Youth Empowerment Center, the prevention component of the Youth Violence Prevention Project. SUMMARY: The City previously set aside \$113,000 to pay the Palm Beach County Facilities Development & Operations Department (FDO) to move a donated modular from Palm Beach to Belle Glade. The City recently submitted a site plan which includes a sidewalk, parking lot, lighting, fencing and other enhancements which increased the budget required for the move/installation of the Youth Empowerment Center modular by \$44,200. The City has agreed to transfer these funds back to the CJC so payment can be made for such improvements. The total for the relocation, install and enhancements of the modular is \$157,200. supports the additional request of \$44,200. FDO requires a total of \$157,200 to complete the project as outlined in the revised site plan, with a mid-late March date for occupancy. These funds are included in the FY 2009 approved budget as part of the City's original Interlocal Agreement (R2008-0088), with \$142,800 remaining for program operations. The Criminal Justice Commission (CJC) recommends the use of \$44,200 as recommended by FDO and the City for moving, relocating and enhancing a modular which will be used as the Youth Empowerment Center, located at 227 Southwest 6<sup>th</sup> Street, Belle Glade, Florida. (CJC)~~
- 46 6B-2 **REVISED SUMMARY:** On July 11, 2006, Palm Beach County entered into an Agreement with the Housing Partnership, Inc., wherein the County agreed to purchase 7.29 acres of land located on Davis Road just south of Melaleuca Lane in unincorporated Palm Beach County. According to this Agreement the land was purchased with Community Development Block Grant (CDBG) funds in the name of the Housing Partnership, Inc., who agreed to the eventual transfer of its title to a recipient to be selected by the County. In exchange for the receipt of title to the land, the Community Land Trust of Palm Beach County, Inc., (CLT), has agreed to develop the land for affordable housing. The CLT will select its development team either in accordance with current Palm Beach County Purchasing policies or in accordance with CLT purchasing policies which will receive prior County staff approval. The CLT has agreed to develop the portion of land west of Davis Road (which is the larger of two portions) for the construction of single-family detached and/or attached homes all of which, for a period of 30 years, will be sold to homeowners with incomes at or below 80% of the median income. On the portion of land east of Davis Road, the CLT will construct rental units 51% of which, for a period of five (5) years, will be rented to tenants whose household incomes are also at or below 80% of the median income. The reimbursement to the Housing Partnership, Inc., is for costs incurred in connection with maintaining the property. **These are Federal CDBG funds that require no local match.** District 3 (TKF) (HCD)
- 47 6D-1 **DELETED:** ~~Staff recommends motion to approve: establishing a boat trailer parking fee at the County's five (5) saltwater boat ramps. (Parks) (To allow staff discussion with other boating interests besides Marine Industries as was originally requested by Comm. Marcus. We anticipate bringing this matter back to the Board on February 3, 2009)~~

**REVISED MOTION/TITLE & SUMMARY:****Staff recommends motion to:**

**A) rescind** Board approval of the Resolution and the First Amendment to Governmental Center Lease Agreement as submitted on December 16, 2008 (R2008-2356):

**AB) adopt** a Resolution authorizing an expansion of the building space being leased to LJL Food Management, Inc. d/b/a Tina's Café, extending the term of the Lease and finding that the First Amendment to Governmental Center Lease Agreement with LJL Food Management, Inc. is in the best interest of the County; and

**BC) approve** a First Amendment to Governmental Center Lease Agreement (R2002-0829) with LJL Food Management, Inc. d/b/a Tina's Café, to expand the current leased premises by 1,050 square feet and extend the term of the Lease to a period of ten (10) years, specifying the rental rate.

**SUMMARY:** On December 16, 2008, the Board approved allowing Tina's Café to expand into the adjacent 1,050 square feet of space previously occupied by Channel 20. This item rescinds approval of the prior First Amendment and replaces it. This new First Amendment extends the term of the Lease to a total of ten (10) years. The current term of the Lease expires August 31, 2011, and this Amendment extends the term until January 31, 2018~~9~~. The current annual rent is \$23,702.~~64~~ (\$15.76/sf) and increases annually by four percent (4%). With the inclusion of the additional space, rent will increase to \$40,250.~~64~~1.04. Tina's Café has requested that the annual rent be reduced by \$3.256/sf to \$12.540/sf, for a total annual rent of \$31,950.~~54~~25 and that annual increases be reduced to 2.5%. While operating statements submitted by Tina's Café indicate that the owners have been losing money on the operation of their business, Staff cannot recommend a rental reduction. This Lease was procured through an RFP process, and general procurement policy would normally require a new competitive process be conducted to make such material changes to the terms of a competitively bid agreement. (FDO)

**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 (\*).