

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

**FEBRUARY 24, 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 6 - 33)**
  
- 4. PUBLIC HEARINGS - 9:30 A.M. (Page 34)**
  
- 5. REGULAR AGENDA (Pages 35 - 37)**  
**TIME CERTAIN – 10:00 A.M. (Scripps Florida Progress) (Page 35)**  
**TIME CERTAIN – 10:15 A.M. (Debt Review) (Page 35)**  
**TIME CERTAIN – 10:30 A.M. (U.S. Interagency Council on Homelessness) (Page 35)**
  
- 6. BOARD APPOINTMENTS (Pages 38 - 40)**
  
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- 8. COMMISSIONER COMMENTS (Page 42)**
  
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to:

**A) approve** a Section 108 Loan Program Agreement between Palm Beach County (PBC) and Glades Gas & Electric Corporation (GG&EC); and

**B) authorize** the County Administrator or his designee to sign all documents associated with this item.

**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 both a \$199,000 HUD Section 108 loan and a \$99,258 HUD BEDI grant through the Palm Beach County Section 108 Program for GG&EC, a family business established in 1929. GC&EC is a full service propane gas, appliance, and air conditioning company located at 5 Southwest Avenue A, Belle Glade. 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 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. The Board of County Commissioners approved the \$199,000 Section 108 funds on January 13, 2009 (Documents R2009-0029 and R2009-0030). The closing of the loan occurred on February 11, 2009. 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 five (5) 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. **These are Federal funds that require no local match.** District 6 (DW)

2. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, requesting that the State of Florida Fish and Wildlife Conservation Commission adopt additional speed restrictions in Little Lake Worth. **SUMMARY:** At the request of Commissioner Karen T. Marcus, the Board directed staff to draft this Resolution. The Resolution requests that the Florida Fish and Wildlife Conservation Commission adopt additional speed restrictions in Little Lake Worth to address the threat to public safety caused by speeding vessels in the area. District 1 (SF)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

3. Staff recommends motion to:

**A) receive and file** the U.S. Department of Housing and Urban Development (HUD) Letter of Approval for the Section 108 Loan funds in the amount of \$13,340,000;

**B) adopt** a Resolution authorizing the submittal of a \$13,340,000 Section 108 Federal Loan Application to HUD;

**C) approve** a Budget Amendment of \$13,340,000 in the Economic Development Fund to appropriate the loan and recognize the revenue; and

**D) authorize** the County Administrator or his designee to sign all documents related to the loan application.

**SUMMARY:** The Palm Beach County Section 108 Program was developed to create a source of loan funding for use by businesses, investors, community and non-profit organizations, and economic development organizations to implement business ventures that will create new jobs and help revitalize communities. On September 30, 2008, the HUD Section 108 appropriation account ended after five (5) years of availability. On June 2, 2008, the Palm Beach County Housing and Community Development (HCD) submitted a request for a program extension and for funds in the amount of \$12,000,000. On January 14, 2009, HCD submitted a letter to HUD requesting to correct the amount of the available balance of the previous appropriation to \$13,340,000. On January 30, 2009, HUD submitted a Letter of Approval for a \$13,340,000 loan fund, for a period of five (5) years, which is to expire on September 30, 2014. **No County funds will be pledged to complete any project funded by a Section 108 loan. These are Federal funds that do not require local match.**  
Countywide (DW)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

4. Staff recommends motion to:

**A) approve** a Loan Agreement between the U.S. Department of Housing and Urban Development (HUD) and Palm Beach County (PBC) in the amount of \$1,000,000, contingent upon approval of a new loan pool from HUD;

**B) approve** a Loan and Security Agreement between PBC and The Baron Group, Inc. ("The Baron Group") in the amount of \$1,000,000 under the Palm Beach County Section 108 Loan Program, contingent upon the approval of a new loan pool from HUD;

**C) approve** a partial release of mortgage for Thirteenth Street Industrial Park, Inc., contingent upon the approval of a new loan pool from HUD; and

**D) authorize** the County Administrator or his designee to sign all documents associated with this item.

**SUMMARY:** On November 3, 2008, the Section 108 Loan Review Committee (LRC) made up of representatives from the Economic Development Office, Housing and Community Development and Office of Financial Management & Budget, recommended providing a loan under the Palm Beach County Section 108 Loan Program for The Baron Group, a sign manufacturing company. The total project investment is \$2,513,085, which includes \$500,000 from First National City Bank or its Successor, \$1,000,000 from the County's Section 108 Loan Program, and \$1,013,085 from owners' equity. Of the \$1,000,000 of Section 108 funds, \$212,600 will be for fixed assets and \$787,400 for working capital, which is within the County's criteria. The loan amount per job is \$30,303, which is within the HUD criteria. This expansion project includes the creation of 33 full-time equivalent new jobs in the next four (4) years, which is within the County's Section 108 Loan Program criteria. The Baron Group has been in operation for 25 years and it is in good financial condition and has the stability to support additional loans. The interest rates on the loans for both working capital and fixed assets will be the 3-month London Inter Bank Offered Rate (LIBOR) at the time of closing (as of February 9, 2009, LIBOR was 1.240%) plus one percent (1%), for a term of ten (10) years each. On May 4, 2004, the Board of County Commissioners approved a Loan Agreement (R2004-0844) with Thirteenth Street Industrial Park, Inc. (TSIP) in the amount of \$1,660,000. The loan securities include a lien on a 2.04 acre parcel next to the building (Parcel No. 2), which is owned by The Baron Group and its real estate affiliate, TSIP. County staff recommends releasing Parcel No. 2 from TSIP's Section 108 lien to allow The Baron Group and its real estate affiliate, TSIP, to sell the land, after receiving evidence that First National City Bank or its successor has also agreed. Palm Beach County will also require that The Baron Group, its stockholders and its real estate affiliate agree that any proceeds from the sale of Parcel No. 2 shall be injected as working capital into the business and that an addition be constructed at the present facility. After the sale of the land, the collateral coverage ratio will be 3.6, which is above the industry coverage. These are Federal funds that require no local match. Closing is planned to occur after February 24, 2009 and it is contingent upon release of funds by HUD. All documents are subject to such modification required for consistency with the loan commitment, compliance with HUD's Criteria and to protect the County's interest. District 7 (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>
Zoning	September 29, 2008
Regular	December 2, 2008
Zoning	December 4, 2008
Regular	December 16, 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

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** an Interlocal Agreement with the Indian Trail Improvement District (ITID) regarding the acceptance of all ITID imposed conditions associated with Special Permit (Permit), including a one-time payment of \$490,000 to ITID to offset the impacts of the Project on ITID maintained roadways, for the construction of the roadway connections and traffic calming devices for the Reliever Road from Okeechobee Boulevard to Persimmon Boulevard (Project). **SUMMARY:** Approval of this Agreement will accept the Permit conditions, allow dismissal of the lawsuit filed against ITID due to failure to render a decision to issue a Permit for the Project, and will authorize payment of \$490,000 to ITID to offset the impacts of construction of the Project on ITID maintained roadways and will enable County to construct six (6) traffic calming devices on ITID maintained roadways. District 6 (MRE)
2. **Staff recommends motion to approve:** the renewal of the Civil Engineering Annual Agreement with Corzo Castella Carballo Thompson Salman, P.A. The original agreement was dated February 27, 2007 (R2007-0248). **SUMMARY:** Approval of this Renewal Agreement will extend for one (1) year, required professional services on a task order basis. Countywide (PK)
3. **Staff recommends motion to approve:**
  - A) a Budget Transfer of \$25,000 in the Transportation Improvement Fund from Reserve for District 5 to Palmetto Park Road and Cartagena Drive – District 5; and
  - B) a Budget Amendment of \$5,000 in the Transportation Improvement Fund to recognize a contribution from the Boca Grande Homeowners Association for Palmetto Park Road and Cartagena Drive – District 5.

**SUMMARY:** Approval of the Budget Transfer and Amendment will provide funds to our Road and Bridge Division to construct a right turn lane on Palmetto Park Road at Cartagena Drive. District 5 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

4. Staff recommends motion to approve: a Contract with Budget Construction Company, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$232,956.50 for the construction of Southwest 9<sup>th</sup> Avenue improvements, Project No. 2008060 (Project). **SUMMARY:** The Project consists of reconstructing approximately 630 ft. of Southwest 9<sup>th</sup> Avenue in South Bay, from the southern terminus to Southwest 1<sup>st</sup> Street. This Project was initiated by the Housing and Community Development (HCD) for the City of South Bay. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the Project by the Contractor is 23% overall. District 6 (MRE)
  
5. Staff recommends motion to approve: an Amendment to the Annual Open Graded Asphalt Pavement Contract (Contract), Project No. 2007054, R2007-0735, dated May 15, 2007, and extended by R2008-1411, dated September 9, 2008, with Florida Highway Products, Inc., to increase the amount of the Contract. **SUMMARY:** The Contract, approved on May 15, 2007, was extended on September 9, 2008 with no increase to the original \$100,000 budget. Approval of this Amendment will increase the contract budget by \$400,000, to a total budget of \$500,000, for the remaining contract period through September 30, 2009. The Small Business Enterprise (SBE) goal for the project was 15%. The SBE participation committed for the project by Florida Highway Products, Inc. was 8.42% overall. Countywide (MRE)
  
6. Staff recommends motion to approve:  

**A)** a Contract with American Engineering & Development Corp., the lowest responsive, responsible bidder in the amount of \$5,640,527.74 for the widening of Lyons Road, from Glades Road to Yamato Road to a six lane facility (Project); and

**B)** a Budget Amendment of \$68,320 in the Road Impact Fee Fund – Zone 5 to recognize utility relocation reimbursement funding from CATV-\$4,970; AT&T-\$45,170 and FPL Fibernet-\$18,180 and appropriate it to Lyons Road from Glades Road to Yamato Road.

**SUMMARY:** Approval of this Contract will allow Palm Beach County to issue a Notice to Proceed to begin construction of the Project. The Small Business Enterprise (SBE) goal for the Project is 15% overall. The SBE participation committed to for the Project by American Engineering & Development Corp. is 15%. The time limit for the completion of all work under this contract shall be no more than 365 calendar days. District 5 (MRE)
  
7. **DELETED**
  
8. **DELETED**
  
9. Staff recommends motion to approve: the renewal of the Intersection Improvement Annual Agreement with Arcadis U.S., Inc. The original Agreement was dated March 11, 2008 (R2008-0305). **SUMMARY:** Approval of this Renewal Agreement will extend for one (1) year, required professional services on a task order basis. Countywide (PK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

10. Staff recommends motion to approve: three (3) County deeds conveying a drainage easement, a drainage/flowage easement and temporary construction easement (Easements) to the State of Florida, Department of Transportation (FDOT). **SUMMARY:** Approval of this action will approve the conveyance of three (3) easements over property owned by the Palm Beach County Health Care District (Health Care District) to the FDOT. The easements were conveyed to Palm Beach County by the Health Care District to satisfy a zoning condition, R2007-1030 for the construction of the Glades Regional Hospital and related improvements. District 6 (PK)
  
11. Staff recommends motion to approve: a Budget Transfer of \$6,000 in the Transportation Improvement Fund from Reserve for District 5 to Judge Winikoff Road Name Change – District 5. **SUMMARY:** Approval of the Budget Transfer will provide funds to have our Traffic Division manufacture and install replacement signs for the renaming of Oriole Country Road to Judge Winikoff Road. District 5 (MRE)
  
12. Staff recommends motion to approve: a Contract with H & J Contracting, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$856,753.82 for the construction of Stacy Street improvements, Project No. 2008904 (Project). **SUMMARY:** The Project consists of reconstructing approximately 2100 linear feet of the existing Stacy Street along with the addition of a right-hand turn lane, north approach, on Haverhill Road. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the project by the Contractor is 15.36% overall. District 2 (MRE)
  
13. Staff recommends motion to approve: the renewal of the Civil Engineering Annual Agreements with Keshavarz & Associates, Inc., whose original Agreement was dated April 10, 2007 (R2007-0460), and Last Devenport, Inc., whose original Agreement was dated April 10, 2007 (R2007-0461). **SUMMARY:** Approval of these renewal agreements will extend for one (1) year, required professional services on a task order basis. Countywide (PK)
  
14. Staff recommends motion to approve: the renewal of the Municipal Service Taxing Unit Districts "A through E" Services Annual Agreement with Civil Design, Inc. The original Agreement was dated April 10, 2007 (R2007-0462). **SUMMARY:** Approval of this Renewal Agreement will extend for one (1) year, required professional services on a task order basis. Countywide (PK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** Payment of Invoice No. 3 in the amount of \$360.73 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 December 1-31, 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. On January 13, 2009, the Board of County Commissioners approved payment of Invoice No. 2 in the amount of \$1,250.27. Approval of this item will bring the total to date to \$2,299.96. This item requests approval of the Nabors, Giblin & Nickerson invoice, which is the third invoice for professional services rendered. Subsequent invoices will be submitted for approval as they are received. Countywide (DMN)
  
2. **Staff recommends motion to approve:** an Engagement Letter for Auditor Services (the "Engagement Letter") to be performed for the Housing Finance Authority of Palm Beach County, Florida (the "Authority") by Caler, Donten, Levine, Porter & Veil, P.A. (the "Auditor"), which provides that the Auditor will perform an audit of the Authority's basic financial statements for the year ending September 30, 2008 and will audit each of the Authority's single family mortgage revenues bond issues and multifamily mortgage revenue bond issues outstanding during the year ended September 30, 2008. The Engagement Letter also establishes the fee arrangement between the parties with respect to such services. The approval of the Engagement Letter is required by Ordinance 2002-22 (the "Ordinance"). **SUMMARY:** The Authority has retained the Auditor to perform general auditing services in connection with its basic financial statements and bond issues. Compensation to the Auditor under the Engagement Letter will be in excess of \$10,000. The Engagement Letter has been reviewed and approved by the Authority and its general counsel. Pursuant to the Ordinance "all contracts of the Authority for the purchase of goods and services in excess of \$10,000 shall be submitted to and approved, in each instance, by the Board of County Commissioners. . . ." Countywide (PFK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

3. Staff recommends motion to approve:

A) Settlement Agreement authorizing the payment of \$5,000 and return of \$202,000 deposit, in exchange for dismissal of pending lawsuit in the case of Centennial Real Estate Investors L.L.C-1 v. Palm Beach County et. al., Case No. 50-2006CA 010604XXXXMB, and a release signed by Plaintiffs; and

B) execution of a release by Palm Beach County.

**SUMMARY:** In 2005, the County issued a request for proposals (RFP) for the potential sale and purchase of an approximately nine (9) acre parcel formerly used by the Water Utilities Department commonly known as the Pike Utility property. Centennial submitted a proposal to purchase the property for \$2,020,000, less the cost of environmental remediation. PREM was unable to recommend acceptance of Centennial's proposal, because of the un-quantified contingency regarding remediation. Centennial filed a lawsuit, seeking a writ of mandamus and injunctive relief that the County and PREM Director Ross Hering be ordered to award the purchase contract to Centennial as highest bidder. The County has negotiated with Centennial, and recommends that the settlement agreement which provides for dismissal with prejudice of the lawsuit in exchange for a return of the \$202,000 deposit and a one-time payment of \$5,000 as well as the execution of mutual releases. District 6 (ATP)

4. Staff recommends motion to approve: Amendment No. 3 to the Agreement (R2008-1852) with the law firm of Greenberg Traurig, P.A., to provide bond counsel and related legal services for the not to exceed \$62 Million Public Improvement Revenue Bonds, Series 2009 (Water & Sewer Revenue Bonds Project) (the "Bonds"). **SUMMARY:** The law firm was selected as bond counsel for the Bonds by the Board at the October 21, 2008 meeting. This Amendment No. 3 amends the existing Agreement for bond counsel and related services between the County and the law firm to provide for a bond counsel fee of \$1.30 per bond, on a non-graduated basis. Countywide (PFK)

5. Staff recommends motion to receive and file: the official transcript for the closing of the \$75,000,000 Revenue and Refunding Revenue bonds (Pine Crest Preparatory School, Inc. Project) Series 2008, as authorized by Resolution R2008-1240 adopted on July 8, 2008. **SUMMARY:** The closing occurred August 1, 2008. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. District 4 (PFK)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: Budget Amendment of \$4,503,903 in the Low Income Home Energy Assistance Program (LIHEAP) Fund. **SUMMARY:** LIHEAP funding of \$4,503,903 will enable PBC Community Services Department to provide utility assistance and prevent utility disconnection for approximately 10,950 low-income households in Palm Beach County. The FY 2009-2010 contract, signed by the State on January 5, 2009, represents a significant increase (380%) in federal funding for LIHEAP between FY 2008 and FY 2009. This Budget Amendment incorporates the new funding into the County's budget. (Community Action Program) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to approve: Amendment No. 003 to Consulting/Professional Services Contract with Caregiver Services, Inc., d/b/a Friends Assisting Seniors & Families (R2007-0931), for the period of April 1, 2008, through April 30, 2009, increasing the contract amount by \$62,150, for a total not-to-exceed amount of \$124,300. **SUMMARY:** This Amendment increases the contract amount and allows the Division of Senior Services (DOSS) to provide additional Licensed Practical Nurse (LPN) and Home Health Aide (HHA) on call services on an as-needed basis at the Mid-County Adult Day Care and the North County Adult Day Care. These services are needed to meet the Area Agency on Aging (AAA) and the Florida Department of Elder Affairs (DOEA) guidelines. Funding consists of \$55,935 (90%) in Federal and State funds and \$6,215 in County matching funds. All funds are in the County budget. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)
  
3. Staff recommends motion to approve: Contract with Governor's Council for Community Health Partnerships for the period of March 1, 2009, through September 30, 2009, in an amount not to exceed \$513,000, for Summer Camp Scholarships. **SUMMARY:** The Summer Camp Scholarship Program pays full tuition and associated fees for eligible children to attend day camp during the summer months. Palm Beach County Board of County Commissioners allocates \$513,000 to fund summer camp scholarships for eligible children. Governor's Council for Community Health Partnerships (GCCHP) receives these funds, matched by \$513,000 from Children Services Council in addition to other grants and donations. Combined, these funds result in the ability to provide 2,200 scholarships to Palm Beach County children to attend over 100 camps. GCCHP processes payments to the specific Summer Camp providers based on invoices from PBC Division of Human Services. GCCHP maintains financial records & reports of payments and receipts for Summer Camp funding. GCCHP does not charge fees or indirect costs for these services. (Human Services) Countywide (TKF)
  
4. Staff recommends motion to approve: Amendment No. 001 to Standard Agreement No. IR008-9500 (R2008-1437) for the Respite for Elders Living in Everyday Families (RELIEF) Program with the Area Agency on Aging (AAA) of Palm Beach/Treasure Coast, Inc. for the period July 1, 2008, through June 30, 2009, increasing the agreement amount by \$50,608.63 for a new total not-to-exceed the amount of \$101,217.25. **SUMMARY:** This Amendment will increase the RELIEF/In-Home Respite Program by \$50,608.63, and provide for 6,981 additional units at a unit rate of \$7.25. (DOSS) Countywide (TKF)
  
5. **Staff recommends motion to approve:** Supplemental funding request to Office of Head Start, for the period October 28, 2008, through October 31, 2008, in an amount of \$2,500, for cost incurred for staff attendance at the Dual Language Institute. **SUMMARY:** On September 23, 2008, the Office of Head Start issued Information Memorandum ACF-IM-HS-08-17 offering funding support of \$2,500 towards expenses related to attending the conference the Dual language Institute held October 2, 2008, through October 31, 2008. Four (4) staff attended the conference at a total cost of \$5,462.81. This supplemental application requests \$2,500 towards the actual costs for attending the Institute. No County funds are required. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

6. **Staff recommends motion to approve:** Third Party Sponsored Billing Contract with Palm Beach Community College (PBCC), for the period of January 1, 2009, through August 31, 2010, in an amount of \$77,716, for services towards the furtherance of teacher education. **SUMMARY:** Palm Beach County Head Start received a competitive Training and Technical Assistance Grant from the Department of Health and Human Services towards the furtherance of teacher education. This grant targeted Head Start teaching staff apprehensive about the college experience and thus a special program was developed by PBCC and Head Start to help them overcome their fears and give them the confidence to enroll in a degree-seeking program. A Third Party Sponsored Billing Contract with PBCC is required for effective implementation. PBCC will bill Head Start at a flat rate of \$235 per course/student. To ensure effectiveness, classes will be taught in a cluster format and Head Start will pay for all costs associated with courses to include tuition, applications and fees and books. The funds to support this project is included in the Carry Over Balance application approved by the BCC on February 3, 2009 (R2009-0197) and submitted to the Region IV Office of Head Start, which has indicated it will be approved. The required 20% match is included in this year's budget. (Head Start) Countywide (TKF)
  
7. **Staff recommends motion to approve:** Minority AIDS Initiative (MAI) continuation grant, with the Department of Health and Human Services Health Resources and Services Administration (HRSA), for the period August 1, 2009, through July 31, 2010, in the amount of \$565,076. **SUMMARY:** The 2009 MAI grant will provide enhanced and increased core medical services to targeted areas throughout Palm Beach County. Funding is provided by HRSA and no County funds are required. (Ryan White) Countywide (TKF)

F. AIRPORTS

1. **Staff recommends motion to approve:** Option Contract for Ground Lease (Option Contract) with A.E.C.O.A., Inc. (AECO), for the option to lease approximately 7283 square feet of ground area at the Palm Beach County Park Airport (Lantana Airport) in consideration of AECO's agreement to construct four (4) aircraft storage hangars. **SUMMARY:** The County and Florida Airmotive, Inc. entered into a Lease Agreement dated May 13, 1986 (R86-712) (FAM Lease) for fixed base operator services at the Lantana Airport, which will expire March 31, 2014. AECO has proposed constructing four aircraft storage hangars on the Lantana Airport. AECO has leased the property necessary to construct the hangars from Florida Airmotive; however, AECO has also requested the option to continue to lease the property from the County upon the expiration of the FAM Lease. The Option Contract provides AECO with the option to lease the property from the County directly upon the expiration of the FAM Lease provided that AECO satisfies the terms and conditions of the Option Contract, which include completion of construction of the hangars. The Option Contract establishes the form of the ground lease agreement (AECO Lease) for the lease of the property to AECO. If AECO exercises its option to lease, the AECO Lease will expire on March 31, 2029 and AECO would have one (1) – five (5) year option to renew. Rental for the AECO Lease will be determined by appraisal prior to the effective date of the AECO Lease. Countywide (JMB)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. Staff recommends motion to approve: Advertising Concession Agreement (Agreement) with In-Ter-Space Services, Inc., d/b/a Clear Channel Interspace Airports (CCIA), commencing on April 1, 2009 for an initial five (5) year term, with an initial minimum annual guarantee of \$350,000. **SUMMARY:** On September 3, 2008, the Department of Airports issued Request for Proposals PB-08-10 (RFP) for the advertising concession at the Palm Beach International Airport (PBIA). Three (3) proposals were submitted in response to the RFP. After reviewing the proposals and hearing oral presentations by the respondents, the selection committee unanimously recommended awarding the advertising concession agreement to CCIA. The Agreement provides for payment of an initial minimum annual guarantee (MAG) of \$350,000 or a percentage fee equal to the sum of 60% of annual gross revenues for static advertising displays and 50% of annual gross revenues for technology advertising displays, whichever is greater. The MAG adjusts annually based on the greater of the preceding year's MAG or 90% of the preceding year's percentage fee. CCIA is required to invest a minimum of \$662,000 to update the advertising displays at PBIA during the initial term. The Agreement provides for a five (5) year renewal term at the County's option, subject to an additional capital investment of \$150,000. The Agreement also establishes advertising guidelines prohibiting the display of certain types of advertisements to encourage high quality advertising at PBIA. Prohibited advertisements include advertisements promoting alcohol, tobacco and adult entertainment establishments. There are advertising contracts for advertisements that are inconsistent with the new advertising guidelines, which pre-date the new Agreement. The advertising contracts are scheduled to expire near the end of 2009 and may not be renewed by CCIA pursuant to the Agreement. The advertising guidelines may be updated from time to time by the Department. Countywide (JMB)
  
3. **DELETED**
  
4. Staff recommends motion to approve: Third Amendment to Lease Agreement with Galaxy Aviation of Palm Beach, Inc. (Amendment), providing for the lease of approximately 72,699 square feet of additional unimproved ground for an initial annual rental of \$47,254.35. **SUMMARY:** Galaxy Aviation of Palm Beach, Inc. (Galaxy) provides fixed-based operator services for general aviation aircraft at the Palm Beach International Airport (PBIA), pursuant to a Lease Agreement dated October 18, 2000 (R-2000-1067). Galaxy recently constructed two (2) additional hangars on PBIA and has requested the lease of additional property for the construction of additional aircraft parking apron and a paved access road to the public airfield facilities. The term of the lease of additional property will commence on March 1, 2009 and end on February 28, 2010. This Amendment provides for automatic renewal for two (2) additional terms of one (1) year each. Countywide (JMB)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

5. Staff recommends motion to approve:

**A)** Amendment No. 5 to the General Consulting Agreement with The LPA Group, Incorporated for consulting/professional services in the amount of \$1,210,978 for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program; and

**B)** Budget Transfer of \$1,019,458 in the Airports Improvement and Development Fund for consulting/professional services, including a transfer from Reserves.

**SUMMARY:** The Consulting Agreement (R2006-2418) with The LPA Group, Incorporated for general airport planning and design was approved on November 21, 2006 in the amount of \$1,420,544 in order to carry out the approved Capital Improvement Programs for the County's Airports. The agreement is for two (2) years with two (2) - one (1) year renewal options. Amendments 1-4 were approved for a net increase in the amount of \$3,956,731.50. Amendment No. 4 approved by the BCC on October 21, 2008 (R2008-1847) exercised the first one (1) year renewal option. Approval of Amendment No. 5 in the amount of \$1,210,978 will provide funds to complete the following tasks and services: Task I Services – Palm Beach International Airport (PBIA) – Air Cargo Ramp expansion; North Palm Beach County General Aviation Airport (F45) – Hangars E & F construction services; PBIA Apron A & utilities construction services; PBIA – Federal Inspection Services (FIS) expansion; Palm Beach County Park Airport (LNA) – West Access Road additional utility design; PBIA – Airport Lighting Control and Monitoring System, F45–Entrance Road; PBIA – Main Terminal water intrusion; PBIA – Apron A design additional services; and PBIA – Taxiway L extension scope modification; Task III Services – staff extension and miscellaneous planning, engineering and construction services. Certain tasks performed during the term of this Amendment may be eligible for State and Federal grant participation. The Disadvantaged Business Enterprise (DBE) participation for this Amendment is 27.97%. The total DBE contract goal including all amendments is 19.76%. Countywide (JCM)

3. **CONSENT AGENDA APPROVAL**

F. **AIRPORTS (Cont'd)**

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

**A)** Agreement to Terminate Hangar Lease Agreement with Coastal Equipment, Inc., Unit 5, Building 11750 at North County Airport, terminating R2008-0805 on November 15, 2008 (JB);

**B)** North County General Aviation Airport Hangar Lease Agreement with Michael Jennette, Unit 5, Building 11220, for one (1) year, automatically renewed at one (1) year intervals, commencing on January 23, 2009 (JB);

**C)** North County General Aviation Airport Hangar Lease Agreement with James M. Roswell, Unit 1, Building 11240, for one (1) year, automatically renewed at one (1) year intervals, commencing on January 10, 2009 (JB);

**D)** License Agreement with Jet Aviation Associates Ltd. to use Airport Property exclusively for temporary parking of operable vehicles, commencing January 22, 2009 at 5:00 a.m., expiring January 22, 2009 at 11:59 p.m. (JB);

**E)** License Agreement with The Lightship Group to use property at Palm Beach County Park Airport exclusively for mooring one (1) blimp airship and parking not more than three (3) Airport-approved trailers and associated tow vehicles to support the Registered Aircraft operations, commencing January 7, 2009, expiring December 31, 2009 (JB);

**F)** License Agreement with Vanguard Car Rental USA, Inc. to use Airport Property exclusively for parking of vehicles, commencing December 1, 2008, expiring May 15, 2009 (JB);

**G)** First Amendment to Memorandum of Understanding for Lease of Property (R2008-0961) with Palm Beach County Facilities Development and Operations Department (FD&O) to release FD&O from obligation to provide maintenance and security of a portion of the property known as "Building 504" (JB); and

**H)** Federal Aviation Administration Agreement for Transfer of Entitlements from North Palm Beach County General Aviation Airport to Palm Beach County Park Airport (AH).

**SUMMARY:** Delegation of authority for execution of the standard County agreements above was approved by the BCC in R2004-1367, R2006-2086, R2007-2070 and R2008-1845. Countywide

G. **OFFICE OF FINANCIAL MANAGEMENT & BUDGET**

1. **Staff recommends motion to approve:** an Agreement with 1950 Congress Avenue, LLC, WR 1 LLC, WR 2 LLC, South Florida Devco, Inc. (hereinafter Boynton Town Center Developers) for Special Allocation of Road Impact Fee Credits in accordance with Article 13.A.11.A.10, of the Unified Land Development Code. **SUMMARY:** Special allocations of credits require the approval of the Board of County Commissioners. Boynton Town Center Developers' road impact fee credits totaled \$7,690,426.50 as of December 17, 2008. Boynton Town Center Developers has petitioned the County to approve a special allocation of those credits. The credits will be used for parcels assigned and granted the rights to the credits by Boynton Town Center Developers. Boynton Town Center Developers has provided the required notice to owners of undeveloped land within the affected parcels. No objections to the allocation of credits have been received by the County. Boynton Town Center Developers has also provided for the indemnification of the County as required by Article 13.A.11.A.10. District 3 (LB)

3. CONSENT AGENDA APPROVAL

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

2. **Staff recommends motion to approve:** the recording of the FY 2008 retirements of tangible personal property (equipment, vehicles, and publications) in the official minutes of the Board of County Commissioners' meeting as prescribed by Florida Statutes, Chapter 274. **SUMMARY:** Florida Statutes, Chapter 274 and the Palm Beach County "Surplus Property Ordinance" require the recording of the disposal (retirement) of tangible personal property from the official records of Palm Beach County at historical value. Disposal, retirement, and reconciliation adjustments total \$38,165,853.35, which includes 313 items unaccounted for but not disposed of in fiscal year 2008, in the amount of \$844,895.60 (depreciated value of \$80,761.97). Approval of this agenda item allows for Palm Beach County to meet required legal obligations. Countywide (PK)
  
3. **Staff recommends motion to approve:** Amendment No. 2 to the Contract for external auditing services with McGladrey & Pullen, LLP (R2006-1183), exercising the renewal option for two (2) years, which extends the Contract to April 30, 2011 in an amount not to exceed \$741,000 for the first year and \$778,000 for the second year. **SUMMARY:** On June 20, 2006 (R2006-1183), the Board entered into a Contract with McGladrey & Pullen, LLP to provide audit services to Palm Beach County, as well as the Constitutional Officers of the County. The Contract was for a three (3) year period ending with the 2008 audit plus options for four (4) additional years. All work performed under the initial term of the Contract was performed in a satisfactory manner and staff is recommending the Board extend the Contract period two (2) years. McGladrey & Pullen, LLP has committed to an SBE participation level of 25% for the term of the Contract extension, the same as achieved in the initial term. McGladrey & Pullen met their goal during the original Contract period with 25% participation. The cost of the extension will be \$741,000 for FY 2009 and \$778,000 for FY 2010. This represents a decrease of 2 ½% from the current audit fee in the first year. Countywide (PFK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** a First Amendment to the Interlocal Agreement (R2005-0099) with the Health Care District (District) of Palm Beach County. **SUMMARY:** The Agreement which provides the terms and conditions under which the County provides comprehensive fleet and fuel management services to the District will expire on July 8, 2009. The Agreement provides for one (1) - five (5) year renewal but renewals require approval by both parties. The District has approved a renewal to extend the term of the Agreement through July 7, 2014. The renewal now requires Board approval. The County does not require any additional staffing and/or equipment to extend this Agreement, and as such, this Agreement will result in increased revenues to Fleet Management. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve: Amendment No. 1 to the Contract with Catalfumo Construction Ltd. (R2007-1217) in the amount of \$9,391,656.50 for construction management services for the Operations & Support Center (OSC) Warehouse and Storage Buildings. **SUMMARY:** Amendment No. 1 will provide for a Guaranteed Maximum Price (GMP) for the construction of the Warehouse Building and Storage Building, the final industrial use building to be relocated from Belvedere Road to the Operations & Support Center; and completing the implementation of the County's long term master plan for industrial facilities. The relocating will significantly increase the day to day operating efficiency of these users as well as the other departments already relocated to OSC. In addition, the Exchange Agreement between Department of Airports and Facilities Development & Operations requires the current buildings to be vacated or begin paying rent – so delay is not financially effective. Project funding is from the Public Building Bond Fund. The SBE goal for this project is 15%. Catalfumo Construction will be providing 20.3% SBE participation in this Amendment. The duration of this work is 325 calendar days. (Capital Improvements Division) Countywide (JM)
  
3. Staff recommends motion to approve: Consultant Services Authorization No. 2 to Architectural Continuing Services Contract with MPA Architects, Inc. (R2007-0394) in the amount of \$199,811 for architectural, engineering and construction administration services for Fire Station No. 31 replacement. **SUMMARY:** The project involves architectural, engineering, landscape and irrigation design, and construction administration services for the replacement of the existing fire station on Lake Worth Road. The estimated construction cost is \$2,000,000. Design of this project is being funded from ad valorem taxes through the Fire Rescue MSTU. The SBE participation for this work is 69%. When added to the Consultant's participation to date, the resulting SBE participation is 76%. The consultant's goal is 80%. The goal was not reached as 10% of the work is for a Leadership in Energy and Environmental Design (LEED) certified subconsultant who was not a part of the consultant's original team at the time of selection. (Capital Improvements Division) District 3 (JM)
  
4. Staff recommends motion to approve: Amendment No. 1 to the annual Contract (R2007-0392) with Colome & Associates, Inc., for architectural services on a continuing contract basis. **SUMMARY:** Colome & Associates, Inc. was selected to provide architectural services for capital improvement projects generally with a construction value less than \$3,000,000. The Board approved an annual Contract on March 23, 2007. The original Contract provided for an initial two (2) year term with two (2) – one (1) year renewal options. Amendment No. 1 would provide for services during the first renewal period. Colome & Associates, Inc. has an SBE/M/WBE participation goal of 70%. During the first year of the Contract, Colome & Associates, Inc. has achieved 74% participation. (Capital Improvements Division) Countywide (JM)
  
5. Staff recommends motion to approve: Amendment No. 1 to the annual Contract (R2007-0393) with Saltz Michelson Architects, Inc., for architectural services on a continuing contract basis. **SUMMARY:** Saltz Michelson Architects, Inc. was selected to provide architectural services for capital improvement projects generally with a construction value less than \$3,000,000. The Board approved an annual Contract on March 23, 2007. The original Contract provided for an initial two (2) year term with two (2) – one (1) year renewal options. Amendment No. 1 would provide for services during the first renewal period. Saltz Michelson Architects, Inc. has an SBE/M/WBE participation goal of 23%. During the first year of the Contract, Saltz Michelson Architects, Inc. has achieved 27% participation. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. **Staff recommends motion to approve:** Amendment No. 1 to the annual Contract (R2007-0394) with MPA Architects, Inc., for architectural services on a continuing contract basis. **SUMMARY:** MPA Architects, Inc. was selected to provide architectural services for capital improvement projects generally with a construction value less than \$3,000,000. The Board approved an annual Contract on March 13, 2007. The original Contract provided for an initial two (2) year term with two (2) – one (1) year renewal options. Amendment No. 1 would provide for services during the first renewal period. MPA Architects, Inc. has an SBE/M/WBE participation goal of 80%. During the first year of the Contract, MPA Architects, Inc. has achieved 73.1% participation. (Capital Improvements Division) Countywide (JM)
  
7. **Staff recommends motion to approve:** Contract with Lucas Marine Construction, LLC, in the amount of \$7,010,000 for the construction of the South Lake Worth Inlet projects. **SUMMARY:** This Contract will provide for the renewal/replacement of the sand transfer plant, the north and south jetties, and the Bird Island seawall at the South Lake Worth Inlet. Each of the three (3) elements of the project: 1) the transfer plant, 2) north and south jetties, and 3) the Bird Island seawall — exist in a physically harsh and corrosive environment, are in bad condition and require replacement. The original sand transfer plant was built in 1937 and rebuilt in 1967. The transfer plant dredges sand that accumulates against the north jetty and pumps it to the beach south of the inlet. It is structurally unsound and mechanically inefficient. The jetty concrete pilings and the seawall sheet pilings are beginning to fail. Project funding includes a combination of a Florida Department of Environmental Protection grant, ad valorem, and South Lake Worth Inlet District funds. The SBE goal for this project is 15%. Lucas Marine bid includes participation of 22.29%. The Contract time is 731 calendar days to substantial completion. (Capital Improvements Division) District 5 (JM)
  
8. **Staff recommends motion to approve:**
  - A) Amendment No. 6 to the Contract with Moss & Associates, LLC. (R2007-0031) for Construction Management Services for the expansion to the existing jail at the West County Detention Facility for a Guaranteed Maximum Price (GMP) in the amount of \$70,431,312; and
  
  - B) Insurance premium provided under the Palm Beach County's Master Builder's Risk Program in an estimated not-to-exceed amount of \$650,000.

**SUMMARY:** On April 25, 2006, the Board approved proceeding with Jail Expansion Program II consisting of the expansion of the West County Detention Facility, the Stockade and renovations to the Main Detention Center. Previous Amendments (1-5) provided for early site work and out building construction. Amendment No. 6 will provide an 867 bed new expansion to the existing West County Detention Facility. Amendment No. 6 is funded from the Criminal Justice and Public Improvement Revenue Bond series 2008. The authorization to obtain Builder's Risk through Palm Beach County's Master Builder's Risk Program will insure the project for any construction loss. The SBE participation goal for this project is 15%. Moss & Associates will be providing 15.02% SBE participation in this Amendment. Overall project SBE participation is 16.4%. The duration of this work is 489 calendar days. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. Staff recommends motion to approve: Change Order No. 85 to the Contract with The Weitz Company (R2002-1868) in the amount of \$194,371.02 for the South County Courthouse. Change Order No. 85 provides labor and material for changes to and additional card readers, duress buttons, electronic door hardware, cameras and access control equipment. Also included is additional drywall, door assemblies, door and frame repair, needed to accommodate the access control system. Work identified in this Change Order is for renovation work in the existing courthouse which was separately funded as part of the public building renewal/replacement fund. Incorporation of the work into the project also corrects work omitted from the original design. Staff is recommending that the work be completed as part of the ongoing project to ensure proper coordination between contractors working in the building and completion of all required work prior to re-occupancy of the space. The M/WBE goal is 15% overall with 5% Black participation. This Change Order includes 0% overall and 0% Black participation. When combined with previous work done under this Contract, the M/WBE percentages are 18.3% overall and 1.0% Black. (Capital Improvements Division) District 7/Countywide (JM)
  
10. Staff recommends motion to approve: Amendment Number Two to Lease Agreement (R2002-0957) with the Milagro Foundation, Inc. for the County's continued use of a 2,100+/- sq. ft. child care building and surrounding land for the Delray Beach Early Head Start Program at an annual rate of \$38,400. **SUMMARY:** Since 2002, the County, on behalf of the Community Services Department Head Start Division, has leased this building and surrounding land located at 346 Southwest 6<sup>th</sup> Avenue in Delray Beach. The current term of the Lease expires April 30, 2009. This Amendment: i) extends the term of the Lease for one (1) year from May 1, 2009, through April 30, 2010, and provides one (1) option to renew for one (1) year; ii) increases the annual rent rate by \$1,200, from \$37,200 to \$38,400, which would increase by three percent (3%) upon commencement of the renewal option; and iii) updates Section 15.18, Disclosure of Beneficial Interests. The County will continue to pay for separately metered utilities and has the right to terminate the Lease upon ninety (90) days prior written notice to Landlord. All other terms of the Lease remain in full force and effect. The Early Head Start Program will ultimately be relocated to the new Head Start facility within Delray Beach's Catherine Strong Park planned for construction in FY2012. (PREM) District 7 (HJF)
  
11. Staff recommends motion to approve: a Declaration of Easement in favor of Palm Beach County Water Utilities Department for water lines servicing the County's new Fire Rescue Station No. 56 located on Southwest 18<sup>th</sup> Street in Boca Raton. **SUMMARY:** The County is developing Fire Rescue Station No. 56 on 1.8 acres of County owned property located on Southwest 18<sup>th</sup> Street, west of Military Trail and east of Powerline Road in Boca Raton. As part of the development of the Fire Station, the County installed water lines, a meter and a fire hydrant along the north property line in an area 25.35' long by 14' wide, containing 355 square feet (.01 acre). The Water Utilities Department requires an easement for the improvements. The Declaration will be recorded to provide notice of the existence and location of the water lines and appurtenant facilities. (PREM) District 4 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

12. Staff recommends motion to approve: a Declaration of Easement for a traffic signal at the entrance to the Water Utilities Department's (WUD) System 3 Water Treatment Plant west of Delray Beach. **SUMMARY:** The Palm Beach County Traffic Division requires an easement at the entrance to the System 3 Water Treatment Plant for installation of traffic signal mast arms and related equipment. This Plant is located at 13026 South Jog Road, west of Delray Beach, north of Lake Ida Road and south of Flavor Pict Road. The easement areas are located near the west property boundary along South Jog Road. One (1) easement area is approximately 90' long by 10' wide and the other easement area is approximately 15' long by 10' wide, and totals 1,050 square feet (0.02 acres). The Declaration of Easement will be recorded to provide public notice of the existence and location of the traffic signal improvements on County property. (PREM) District 5 (JMB)
  
13. Staff recommends motion to approve: a First Amendment to the Interlocal Agreement (R2003-1612) with the City of Deerfield Beach (City) allowing for Interoperable communications through the Countywide common groups of the County's 800MHz Radio System. **SUMMARY:** The Agreement which provides the terms and conditions under which the City can directly access the County's 800 MHz Radio System expired on October 7, 2008. The Agreement provides for three (3) – five (5) year renewals but renewals require approve by both parties. The City has approved a renewal to extend the term of the Agreement until October 7, 2013 as originally contemplated. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies. The Agreement may be terminated by either party, with or without cause. (ESS) Countywide (JM)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: Amendment No. 002 to an Agreement (R2007-1324), with the City of Delray Beach to extend the expiration date from December 31, 2008, to May 31, 2009, for the expenditure of \$252,500 in 2005 Disaster Recovery Initiative Program funds. **SUMMARY:** This Amendment provides an extension of five (5) months to the term of the existing Agreement for the extension of Mango Drive and Southwest 7th Avenue in the City of Delray Beach. The time extension is requested to make up for delays in the project design while easements were being secured. **These are Federal funds that require no local match.** District 7 (TKF)
  
2. Staff recommends motion to approve: an Agreement with the Town of Lake Park for the installation of fencing at the 6<sup>th</sup> Street ballfields for \$60,151, in Community Development Block Grant (CDBG) funds for the period of February 24, 2009, through September 30, 2009. **SUMMARY:** The installation of fencing will provide a safer environment for recreational activities at the 6<sup>th</sup> Street ballfields in Lake Park. The site includes basketball courts, baseball fields and a children's playground. **These are Federal CDBG funds that require no local match.** District 1 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

3. **Staff recommends motion to approve:** an Agreement with the City of Lake Worth for the construction of sidewalks, in the amount of \$79,646 in Community Development Block Grant (CDBG) funds, for the period of February 24, 2009, through December 31, 2009. **SUMMARY:** This Agreement will make funding available for the construction of approximately 1600 linear feet of new sidewalks. These sidewalks will be constructed to fill sidewalk gaps along 2nd, 3rd, 4th, 5th, 6th and 7th Avenues North, in the City of Lake Worth, between I-95 and the FEC Railroad. The work will take place north of Lucerne Avenue and south of 10th Avenue North. **These are Federal CDBG funds that require no local match.** District 7 (TKF)
  
4. **Staff recommends motion to:**
  - A) **receive and file** an Agreement with We Help Community Development Corporation for the period of May 1, 2008, to January 31, 2009, to provide funding under the 2005 Disaster Recovery Initiative (DRI) Program for the implementation of a housing rehabilitation program; and
  
  - B) **approve** Amendment No. 001 to an Agreement with We Help Community Development Corporation to extend the expiration date from January 31, 2009, to August 15, 2009, for the expenditure of \$668,500, in Community Development Block Grant (CDBG) funds.

**SUMMARY:** On February 16, 2007, Palm Beach County entered into an Agreement with the Florida Department of Community Affairs (DCA) to receive up to \$19,035,920, for various projects to be funded under the 2005 DRI Program. The Agreement with We Help Community Development Corporation provided herein is funded under this Agreement with DCA. The County Administrator executed this Agreement under the authority provided by the Palm Beach County Board of County Commissioners on July 18, 2006, via Resolution No. R2006-1351. The Amendment provides an extension of six and a half (6½) months to the term of the existing Agreement for the implementation of a housing rehabilitation program. **These are Federal funds that require no local match.** District 6 (TKF)
  
5. **Staff recommends motion to approve:** Amendment No. 001 to an Agreement (R2008-1483) with the City of West Palm Beach for housing rehabilitation. **SUMMARY:** This Amendment provides an extension from January 31, 2009, to August 15, 2009, for this existing Agreement for the implementation of a housing rehabilitation program that is funded under the 2005 Disaster Recovery Initiative (DRI) Program. The Agreement allocates \$3,045,361, in DRI funds for this purpose. **These are Federal Community Development Block Grant funds that require no local match.** Districts 2 & 7 (TKF)
  
6. **Staff recommends motion to approve:** Amendment No. 005 to an Agreement (R2006-0988) with the City of Belle Glade for drainage improvements on Southwest 5th, 7th, 8th, 10th, and 12th Streets, and on Southwest Avenues I and J. **SUMMARY:** This Amendment will increase the amount funded through the Agreement from \$948,900, to \$1,230,191, expand the scope of the project to include improvements on Southwest 7<sup>th</sup> Street in the City of Belle Glade, and extend the expiration date from November 30, 2008, to February 14, 2009. Of the \$1,230,191, there is \$1,086,338 allocated for construction costs, and \$143,853 allocated for engineering costs. A two and one-half (2 ½) month extension to the term of the existing Agreement is provided to enable the inclusion of work on Southwest 7<sup>th</sup> Street into the project. **These are Federal Community Development Block Grant funds that require no local matching funds.** District 6 (TKF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** an Interlocal Agreement with the East Central Regional Wastewater Treatment Facilities Operations Board (ECRWTFOB) for reimbursement of legal expenses incurred during the drafting and negotiation of the Interlocal Agreement between the County, the ECRWTFOB, and the City of West Palm Beach related to the Construction, Operation, and Maintenance of Reclaimed Water Facilities (County-ECR-WPB Interlocal) (County Resolution No. R2008-0907). **SUMMARY:** This Interlocal Agreement is for the reimbursement of legal expenses in the amount of \$17,730 to the ECRWTFOB. The legal expenses were incurred by the ECRWTFOB attorney Greenberg Traurig during the drafting and negotiation of the County-ECR-WPB Interlocal in conjunction with the Florida Power and Light (FPL) Reclaimed Water Project. During these negotiations, County staff agreed to reimburse the ECRWTFOB for these expenses. FPL will compensate the County through the Administrative fees collected for the sales of reclaimed water under the Agreement with FPL. Countywide (MJ)
  
2. **Staff recommends motion to receive and file:** Closing documents relating to the acquisition of the Beeline Community Development District's (District) water and wastewater utility system. **SUMMARY:** On February 15, 2005, the Board approved the acquisition of the District's water and wastewater utility system (R2005-0365). On October 21, 2008, the Board approved the Third Amendment to the Palm Beach County/Beeline Community Development District Water and Wastewater Utility Acquisition, Service and Service Area Agreement, and authorized the BCC Chairperson to execute any and all documents necessary to carry out the closing of the purchase (R2008-1905). On or before October 31, 2008, the Board's Chairperson, the District's Chairperson and United Technology Corporation's (UTC) authorized agent executed the required documents. On December 16, 2008, the Board received and filed certain closing documents (R2008-2321). The final closing document is now available to be received and filed. District 1 (MJ)
  
3. **Staff recommends motion to approve:** a Reclaimed Water Agreement with 6595, LLC. **SUMMARY:** Reclaimed water agreements are required for those property owners seeking to obtain reclaimed water service from the County in order to comply with the requirements of the Florida Department of Environmental Protection and the Water Utilities Department. While the Department normally utilizes standard Agreements that are executed at the Department level, non-standard Agreements are sometimes required to handle special circumstances such as this where reclaimed water is not presently available. 6595, LLC has agreed to pay the County \$50,000 as a contribution toward construction of the future off-site reclaimed water main. Within 120 days of notification that reclaimed water is available within 300 feet of the property, 6595, LLC will be required to connect to the reclaimed system. Until that time, 6595, LLC will obtain necessary approvals to use non-reclaimed water for irrigation. District 5 (MJ)
  
4. **Staff recommends motion to approve:** a partial release of utility easement on land owned by 42 K, LLC. **SUMMARY:** This document will release the County's interest in a portion of a utility easement recorded in the official records of Palm Beach County in Book 19548, Page 1075. During redevelopment of the Sedona Commons property, located at the southwest corner of Okeechobee Boulevard and Benoist Farms Road, it was determined that one (1) of the three (3) utility easements conveyed by ORB 19548 Page 1075 will no longer be needed. The property owner now requests release of that portion of the original easement. The Water Utilities Department concurs with this request and, therefore, recommends the partial release. District 2 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

5. Staff recommends motion to receive and file: two (2) Standard Development Agreements complete with executed documents received during the months of December 2008 and January 2009:

Standard Development Agreements

- |  |              |              |
|--|--------------|--------------|
| A) Florida Auto Auction of Orlando, Inc. | (District 6) | 01-01215-000 |
| B) 6595, LLC                             | (District 5) | 09-01059-000 |

**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)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to adopt: a Resolution that repeals Resolution 94-1051, which created the Natural Areas Management Advisory Committee (NAMAC), repeals amending Resolutions 95-1455, 99-1188 and 2003-0713, and recreates NAMAC as presently constituted, except for deleting the duties, functions and membership of NAMAC relating to the Public Lands Grant Program (Program). **SUMMARY:** The Resolution removes obsolete provisions of Resolution 94-1051, as amended by Resolutions 95-1455, 99-1188, and 2003-0713, and consolidates all necessary provisions into one (1) Resolution. It also removes the requirement for and duties of the two (2) representatives appointed by the League of Cities (Seats 8 and 9), which are no longer needed due to the deletion of the Program from the Unified Land Development Code (ULDC); specifies that the representative of a local municipal government (Seat 4) should be from a parks and recreation program; changes the requirement for a member of the Conservation Land Acquisition Selection Committee (CLASC) or its successor (Seat 6) to a citizen position (since CLASC has sunsetted and no successor Land Acquisition Advisory Committee has been created); clarifies that the two citizen positions (Seats 6 and 7) should be filled by citizens having an interest in the preservation and conservation of natural areas; makes minor clarifications to the duties and functions of NAMAC, including qualification of their duty to review and comment on management plans in accordance with the requirements of the Palm Beach County Natural Areas Ordinance (No. 94-12); provides for staff assistance to NAMAC; and removes language pertaining to policies and procedures that is already contained in other countywide resolutions. All current members in Seats 1 through 7 are retained, with their term expiration dates unchanged. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to approve:

**A)** Contract with J. W. Cheatham, LLC in the amount of \$5,195,716 for the construction of the Winding Waters Natural Area Wetland Creation Project No. 2008ERM07;

**B)** Budget Transfer of \$5,300,000 from Reserves in the Natural Areas Fund to Transfer to the Environmental Resources Capital Fund; and

**C)** Budget Amendment of \$5,300,000 in the Environmental Resources Capital Fund to recognize a Transfer from the Natural Areas Fund.

**SUMMARY:** Eleven (11) bids were received for the first phase of an environmental restoration project at Winding Waters Natural Area. J. W. Cheatham, LLC was the lowest responsive, responsible bidder with a bid that exceeds the established 15% Small Business Enterprise (SBE) goal with 17.4% participation. This project consists of excavation and hauling of approximately 1,700,000 cubic yards of material to create and restore 170 acres of wetlands within the Winding Waters Natural Area. The Contract is funded entirely by non-ad valorem revenues earned in the Natural Areas Fund. District 2 (JM)

3. Staff recommends motion to approve:

**A)** Budget Transfer of \$4,773,804 in the Unit 11 Stewardship Fund from Reserves to the Unit 11 Acquisition/Enhancement Fund; and

**B)** Budget Amendment of \$4,773,804 in the Unit 11 Acquisition/Enhancement Fund to recognize the transfer from the Unit 11 Stewardship Fund.

**SUMMARY:** These actions will appropriate a portion of the budget for the payment of remaining settlements on parcels in Unit 11 that have been acquired by the County through eminent domain. The Unit 11 Acquisition/Enhancement Fund and Unit 11 Stewardship Fund originated from mitigation requirements imposed on various developments by the South Florida Water Management District, Florida Department of Environmental Protection and the U.S. Army Corps of Engineers. The \$4,773,804 Transfer provides for the release of Reserves for Principle to be allocated to the Unit 11 Acquisition/Enhancement Fund. Included in the Amendment is a transfer of \$260,000 from Reserves and the consolidation of various cost centers within the Fund into a single account. The expiration of two (2) Contracts (R2000-0095 dated January 11, 2000 and R2005-0125 dated January 11, 2005) with the South Florida Water Management District allows for unspent mitigation fees available after the completion of eminent domain actions to be used for the enhancement and ongoing management of lands within Unit 11. Any residual balances in the Unit 11 Stewardship Fund at the close of FY2009 will be transferred to the Unit 11 Acquisition/Enhancement Fund allowing for the closure of the Stewardship Fund.

The cost of acquiring Unit 11 parcels through the eminent domain process has exceeded expectations. It was originally thought that monies collected and placed in the acquisition and enhancement funds would be sufficient to cover all acquisition and enhancement/restoration costs. However, rapidly rising land values between 2000 and 2005 greatly increased the cost of the eminent domain acquisitions. As a result, principal within the Unit 11 Stewardship Fund, an account originally earmarked by the Board to generate interest to help pay for the long-term management of the site, is now needed to help pay for the acquisition of the land. Approval of this Board agenda item will transfer principal from the Unit 11 Stewardship Fund to an account where it may be used to pay the remaining acquisition costs. District 1 (JMB)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

4. **Staff recommends motion to adopt:** a Resolution in support of full funding of the Florida Forever Program for state fiscal year 2009-2010. **SUMMARY:** The Florida Forever Program, which was developed by the State of Florida as a successor program to the Preservation 2000 (P-2000) Program for the acquisition of environmentally sensitive lands, was reauthorized by the Florida Legislature in 2008 for an additional 10-year period, beginning in July 2010. Palm Beach County has received over \$37 million in state matching funds through the Florida Forever Program and more than \$43 million through the P-2000 Program to assist in its land acquisition efforts. Staff anticipates applying to the Florida Communities Trust (FCT) for more than \$6 million in Florida Forever funds for the Hatcher/Jupiter-Indiantown Venture site in FCT's 2009 funding cycle and applying to FCT and other agencies for additional Florida Forever funds in future years. Therefore, it is in the best interests of the County and its citizens for the County to support continued funding of the Florida Forever Program. Countywide (SF)
  
5. **Staff recommends motion to approve:** Task Order No. 0410-07 to a continuing Contract (R2008-0410) with Taylor Engineering, Inc. (Taylor) for an amount not-to-exceed \$190,744 for completion of the Army Corps of Engineers (ACOE) required Reevaluation Report, Section 934 (Report) for the Jupiter/Carlin Shore Protection Project (Project). **SUMMARY:** The BCC approved the Contract with Taylor on March 11, 2008 (R2008-0410). Six (6) task orders totaling \$796,102.34 have been issued under the Contract. Task Order No. 0410-07 retroactively authorizes Taylor to perform the Report which evaluates the economic feasibility of the Project. In order to secure the ACOE's financial participation on the Project, the County must complete the Report. There is no (0%) SBE subconsultant participation on this Task Order. Taylor committed to an overall 15% Small Business and Minority Business (SBE-MBE) participation in the Contract. Taylor has achieved 5.8% cumulative SBE-MBE participation on the Contract including this Task Order. Initial funding for the Task Order is from a combination of tourist development taxes, ad valorem and interest earned in the Beach Improvement Fund. District 1 (JM)
  
6. **Staff recommends motion to approve:** Task Order No. 0410-08 to a continuing Contract (R2008-0410) with Taylor Engineering, Inc. (Taylor) in the amount of \$196,985 for sea turtle monitoring services in association with the Singer Island Erosion Control Project, the Ocean Ridge Shoreline Protection Project, the South Lake Worth Inlet Maintenance Dredging Project, and the South Lake Worth Inlet Sand Transfer Plant Reconstruction Project. **SUMMARY:** The BCC approved the Contract with Taylor on March 11, 2008 (R2008-0410). Six (6) task orders totaling \$796,102.34 have been issued under the Contract. Task Order No. 0410-08 authorizes Taylor to manage sea turtle monitoring along 2.75 miles of beach for the 2009 sea turtle nesting season. The Task Order is funded from a combination of tourist development taxes, interest, and ad valorem funds. There is 97.2% Small Business and Minority Business Enterprise (SBE-MBE) subconsultant participation on the Task Order. Taylor committed to an overall 15% SBE-MBE participation in the Contract. Taylor has achieved 21.0% cumulative SBE-MBE participation on the Contract including this Task Order. Districts 1 & 4 (JM)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. **Staff recommends motion to receive and file:** original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for Gold Coast Community School of Choice in an amount not-to-exceed \$5,000 for funding of the Intergenerational Bonding Program and Soup Kitchen. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747), as amended. Funding is from the Recreation Assistance Program (RAP) District 2 Funds. District 2 (AH)
  
2. **Staff recommends motion to receive and file:** original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for Dr. Mary McLeod Bethune Elementary School in an amount not-to-exceed \$10,000 for the safety patrol trip to Washington, D.C. **SUMMARY:** This fully executed Request for Funding Form is for a School Board RAP allocation made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747), as amended. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)
  
3. **Staff recommends motion to approve:** Agreement with Palm Beach County Cultural Council, Inc. for the period February 24, 2009, through December 30, 2009, in an amount not-to-exceed \$40,000 for funding of operating expenses and program costs. **SUMMARY:** This funding is to assist with operating expenses and program costs incurred by Palm Beach County Cultural Council, Inc. Cultural Councils' guidance and grants to small and emerging organizations, community cultural projects, children's and multicultural programs serve 44 grantees and thousands of program participants annually. 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 5 Funds. District 5 (AH)
  
4. **Staff recommends motion to approve:**
  - A) a Budget Transfer of \$50,000 in the Transportation Improvement Fund from Reserve for District 2 to the County Transportation Trust Fund;
  - B) a Budget Transfer of \$50,000 in the Transportation Trust Fund increasing the annual transfer from the Transportation Improvement Fund and decreasing the annual transfer from the General Fund;
  - C) a Budget Transfer of \$50,000 in the General Fund decreasing the annual transfer to the County Transportation Trust Fund and increasing the annual transfer to the Park Improvement Fund; and
  - D) a Budget Amendment of \$50,000 in the Park Improvement Fund increasing the annual transfer from the General Fund and increasing the appropriation to the District 2 Recreation Assistance Program.

**SUMMARY:** This funding in the amount of \$50,000 is for budget transfers and a budget amendment to increase the gas tax support and decrease the ad valorem support of the County Transportation Trust Fund, thereby allowing for the allocation of \$50,000 from available ad valorem support to the District 2 Recreation Assistance Program. At the November 21, 2006, Board meeting, the flexibility of up to \$200,000 in transfers per District per year was approved for this purpose. This funding will be used for District 2 recreational or cultural projects that the District 2 Commissioner desires to fund during FY 2009. Individual Agreements for each RAP project will be brought to the Board for approval. With the approval of this allocation, the remaining balance available in transfers for District 2 for FY 2009 is \$150,000. District 2 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

5. **Staff recommends motion to receive and file:** executed Independent Contractor Agreements received during the month of December.
- A) Aaron Banfield, Wheelchair Rugby, Therapeutic Recreation Complex;
  - B) Bernard Crawford, Wheelchair Rugby, Therapeutic Recreation Complex;
  - C) John Bishop, Wheelchair Rugby, Therapeutic Recreation Complex;
  - D) Robert Lopez, Wheelchair Rugby, Therapeutic Recreation Complex;
  - E) Donna Sebok, Wheelchair Rugby, Therapeutic Recreation Complex;
  - F) Gordon Andrews, USA Head Swim Coach, Lake Lytal Pool;
  - G) Susan Allshouse, Tennis Instructor, West Boynton Park and Recreation Center;  
and
  - H) Susan Allshouse, Tennis Instructor, Caloosa Park.

**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 Agreements have 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 are now being submitted to the Board to receive and file. Districts 2 & 3 (AH)

6. **Staff recommends motion to approve:** Budget Transfer of \$50,000 within the \$25M GO Parks and Cultural Improvements Bond Fund - 2003 from New Boat Ramp Park/Boynton Inlet to Lake Worth Bryant Park/Sunset Ridge Park. **SUMMARY:** This Budget Transfer provides funding to the City of Lake Worth for the construction of a concession facility at Bryant Park, as well as improvements at Sunset Ridge Park. On September 10, 2002, the Board approved a proposed project list for the 2002 \$50 Million Recreation and Cultural Facilities Bond referendum, as amended, that included \$1.8 million for a new boat ramp park in the Boynton Inlet vicinity. The cost of acquisition, design and development of this project is estimated to be substantially higher and this project is no longer feasible. The District 3 Commissioner supports this transfer from the \$50 Million Recreation and Cultural Facilities Bond referendum. District 3 (PK)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

7. Staff recommends motion to:

**A) adopt** Resolution authorizing the County Administrator or designee to execute standard amphitheater rental agreements for the use of County amphitheaters; and

**B) approve** the proposed amphitheaters rental fee schedule.

**SUMMARY:** The Palm Beach County Parks and Recreation Department (Department) established a standard amphitheater rental agreement to allow individuals, promoters, groups and organizations to rent County amphitheater facilities when the amphitheater would otherwise not be programmed or booked by the County. Due to anticipated frequency of amphitheater rentals, staff is recommending that the Board of County Commissioners (BCC) approve a resolution which delegates authority to the County Administrator or his/her designee to execute standard amphitheater rental agreements. The proposed rental fee schedule creates a guaranteed minimum rental fee or requires a percentage of net ticket sales with an established maximum rental fee charge when the amphitheater is rented in accordance with the standard amphitheater rental agreement. Countywide (AH)

Q. CRIMINAL JUSTICE COMMISSION

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

**A)** an Interlocal Agreement in the amount of \$49,000 with the Palm Beach County Sheriffs Office (PBSO) as a partner to implement the law enforcement component of the Youth Violence Prevention Project;

**B)** a Budget Transfer of \$49,000 in the General Fund; and

**C)** a Budget Amendment of \$49,000 in the Sheriff's Grant Fund to establish budget for the project.

**SUMMARY:** The Law Enforcement Planning Council, representing the Law Enforcement component of the Youth Violence Prevention Project (YVPP), has approved up to \$49,000 for overtime to support the YVPP Gun Show Initiative. This initiative is focused on stopping the illegal sales and purchases of guns at gun shows which are a major source of firearms for youthful offenders. Countywide (DW)

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: Standard Agreement with the following provider: Peter Davis, DVM, d/b/a PETHAV'N, Inc. not to exceed \$10,000 for the period of October 1, 2008, through September 30, 2009. **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 approve: Agreement with Lakes of Delray, Inc. for provision of transportation service (via Palm Tran Routes 70 and 81) to residents of Lakes of Delray at the per dwelling rate (1,408 units) of \$4.51 per month for the period February 1, 2009, through January 31, 2010, and \$4.62 per month for the period February 1, 2010, through January 31, 2011. **SUMMARY:** Lakes of Delray, Inc. has contracted for bus service for residents since the inception of the development of Lakes of Delray. The Agreement rate of \$4.51 per dwelling unit per month during the first year of the proposed agreement represents a 2.5% increase over the contract for the prior year ending January 31, 2009 and the second year rate of \$4.62 per dwelling unit per month represents a 2.5% increase over the first year. Payments of the per unit rates are in lieu of residents paying individual fares into the fareboxes on Palm Tran Routes 70 and 81. The commencement date of this new agreement is February 1, 2009, and the termination date is January 31, 2011. District 5 (DR)

BB. SHERIFF

1. Staff recommends motion to:
  - A) **receive and file** Grant Adjustment Notice amending the National Institute of Justice "Solving Cold Cases with DNA Program" Grant to extend the ending grant period from September 30, 2008, through December 31, 2008; and
  - B) **approve** Budget Amendment of \$16,362 in the Sheriff's Grant Fund.

**SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$374,761 on December 20, 2005; the original period for this grant was October 1, 2005, through November 30, 2006 (R2005-2439). On December 5, 2006, the BCC received and filed an agenda item extending the grant period from November 30, 2006, through May 31, 2007 (R2006-2673). On April 10, 2007, the BCC received and filed an agenda item extending the grant period from May 31, 2007, through December 31, 2007 (R2007-0574). On December 4, 2007, the BCC received and filed an agenda item extending the grant period from December 31, 2007, to March 31, 2008 (R2007-2207). On September 9, 2008, the BCC received and filed an agenda item extending the grant period from March 31, 2008, through September 30, 2008 (R2008-1553). This agenda item will extend the grant period from September 30, 2008, through December 31, 2008. The National Institute of Justice awarded these funds for the "Solving Cold Cases with DNA Program". The objective of this grant is to combine the efforts of the Palm Beach County Sheriff's Office (PBSO) Special Investigations Bureau, Crimes Against Children/Sexual Assault Unit and the Violent Crimes Bureau with the experience of the Serology/DNA Section of the Crime Laboratory to solve Cold Cases. The goal is to screen all of the Cold Cases for potential biological evidence for the purpose of conducting DNA analysis such that the laboratory CODIS administrator will enter any qualifying DNA profile into CODIS. At the time of the grant application, it was estimated that there were approximately 250 Cold Cases from the Crimes Against Children/Sexual Assault Unit and Violent Crimes Bureaus, of which 85 may meet the criteria set forth by this grant. The PBSO has been given an extension to allow the grant funds to be fully expended. The award was not fully expended in FY 2008. The balance of the award being carried forward into FY 2009 is \$16,362. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF (Cont'd)

2. Staff recommends motion to:

**A) receive and file** a Modification to the Agreement with the Area Agency on Aging Palm Beach/Treasure Coast, Inc. to extend the ending grant period from September 30, 2008, through September 30, 2010; and

**B) approve** a Budget Amendment of \$10,097 in the Sheriff's Grant Fund.

**SUMMARY:** The Board of County Commissioners accepted this grant for \$10,200 on July 8, 2008; the original period for this grant was October 1, 2007, through September 30, 2008 (R2008-1235). This agenda item will extend the grant period from September 30, 2008, through September 30, 2010. The Area Agency on Aging Palm Beach/Treasure Coast, Inc. received an award from the United States Department of Justice, Office on Violence Against Women to create a universal, coordinated, countywide response through enhanced training and strengthened partnerships to address violence and abuse against women in later life. The Palm Beach County Sheriff's Office and the Area Agency on Aging Palm Beach/Treasure Coast, Inc. entered into an agreement to create a local community-based program developed to assist law enforcement, prosecutors, investigators, and judges in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation of women who are 50 years of age or older. The PBSO has been given an extension to allow the grant funds to be fully expended. The award was not fully expended in FY 2008. The balance of the award being carried forward into FY 2009 is \$10,097. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

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

CONTINUED FROM JANUARY 13, 2009

- A. Staff recommends motion to adopt: a Resolution confirming the special assessment process for the 3rd Place and 81st 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 3rd Place and 81st 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)
- B. Staff recommends motion to adopt: a Resolution renouncing and disclaiming any public interest in portions of the 30 foot wide and 50 foot wide strips for road, dyke (sic) and ditch purposes, in Blocks 10, 11, 16 and 17, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, Pages 45-52, Public Records of Palm Beach County, Florida. These roads are also known as portions of Dillman Road, Whippoorwill Way and Whippoorwill Boulevard. **SUMMARY:** This petition site is located west of Lyons Road and north of Forest Hill Boulevard. Whippoorwill Lakes Property Owners Association as well as Dillrun Estates Regency Homes wants to increase security within their communities. Privatizing these roads will allow the construction of a security gate within the portion of Dillman Road to be abandoned. District 6 (PK)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. **Staff requests Board direction:** on proposed FY '10 Federal Legislative Program. **SUMMARY:** Staff requests the Board's review of the proposed FY '10 Federal Legislative Program, which includes priority appropriations and Legislative issues, and general appropriation and general issues to monitor. The Federal Program outlines the issues that the County's Legislative Affairs Department in conjunction the County's federal lobbyist, will be working on for the Board in the upcoming Legislative Session. Countywide (DW)

**TIME CERTAIN – 10:00 A.M.**

2. Presentation by Dr. Richard Lerner on Scripps Florida progress

**TIME CERTAIN – 10:30 A.M.**

3. Presentation by Philip F. Mangano, Executive Director of the United States Interagency Council on Homelessness

B. CLERK & COMPTROLLER

**TIME CERTAIN – 10:15 A.M.**

1. Update on Debt Review

C. COUNTY ATTORNEY

1. **Staff recommends motion to adopt:** a Resolution approving the issuance of not to exceed \$25,000,000 Housing Finance Authority of Palm Beach County, Florida, Homeowner Revenue Bonds, Multiple Series (the "Bonds") within the meaning of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and providing an effective date. **SUMMARY:** The Bonds are being issued by the Housing Finance Authority of Palm Beach County, Florida (the "Authority") to implement its Single Family Homeowner Revenue Bond Program (the "Program"), which Program is for the purpose of providing to qualified mortgagors mortgage financing for owner-occupied, single family residential housing facilities within the Authority's area of operation. The Authority retains Bryant, Miller & Olive, P.A. and Greenberg Traurig, P.A. as its bond and disclosure counsel and Raymond James & Associates, Inc., RBC Capital Markets and M.R. Beal & Company as underwriters, each on a rotating basis. However, it has not yet been determined which of these firms will fill these roles in the event the Bonds are issued as set forth above. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** Countywide (PFK)

5. REGULAR AGENDA

D. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to:

**A) adopt** a Resolution for the creation of four (4) Planner I positions, and one (1) Financial Analyst I position within the Department of Housing and Community Development (HCD); and

**B) approve** a Budget Amendment of \$27,700,340 to establish budget for the Neighborhood Stabilization Program (NSP) grant in the 2008-2009 budget.

**SUMMARY:** On November 18, 2008, the Board of County Commissioners approved the NSP application to Housing & Urban Development (HUD) which will make available to the County \$27.7 million under the Housing and Economic Recovery Act of 2008 (HERA). The NSP application assigned 8.5% of the total award to cover administrative costs, including the hiring of additional persons to implement and administer the program. The positions are time-limited and will terminate upon the exhaustion of Federal Grant Funds appropriated under the NSP. The time-limited Planner I positions will be hired at Pay Grade 29 with a salary range of \$42,719.04 to \$68,032.64. The Financial Analyst I position will be hired at Pay Grade 30 with a salary range of \$44,000.32 to \$70,071.04. Per the NSP regulations, the funds must be expended within four (4) years of the execution of the Grant Agreement between the County and HUD. Addition of this new program along with the Department's existing workload will preclude current staff from successfully implementing the program. **These are Federal funds that require no local match.** Countywide (TKF)

E. WATER UTILITIES

1. Staff recommends motion to approve on preliminary reading and to advertise for Public Hearing on March 17, 2009 at 9:30 a.m.:

an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Ordinance No. 07-003, providing a revised schedule of rates, fees, and charges for potable water, wastewater, and reclaimed water services; providing for inclusion in the Water Utilities Department's Uniform Policies and Procedures Manual; providing for repeal of laws in conflict; providing for severability; and providing for an effective date. **SUMMARY:** On April 15, 2008, the Board of County Commissioners (Board) approved an ordinance (Ordinance No. 2008-010) establishing a 15% surcharge on potable water and wastewater fees to offset the fiscal impact resulting from mandatory water restrictions. The ordinance provided that the surcharge would remain in effect until April 30, 2009. Despite receiving \$6.2 million in surcharge revenue, the Water Utilities Department (Department) sustained an operating loss of \$4.9 million for the fiscal year ending September 30, 2008. In order to meet the escalating operating costs, maintain adequate reserves, and provide for adequate debt service coverage, the Department has completed a rate study to determine its revenue requirements. The rate study recommends that the 15% surcharge on the monthly bills be replaced with a rate increase of approximately 11.75%, resulting in an average decrease of 3.25% to the on-line base facility rates and commodity rates. The rate study also recommends an increase in guaranteed revenue fees, connection fees, deposits, and other miscellaneous fees. For reclaimed water, the Department is recommending a new connection fee for new reclaimed water customers and an increase in the base facility fees and commodity fees. In the past, reclaimed water customers paid no connection fees, and the revenue from reclaimed water service has not covered the cost of the service. Under the revised rates, new reclaimed water customers will pay a connection fee, but will pay lower base facility fees than the existing customer who have not paid connection fees. Countywide (MJ)

5. REGULAR AGENDA

F. PALM TRAN

1. **Staff recommends motion to approve:** Interlocal Agreement with the South Florida Regional Transportation Authority (SFRTA) to provide \$4,050,000 in Fiscal Year 2009 as Palm Beach County's share of SFRTA's net operating deficit and to provide for an additional \$2,670,000 to be paid to SFRTA within thirty (30) days after execution of this Agreement. **SUMMARY:** Palm Beach County is statutorily required to contribute \$1,565,000 annually to SFRTA's operating budget. SFRTA's FY '08 budget reflects a net operating deficit in excess of the statutory payments. Palm Beach County's share of these excess operating deficits is \$2,485,000. Additionally, Palm Beach County will pay \$2,670,000 to SFRTA upon or within thirty (30) days after execution of the Agreement, and to provide for SFRTA to reimburse Palm Beach County for Tri-Rail feeder bus service in the amount of \$666,666.66 annually. Palm Beach County has included this amount in its FY '09 budget. Additionally, the funds provided by Palm Beach County are not contingent upon SFRTA's receipt of a similar contribution from both Miami Dade and Broward Counties, but each County has entered into interlocal agreements with similar terms and conditions. In this regard, the SFRTA is seeking an additional \$85,298 from both Broward and Palm Beach counties, above and beyond the \$6,720,000 as originally requested. This funding, already provided by Miami-Dade, would be matched by FDOT and would provide SFRTA with an additional \$341,192 in funding for the current year. Should the Board choose to provide the additional \$85,298 to the SFRTA, the money would come out of the County's General Contingency Fund. Countywide (DR)

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6. BOARD APPOINTMENTS

A. **ADMINISTRATION**  
**(Fire Rescue Level of Service Committee)**

1. **Staff recommends motion to approve:** reappointment of four (4) members to the Fire Rescue Level of Service Committee each for a term of three (3) years from March 16, 2009, through March 15, 2012:

<b><u>Nominee</u></b>	<b><u>Seat</u></b>	<b><u>Category</u></b>
Kurt Bressner	3	Manager – Large City
Chief Weinand	6	Fire Chief - Small City
Dr. Galeta	8	Fire Rescue Advisory Board
Chief Donatto	9	EMS Advisory Council

**SUMMARY:** Palm Beach County Resolution R2004-0494 established the Fire Rescue Level of Service Committee (LOS Committee). It consists of nine (9) members representing specific categories, each serving a term of three (3) years after the initial start up. The LOS Committee recommends reappointment of Kurt Bressner, Chief Weinand, Dr. Galeta and Chief Donatto. These incumbents desire to continue to serve and are eligible for reappointment. Countywide (SB)

B. **FIRE RESCUE**  
**(Fire Rescue Advisory Board)**

1. **Staff recommends motion to approve:** the reappointment of the following individuals to the Fire Rescue Advisory Board beginning on December 16, 2008, through December 15, 2011:

<b><u>Reappointment Nominee</u></b>	<b><u>Category</u></b>	<b><u>Seat No.</u></b>	<b><u>Nominated By</u></b>
Michael Bornstein	Professional	1	Comm. Koons Comm. Greene Comm. Marcus Comm. Aaronson
Richard Galeta	Health Care Services	4	Comm. Koons Comm. Greene Comm. Vana Comm. Marcus Comm. Aaronson
Titus Rich	Consumer of Fire Rescue Services	7	Comm. Koons Comm. Greene Comm. Marcus Comm. Aaronson

**SUMMARY:** The Fire Rescue Advisory Board was created by Resolution No. R89-1661 and revised by No. R92-596 on April 28, 1992. This Board consists of seven (7) (at-large) members with specific fields of expertise and serve a three (3) year term. The nominees have expressed an interest in serving another term and are eligible for reappointment. On December 29, 2008, a memo was distributed to the County Commissioners requesting nominations to this Board. No other nominations have been received. Countywide (SGB)

6. BOARD APPOINTMENTS

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

1. **Staff recommends motion to approve:** appointment of two (2) At-Large members 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>
Trudy McConnell	Environmental Advocate, Seat No. 3	05/17/2010	Comm. Koons Comm. Greene Comm. Vana Comm. Aaronson
Roberta Van Sickle	Reg. Fixed Route Rider, Seat No. 9	05/16/2010	Comm. Koons Comm. Greene Comm. Vana Comm. Aaronson

**SUMMARY:** The Palm Tran Service Board is composed of 13 at-large members. The new appointment of Trudy McConnell, Seat No. 3, will fill the same seat vacated by Ms. McConnell in November 2008 due to the rule of absences. Ms. McConnell's absences were due to an illness at the time. If appointed, Ms. Roberta Van Sickle, Seat No. 9, will fill the same seat vacated by Ms. Van Sickle in November 2008 also due to the rule of absences. Ms. Van Sickle is a member of a State Board and was required to be at those out of town meetings. These positions were not filled in the interim. Countywide (DR)

D. **PLANNING, ZONING & BUILDING**  
**(Building Code Advisory Board)**

1. **Staff recommends motion to approve:** appointment/reappointment of the following individuals to the Building Code Advisory Board, for the terms indicated below:

<b><u>Appoint</u></b>	<b><u>Seat</u></b>	<b><u>Requirement</u></b>	<b><u>Term</u></b>	<b><u>Nominated By</u></b>
Michael Fichera	4	Building Official	2/24/09 - 1/1/2011	BOAPBC
<b><u>Reappoint</u></b>	<b><u>Seat</u></b>	<b><u>Requirement</u></b>	<b><u>Term</u></b>	<b><u>Nominated By</u></b>
Jacek R. Tomasik	6	Building Official	1/2/09 - 1/1/2012	BOAPBC

**SUMMARY:** The Building Code Advisory Board was established by a Special Act of the Florida Legislature in 1974, and amended in 2001. The term of office for board members is three years; with no limit to the number of terms a member may serve. Michael Fichera is nominated by the Building Officials Association of Palm Beach County to fill the unexpired term of Robert S. Dawson, Seat 4. This action will fill the above-referenced seat until January 1, 2011. The reappointment of Jacek R. Tomasik is nominated by the Building Officials Association of Palm Beach County, for a three year term until January 1, 2012. The Board is composed of 16 members; seven (7) regional Building Officials who must be appointed from nominees submitted by the Building Officials Association of Palm Beach County; seven (7) members who must be appointed from nominees submitted by the Construction Industry Management Council of Palm Beach County; one (1) member who must be a registered Architect appointed from nominees submitted by the Palm Beach County Chapter of the American Institute of Architects; and one (1) member who must be a Professional Engineer appointed from nominees submitted by the Palm Beach County Chapter of the Florida Engineering Society. Countywide (GB)

6. BOARD APPOINTMENTS

E. CRIMINAL JUSTICE COMMISSION  
(Criminal Justice, Mental Health & Substance Abuse Planning Council)

1. Staff recommends motion to approve: the following appointments to the Criminal Justice, Mental Health and Substance Abuse Planning Council, effective February 24, 2009:

<u>Appoint Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>
Ms. Victoria Cury	16	Family member of primary consumer of community-based treatment services
Dr. Linda De Piano	12	Director of a community mental health agency
Mr. John McDermott	14	Primary consumer of mental health services
Ms. Diana Stanley	17	Representative from an area homeless program
Mr. Alton Taylor	11	Director of local substance abuse treatment program
Mr. Charles Trotta	10	Director of County Probation or Pretrial Intervention program
Ms. Michelle Woodside	15	Primary consumer of substance abuse services

**SUMMARY:** The Palm Beach County Board of County Commissioners enacted Resolution No. 2007-1639, which originally established the 19 member Palm Beach County Criminal Justice, Mental Health and Substance Abuse Planning Council. Thereafter, on April 1, 2008, the Board approved Resolution No. 2008-0559 amending the original resolution to add six (6) additional member seats to the Council. The Criminal Justice Commission recommends the appointment of Ms. Victoria Cury, Dr. Linda De Piano, Mr. John McDermott, Ms. Diana Stanley, Mr. Alton Taylor, Ms. Charles Trotta and Ms. Michelle Woodside who desires to serve as Planning Council representatives effective February 24, 2009. Countywide (DW)

F. COMMISSION DISTRICT APPOINTMENTS

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**FEBRUARY 24, 2009**

**7. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**FEBRUARY 24, 2009**

**8. COMMISSIONER COMMENTS**

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

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

Proclamation declaring March 1 – 7, 2009 as “12<sup>th</sup> Annual Women in Construction Week” in Palm Beach County.

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

**D. District 4 - COMMISSIONER**

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

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

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

Proclamation declaring February 22 – 28, 2009 as “Eating Disorders Awareness Week” in Palm Beach County.

**9. ADJOURNMENT**

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

BOARD OF COUNTY COMMISSIONERS  
BOARD MEETING  
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

FEBRUARY 24, 2009

<u>PAGE</u>	<u>ITEM</u>	
9	3C-1	<b><u>REVISED SUMMARY:</u></b> Approval of this Agreement will accept the Permit conditions, allow dismissal of the lawsuit filed against ITID due to failure to render a decision to issue a Permit for the Project, and will authorize payment of \$490,000 to ITID to offset the impacts of construction of the Project on ITID maintained roadways and will enable County to construct six (6) traffic calming devices on ITID maintained roadways. <u>In order to receive the Permit, the County will also have to pay for all Permit review fees. This payment is addressed in the Permit.</u> (Engineering)
14	3E-5	<b><u>DELETED: Staff recommends motion to approve:</u></b> Supplemental funding request to Office of Head Start, for the period October 28, 2008, through October 31, 2008, in an amount of \$2,500, for cost incurred for staff attendance at the Dual Language Institute. (Community Services) (Further staff review)
31	3Q-1	<b><u>DELETED: Staff recommends motion to approve: A)</u></b> an Interlocal Agreement in the amount of \$49,000 with the Palm Beach County Sheriffs Office (PBSO) as a partner to implement the law enforcement component of the Youth Violence Prevention Project; (CJC) (Further staff review)
34	4A	<b><u>REVISED SUMMARY:</u></b> 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 <del>\$7,283</del> <del>\$10,870.33</del> per <del>parcel acre</del> 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 assessable project cost is <del>\$109,245</del> <del>\$153,162.96</del> , and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration, and construction contingency. <del>The project will be constructed utilizing a work authorization under the Water Utilities Department Construction Contract (R2008-0769). (WUD Project No. 06-139) (WUD)</del>
35	5B-1*	<b><u>TIME CERTAIN CHANGE TO 11:00 A.M.</u></b> Update on Debt Review (Clerk & Comptroller)
37	5F-1	<b><u>REVISED MOTION/TITLE: Staff recommends motion to approve:</u></b>  <b><u>A) approve</u></b> Interlocal Agreement with the South Florida Regional Transportation Authority (SFRTA) to provide \$4,050,000 in Fiscal Year 2009 as Palm Beach County's share of SFRTA's net operating deficit and to provide for an additional \$2,670,000 to be paid to SFRTA within thirty (30) days after execution of this Agreement; <u>and</u>  <b><u>B) deny</u></b> request for an additional \$85,298 out of Contingency to offset SFRTA's deficit. (Palm Tran)

- 37            5G-1            **ADD-ON: Staff recommends motion to approve:** Contracts not to exceed the total value of \$8,000,000 for task orders which may be issued for the Annual Traffic Signal Contract (Contract), Project No. 2009055, with Gerelco Traffic Controls, Inc. (Primary), the lowest, responsive, responsible bidder, and Signal Group, Inc. (Secondary), the second lowest, responsive, responsible bidder. **SUMMARY:** Approval of these Contracts will provide for the furnishing and installation of various signal components for traffic control devices required by the Traffic Division on an as needed basis. The Office of Small Business Assistance goals are set at 15% overall. The Primary achieved 32.08% Small Business Enterprise (SBE) participation and the Secondary achieved 0.48% participation. Countywide (MRE) (Engineering)
- 37            5H-1            **ADD-ON, MOVED FROM 3B-3/Contracts & Claim Settlements List (Exhibit "F" Only):** Term contract for emergency transport third party billing. (Purchasing/Fire Rescue)

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