

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

JUNE 16, 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 -30)**
- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 31-33)**
- 5. REGULAR AGENDA (Pages 34 - 37)**
TIME CERTAIN 10:00 A.M. (Presentation by Workforce Alliance) (Page 34)
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve:

A) expenditure in the amount of \$1,500 from the Countywide Community Revitalization Team (CCRT) Recouped Funding Reserves to the Englewood Manor Guard Rail Project; and

B) a Budget Transfer of \$1,500 from the CCRT Recouped Funding Reserves to the Englewood Manor Guard Rail Project in the Capital Outlay Fund.

SUMMARY: The requested funding is to cover the costs associated with the installation of guard rails at the end of Engle Road and Theresa Court in the Englewood Manor CCRT area. The installation of guard rails is necessary to mitigate a public safety concern related to the potential of automobiles driving into the canal at these two (2) dead-end streets. District 3 (AH)

2. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County requesting the assistance of Governor Crist and Florida Department of Transportation Secretary Kopelousos to prioritize the intercity rail component of the FEC Corridor Project (from Jacksonville to Miami) as part of the Federal Economic Stimulus Package for the State of Florida. **SUMMARY:** At the request of Commissioner Jeff Koons, staff was directed to draft this Resolution. Countywide (DW)

B. CLERK & COMPTROLLER

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

2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings: None

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

4. Staff recommends motion to receive and file: change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during January 2009. Countywide

5. Staff recommends motion to approve: State Revenue Sharing Application for the Fiscal Year 2009-2010. **SUMMARY:** Each unit of local government is required to file an application in order to be considered for any funds to be distributed under the Revenue Sharing Act. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER (Cont'd)

6. Staff recommends motion to authorize: the Clerk & Comptroller's Office to sell 59 shares of Time Warner Cable shares in the most expeditious and cost effective manner. **SUMMARY:** Approval of the sale of said shares will provide final disposition of shares received by the Department of Engineering & Public Works in connection with the separation of Time Warner Cable Inc. from Time Warner Inc. The sale is recommended because common stock is not an authorized investment for County funds, as outlined in the County Investment Policy. As of May 12, 2009, the price per share of Time Warner Cable was approximately \$32 for a total of \$1,888. Countywide (PFK)

C. ENGINEERING & PUBLIC WORKS

1. **DELETED**
2. Staff recommends motion to approve: a Right of Entry/License Agreement with the South Florida Water Management District (SFWMD). **SUMMARY:** Approval of this Right of Entry/License Agreement will allow Palm Beach County to access a five (5) foot strip of land owned by the SFWMD to tie-in and harmonize with the improvements being made to the adjacent northerly right-of-way of Process Drive, formerly known as Fairgrounds Road. District 6 (PFK)
3. Staff recommends motion to:

A) adopt a Resolution to approve Supplemental Agreement Number One to the Local Agency Program Agreement for Advanced Transportation Management System (ATMS) Group 3, with the Florida Department of Transportation (FDOT). This supplemental Agreement will add a total of \$700,000 to the construction funds of \$3,200,000 for ATMS Group 3 of the original Agreement (R2004-1300); and

B) approve a Budget Amendment of \$400,000 in the Transportation Improvement Fund to recognize reimbursement from FDOT and appropriate it to ATMS Group 3.

SUMMARY: The original Agreement enabled Federal funding of \$3,200,000 of construction funds for ATMS Group 3. Approval of Supplemental Agreement Number One will add an additional \$700,000 (\$300,000 of design funds re-appropriated as construction funds and \$400,000 in State funds) to the Agreement. Entire funding will be Federal and State, with no matching funds required by Palm Beach County. Completion date for the project is currently December 31, 2009, with the option to extend if needed. Countywide (MRE)
4. Staff recommends motion to approve: a Contract with Lanzo Lining Services, Inc. (Contractor), in the amount of \$28,800 for lining an existing storm water pipe under Kirk Road at the L-10 Canal (Project No. 2009057). **SUMMARY:** Approval of the Contract will make possible maintenance and repair of the existing stormwater pipe under Kirk Road. Work shall be performed in accordance with the Annual Stormwater and Sanitary Sewer Line Services Contract 08-B-57KW (Group III) between Volusia County and the Contractor which has been incorporated by reference. The Contract period is 30 days from the date of Notice to Proceed. District 3 (MRE)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** a Refunding Application for Federal Assistance in the amount of \$14,766,313 (Head Start \$12,993,352 & Early Head Start \$1,772,961) to operate the Full Day/Full Year Head Start and Early Head Start programs for the period October 1, 2009, through September 30, 2010. **SUMMARY:** The FY 2009/2010 full day/full year Head Start/Early Head Start Program will continue to provide comprehensive child development services to 2,051 Palm Beach County economically disadvantaged infants/toddlers, 3 through 5-year-olds, and 180 pregnant women. Total funding of \$22,458,737 consists of Federal funds of \$14,766,313; Children's Services Council funds of \$454,964 and Palm Beach County required funding of \$3,691,578 with overmatch funding of \$3,545,882. The County's portion has been requested in the FY 2010 budget. The Refunding Application is due to Department of Health & Human Services by June 30, 2009. (Head Start) Countywide (TKF)

2. **Staff recommends motion to ratify:** the Chairman's signature on a Grant Application to the U.S. Department of Health and Human Services (HHS), Administration for Children and Families for:
 - A) Permanent Cost of Living Adjustment (COLA) for the period of October 1, 2009, through September 30, 2010, in the amount of \$433,206;
 - B) American Recovery and Reinvestment Act COLA for the period of July 1, 2009, through June 30, 2010, in the amount of \$260,490; and
 - C) Quality Improvement for the period of July 1, 2009, through September 30, 2010, in the amount of \$804,378.**SUMMARY:** The COLA increase will help cover increased operating costs of the Grantee and delegate agency programs and agency specific adjustments to staff salaries and fringe benefits. The Quality Improvement funding will be used in a manner consistent with the provision of Section 640(a)(5) of the Head Start Act and Program Information ACF-PI-HS-09- 06 FY 2009 funding increase. The emergency signature process was used because there was insufficient time to submit the item through the regular agenda process and meet the submission deadline of May 15, 2009. County match funds of \$108,301.50 are required and included in the current budget. A waiver has been requested for a portion of the required match totaling \$266,217. (Head Start) Countywide (TKF)

3. **Staff recommends motion to approve:** Contract for Consulting/Professional Services with Joseph L. Morse Geriatric Center – Just Checking Program for a total not-to-exceed amount of \$20,040 for the period of July 1, 2009, through June 30, 2010, with two (2) one-year renewal options. **SUMMARY:** The Division of Senior Services received a grant from the Area Agency on Aging under the Community Care for the Elderly program to provide mental health counseling services to seniors in Palm Beach County. Joseph L. Morse Geriatric Center – Just Checking Program will provide mental health counseling to approximately ten (10) seniors. Funding consists of \$18,036 (90%) State and \$2004 (10%) County. County funds for this fiscal year are available in the current budget and funds for the remainder of the contract period are included in the Department's FY 2010 budget request. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. **Staff recommends motion to approve:** Contract for Consulting/Professional Services with Invo Healthcare Associates, Inc. for the period of June 16, 2009, through September 30, 2009, in an amount of \$5,000, for speech and language services to Head Start children. **SUMMARY:** Invo Healthcare Associates, Inc. will provide speech/language therapy by appropriate licensed therapists to Head Start children. The provider is required to bill Medicaid for evaluations and services for children who are Medicaid eligible. Funding consists of \$4,000 (80%) in Federal funds and \$1,000 (20%) in County funds. The County's portion is included in the FY 2009 budget. (Head Start) Countywide (TKF)

5. **Staff recommends motion to approve:** Amendment No. 1 to the contract with Adoption by Shepherd Care (R2008-1285) for the period July 1, 2008, through September 30, 2009, increasing their contract by \$74,000. **SUMMARY:** The Department of Community Services has been requested to provide \$74,000 in additional funds to Adoption by Shepherd Care. Adoption by Shepherd Care meets the intent of Section 320.08058(30), Florida Statutes, which requires counties to distribute annual use fees from the sale of "Choose Life" license plates. Services provided are limited by the Statute and involve meeting the physical needs of pregnant women who are committed to placing their children up for adoption. The contract funding recommended in this item reflects part of the total funds received from the "Choose Life" license plate funds for the 2007 - 2008 fiscal year. No County funds are required. Countywide (TKF)

F. AIRPORTS

1. **Staff recommends motion to approve:**
 - A) Agreement to Terminate Airline-Airport Use and Lease Agreement with Northwest Airlines, Inc. (Northwest Agreement) (R2007-0859); and
 - B) Third Amendment to Airline-Airport Use and Lease Agreement with Delta Air Lines, Inc. (Delta Agreement) (R2007-0386), providing for the payment of a termination fee in exchange for the right to terminate the Northwest Agreement.

SUMMARY: On October 29, 2008, Northwest became a wholly-owned subsidiary of Delta as a result of a merger. The companies have requested the right to terminate the Northwest Agreement and to consolidate their operations within Delta's existing leasehold at the Palm Beach International Airport (PBI). The Northwest Agreement expires on September 30, 2011. Delta has agreed to pay the County a termination fee, which will be paid on a monthly basis through the remainder of the term of the Delta Agreement in an amount equal to the fixed rentals and fees that would have been paid by Northwest through the remainder of the term of the Northwest Agreement. Delta will also remain obligated to pay all variable fees and charges, such as landing fees and per use gate charges. The existing Northwest facilities will be available for lease to another airline upon termination of the Northwest Agreement. Countywide (JMB)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. Staff recommends motion to adopt: a Resolution establishing General Aviation Minimum Standards for the Palm Beach County Glades Airport and revising the General Aviation Minimum Standards for the North County General Aviation Airport, repealing Resolution No. R2003-1956, and becoming effective upon adoption. **SUMMARY:** This Resolution provides for the adoption of General Aviation Minimum Standards for the Palm Beach County Glades Airport and revision of the Minimum Standards for Commercial Aeronautical Activities for the North County General Aviation Airport adopted by the Board on December 2, 2003 (R2003-1956). General Aviation Minimum Standards ("Minimum Standards") provide the minimum requirements to be met by entities desiring to engage in commercial general aviation activities and non-commercial self-service fueling and include requirements for facility size, insurance coverage, required services and hours of operation. Staff is recommending adoption of revised Minimum Standards for the North County General Aviation Airport to make standard provisions and terminology conform more closely to the General Aviation Minimum Standards adopted for the Palm Beach International Airport, which will assist staff in ensuring similar provisions are interpreted consistently. Staff is also recommending establishment of Minimum Standards for the Palm Beach County Glades Airport. The Aviation and Airports Advisory Board unanimously approved the Minimum Standards for both airports at its February 25, 2009 meeting. Countywide (AH)

3. Staff recommends motion to approve:

A) Change Order No. 5 to the contract with CTR Systems Parking, Inc. in the amount of \$18,047 and a time extension of 195 calendar days for the Parking Access and Revenue Control System (PARCS) Replacement Project at Palm Beach International Airport (PBIA); and

B) Budget Transfer of \$18,047 in the Airports Renewal and Replacement Fund to establish budget for Change Order No. 5 with CTR Systems Parking, Inc. Included in this transfer is \$18,047 from Reserves.

SUMMARY: On February 5, 2008, the BCC approved the contract with CTR Systems Parking, Inc. in the amount of \$2,370,495 and a contract time of 180 calendar days (R2008-0172). Change Orders 1-4 were approved for a net increase to the contract in the amount of \$490,752 and extended the contract time by 150 calendar days. Approval of this Change Order will increase the total contract price by \$18,047 and extend the contract time by an additional 195 calendar days, which is the time frame necessary to implement SunPass at PBIA. The Florida Department of Transportation has provided grant funding not to exceed \$400,000 in the implementation of the SunPass portion of this contract which was approved by the BCC on September 25, 2007 (R2007-1631). The Small Business Enterprise (SBE) goal for this project was established at 15%. The SBE participation for this Change Order is 34.14%. The total SBE contract participation including all change orders is 21.51%. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. Staff recommends motion to approve: a Construction Manager Authorization for Task No. M-5 under the Construction Manager (CM) at Risk Contract with The Morganti Group, Inc. in the amount of \$223,000 for construction phase services for the conventional hangar roof repairs and Fixed Base Operator (FBO) Heating, Ventilating and Air Conditioning (HVAC) renovation at North County General Aviation Airport. **SUMMARY:** The Department of Airports is requesting Board approval of Task M-5 to The Morganti Group, Inc. under the continuing contract for CM at Risk Services approved May 20, 2008 (R2008-0850). Tasks M-1 through M-4 for The Morganti Group, Inc. were approved in the amount of \$4,197,619.73. The services provided in this Construction Manager Authorization constitute the fifth task to be assigned to The Morganti Group, Inc. Task No. M-5 is in the amount of \$223,000 and establishes a construction time of 60 calendar days. The Small Business Enterprise (SBE) goal for this contract was established at 15%. The SBE participation for this Task is 17.44%. The total SBE contract participation including Task M-5 is 14.87%. Countywide (JCM)

5. Staff recommends motion to approve: Lease Agreement with CSC Applied Technologies, LLC (Lease), providing for the lease of approximately 46,279 square feet of ground area and 15,513 square feet of hangar and office/terminal space, and a license to use approximately 27,186 square feet of apron area at the Palm Beach International Airport (PBI), for an initial annual rental of \$200,454. **SUMMARY:** CSC Applied Technologies, LLC is a tenant at PBI under a Development Site Lease Agreement dated July 19, 1994 (R94-878D) that will expire on July 18, 2009, at which time ownership of the improvements consisting of a hangar/office building and air terminal facility will revert to the County. The Lease provides for payment of rental at the appraised fair market value rate for the building improvements, in addition to ground rent. The term of the Lease will commence on July 19, 2009 and end on March 31, 2011. The Lease provides for automatic renewal for five (5) additional terms of one (1) year each. Countywide (JMB)

6. Staff recommends motion to adopt: a Resolution authorizing the County Administrator or his designee to execute a standard form Agreement for Rental Car Lease and Concession at the Palm Beach International Airport (PBI); establishing the Minimum Annual Guarantee for the first contract year; and becoming effective upon adoption. **SUMMARY:** The Resolution authorizes the County Administrator or his designee to execute a standard form Agreement for Rental Car Lease and Concession at the Palm Beach International Airport (Agreement) for the operation of on-airport rental car concessions at PBI. The Agreements will be for a two (2) year term, commencing on October 1, 2009 and ending on September 30, 2011. Rental car concessionaires are required to pay the County a concession fee equal to an established Minimum Annual Guarantee (MAG) or 10% of annual gross revenues, whichever is greater. The MAG for the first contract year of the Agreement will be 95% of a concessionaire's FY 2008 MAG or 95% of the concessionaire's FY 2008 percentage payment, whichever is less. The MAG will automatically adjust in the second contract year in accordance with the terms of the Agreement. Countywide (JMB)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

7. Staff recommends motion to approve: Second Amendment to Retail Concession Agreement (Amendment) with Paradies-Palm Beach, LLC (Paradies), providing for the lease of additional storage space for approximately \$19,826 per year and authorizing chewing gum sales within the Palm Beach International Airport's (PBIA) passenger terminal. **SUMMARY:** On November 6, 2007, the Board approved a Retail Concession Agreement (R2007-2052) (Agreement) with Paradies for retail concession services at PBIA. The Agreement required Paradies to make an initial capital investment of \$4,558,500 on the design and construction of new concession units at PBIA. Paradies is anticipated to complete construction by November 1, 2010. The Amendment provides for the lease of additional storage space and a license to use certain concession space during construction of the new concession units. Paradies has requested an opportunity to sell chewing gum at PBIA and to replace the Tech Showcase concept, which was an electronics store, with another concept acceptable to the County. The Amendment authorizes chewing gum sales at PBIA and requires Paradies to provide a replacement for the Tech Showcase concept. Countywide (JMB)

8. Staff recommends motion to approve: License Agreement for Storm Recovery with Florida Power & Light Company (FPL), providing for the short-term use of designated areas within County-owned general aviation airports for storm recovery efforts at no charge. **SUMMARY:** The License Agreement allows FPL to use portions of the Palm Beach County Park Airport, the Palm Beach County Glades Airport and the North County General Aviation Airport (Airports) designated in writing by the Department on a short-term basis for staging of materials, equipment, supplies and personnel in connection with recovery efforts following storm events such as tropical storms, hurricanes or tornadoes. The term of the License Agreement expires on December 31, 2009 and automatically renews on a year-to-year basis thereafter. The County will have the right to terminate the License Agreement upon seven (7) days prior written notice to FPL. Countywide (JMB)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: a negotiated settlement offer in the amount of \$51,000 for the full satisfaction of a Code Enforcement Lien that was entered against Diwatch International Consultants, Inc. on January 9, 2007. **SUMMARY:** The Code Enforcement Special Master (CESM) entered an Order on September 6, 2006 giving Diwatch International Consultants, Inc. (DIC) until December 5, 2006 to repair and maintain the mobile homes, additions, accessory structures, parking areas, and driveways in conformity with the County's Property Maintenance Code and Florida Building Code, to clean up the open storage of trash and debris, and to remove the unlicensed and inoperable vehicles from their mobile home park on Lake Worth Road. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$75 per day was imposed. The CESM then entered a claim of lien against DIC on January 9, 2007. The cited code violations were fully corrected as of March 20, 2009 when the property was completely cleared of all the dilapidated mobile homes and structures, vehicles, and trash and debris. The accumulated lien amount through March 20, 2009, the date settlement discussions began, totaled \$84,972.60, of which DIC has agreed to pay the County \$51,000 (60%) for full settlement of their outstanding Code Enforcement Lien. District 3 (PGE)

3. CONSENT AGENDA APPROVAL

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

2. Staff recommends motion to approve:

A) a Budget Transfer from School Impact Fee Zone 1 reserve account to School Impact Fee Zone 1 appropriation account for \$586,600;

B) a Budget Transfer from School Impact Fee Zone 2 reserve account to School Impact Fee Zone 2 appropriation account for \$115,300;

C) a Budget Transfer from School Impact Fee Zone 3 reserve account to School Impact Fee Zone 3 appropriation account for \$667,323; and

D) a Budget Transfer from School Impact Fee Zone 4 reserve account to School Impact Fee Zone 4 appropriation account for \$190,000.

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

3. Staff recommends motion to approve: a Budget Amendment of \$122,517 in the School Impact Fee Account Zone 3 to recognize revenue received in FY 2009 and to appropriate it to the School Impact Fee Account-Contributions to Other Governmental Agencies for payment to the School District of Palm Beach County. **SUMMARY:** This Budget Amendment is necessary to recognize and appropriate revenue collected in FY 2009 in excess of the budgeted amount. This Amendment allows the County to remit school impact fees revenues to the School District. Countywide (LB)

4. Staff recommends motion to adopt: a Resolution amending Resolution No. R2009-0888, adopted May 19, 2009; modifying certain of the parameters established with respect to the issuance of a not to exceed \$16.5 Million Capital Improvement Bond Anticipation Note, Series 2009; and providing an effective date. **SUMMARY:** On May 19, 2009, the Board adopted a Resolution (R2009-0888) authorizing the negotiation of a loan in the amount of not to exceed \$16.5 Million from the Sunshine State Governmental Financing Commissions or in the alternative, the issuance of the County's Capital Improvement Bond Anticipation Note (BAN), Series 2009 in an amount not to exceed \$16.5 Million and delegating to the Chairman of the Board of County Commissioners the authority to consummate the Loan or the BAN. Staff has determined that the BAN is the appropriate financing alternative. The above amendment is necessary to change the interest rate parameters to allow for a variable rate bond anticipation note for up to three (3) years. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: JOC Work Order No. 09-108 with All-Site Construction, Inc. (R2007-0945) in the amount of \$462,716.57 to provide a new splash pad playground at Westgate Community Center. **SUMMARY:** The work consists of the construction of a 54' x 40' concrete oval splash pad playground with three triangular shade sails, including plumbing and built-in play products. The Small Business Enterprise (SBE) goal is 15%. The SBE participation in this Work Order is 100%. When the participation for this Work Order is added to All-Site's total participation-to-date, the resulting values are 100%. The total construction duration is 180 days. Funding is from a combination of a Community Development Block Grant Program provided through U.S. HUD (Federal), the Park Improvement Fund (restricted and ad valorem), and the Capital Outlay Fund (ad valorem). (FD&O Admin) Countywide/District 2 (JM)

2. Staff recommends motion to approve: Amendment No. 2 to Contract (R2007-0945) with All-Site Construction, Inc., to implement the second and final renewal of Job Order Contract (JOC) - South Bond Waiver (B/W). **SUMMARY:** Amendment No. 2 is a renewal to the JOC - South B/W which was awarded to All-Site Construction, Inc. The contractor will continue to perform as an "annual general contractor" for maintenance and capital projects. This is an indefinite-quantity contract and the renewal has a maximum value of \$1,500,000. The renewal term is twelve months or until \$1,500,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on expiration of the term. All terms of the original contract remain in effect. This is the second of two (2) extensions allowed by the contract. The Small Business Enterprise (SBE) goal for the JOC Program is 15%. All-Site's participation, for work orders issued-to-date, is 100%. All-Site Construction, Inc. is a certified SBE contractor. (FD&O Admin) Countywide (JM)

3. Staff recommends motion to approve: Amendment No. 2 to Contract (R2007-1099) with Robling Architecture Construction, Inc., to implement the second and final renewal of Job Order Contract (JOC) - South Bond Waiver (B/W). **SUMMARY:** Amendment No. 2 is a renewal to the JOC - South B/W which was awarded to Robling Architecture Construction, Inc. The contractor will continue to perform as an "annual general contractor" for maintenance and capital projects. This is an indefinite-quantity contract and the renewal has a maximum value of \$1,500,000. The renewal term is twelve months or until \$1,500,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which will exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the second of two (2) extensions allowed by the contract. The Small Business Enterprise (SBE) goal for the JOC Program is 15%. Robling's participation, for work orders issued-to-date, is 100%. Robling Architecture Construction, Inc. is a certified SBE contractor. (FD&O Admin) Countywide (JM)

4. Staff recommends motion to approve: Amendment No. 2 to Contract (R2007-0949) with M.A.C. Construction, Inc., to implement the second and final renewal of Job Order Contract (JOC) - Central. **SUMMARY:** Amendment No. 2 is a renewal to the JOC - Central which was awarded to M.A.C. Construction Inc. The contractor will continue to perform as an "annual general contractor" for maintenance and capital projects. This is an indefinite-quantity contract and the renewal has a maximum value of \$2,500,000. The renewal term is twelve months or until \$2,500,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on expiration of the term. All terms of the original contract remain in effect. This is the second of two (2) extensions allowed by the contract. The Small Business Enterprise (SBE) goal for the JOC Program is 15%. M.A.C.'s participation, for work orders issued-to-date, is 20.7%. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. Staff recommends motion to approve: Amendment No. 2 to Contract (R2007-0947) with Holt Contractors, Inc., to implement the second and final renewal of Job Order Contract (JOC) - North. **SUMMARY:** Amendment No. 2 is a renewal to the JOC - North which was awarded to Holt Contractors, Inc. The contractor will continue to perform as an "annual general contractor" for maintenance and capital projects. This is an indefinite-quantity contract and the renewal has a maximum value of \$2,500,000. The renewal term is twelve months or until \$2,500,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on expiration of the term. All terms of the original contract remain in effect. This is the second of two (2) extensions allowed by the contract. The Small Business Enterprise (SBE) goal for the JOC Program is 15%. Holt Contractors Inc.'s participation, for work orders issued-to-date, is 100%. Holt Contractors, Inc. is a certified SBE contractor. (FD&O Admin) Countywide (JM)

6. Staff recommends motion to approve: Amendment No. 2 to Contract (R2007-0944) with H.A. Contracting Corp., to implement the second and final renewal of Job Order Contract (JOC) - North. **SUMMARY:** Amendment No. 2 is a renewal to the JOC - North which was awarded to H.A. Contracting Corp. The contractor will continue to perform as an "annual general contractor" for maintenance and capital projects. This is an indefinite-quantity contract and the renewal has a maximum value of \$2,500,000. The renewal term is twelve months or until \$2,500,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on expiration of the term. All terms of the original contract remain in effect. This is the first of two (2) extensions allowed by the contract. The Small Business Enterprise (SBE) goal for the JOC Program is 15%. H.A.'s participation, for work orders issued-to-date, is 20%. (FD&O Admin) Countywide (JM)

7. Staff recommends motion to approve: Amendment No. 1 to Contract with The BG Group, LLC (R2008-1055) to implement the first renewal of the annual demolition contract. **SUMMARY:** Amendment No. 1 is a renewal to the Annual Contract-Demolition which was awarded to The BG Group, LLC. The annual demolition contract is an indefinite-quantity contract and this renewal has a maximum value of \$500,000. The renewal term is for twelve months or until \$500,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on expiration of the term. All terms of the original contract remain in effect. This is the first of four (4) extensions allowed by the contract. The Small Business Enterprise (SBE) participation goal for the contract is 15%. BG Group's SBE participation for work orders issued to date is 76%. The BG Group, LLC. is a certified SBE contractor. (FD&O Admin) Countywide (JM)

8. Staff recommends motion to approve: Amendment No. 1 to the annual Contract (R2008-1304) with Gartek Engineering Corporation for professional consulting services. **SUMMARY:** Gartek Engineering Corporation was selected to provide professional consulting services for annual Mechanical, Electrical, Plumbing (MEP) services. The original contract provides for an initial one (1) year term with two (2) - one (1) year renewal options. Amendment No. 1 will provide for services during the first renewal period. Gartek Engineering Corporation has a Small Business Enterprise (SBE) participation goal of 100%. During the first year of the contract, Gartek Engineering Corporation has achieved 100% participation. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. Staff recommends motion to approve: Amendment No. 2 to the annual Contract (R2007-1104) with Gentile, Holloway, O'Mahoney & Associates, Inc. for professional consulting services. **SUMMARY:** Gentile, Holloway, O'Mahoney & Associates, Inc. was selected to provide professional consulting services for property development evaluations. The original contract provided for an initial one (1) year term with two (2) - one (1) year renewal options. Amendment No. 2 will provide for services during the second and final renewal period. Gentile, Holloway, O'Mahoney & Associates, Inc. has a Small Business Enterprise (SBE) participation goal of 96%. During the first two (2) years of the contract, Gentile, Holloway, O'Mahoney & Associates, Inc. has achieved 100% participation. (Capital Improvements Division) Countywide (JM)

10. Staff recommends motion to approve: Change Order No. 10 to the Contract (R2007-1507) with West Construction, Inc., in the amount of \$19,717.10 for Light Harbor Park located in Riviera Beach. **SUMMARY:** Change Order No. 10 provides for construction of a new, lighted monument sign. Change Order No. 10 must be approved by the Board of County Commissioners because this Change Order, when combined with previous approvals, would exceed the combined fiscal authority of the Contract Review Committee and the Department Director. This project is being funded from a waterfront access bond. This work was completed prior to this Change Order. The Small Business Enterprise (SBE) goal for this project is 15%. West Construction's participation for this Change Order is 0% and when combined with previous change orders, the total participation is 23.3%. (Capital Improvements Division) District 7 (JM)

11. Staff recommends motion to approve: Amendment No. 7 to the Contract with Moss & Associates, LLC. (R2007-0031) for Construction Management Services for the West County Palm Tran Maintenance Facility located on County property adjacent to the West County Detention Facility for a Guaranteed Maximum Price (GMP) in the amount of \$5,726,930. **SUMMARY:** On April 25, 2006, the Board approved proceeding with Jail Expansion Program II. At the same time, the Board approved proceeding with this Palm Tran Maintenance Facility. Co-locating and concurrently designing and constructing these two (2) facilities benefits both functionally and operationally. Previous Amendments (1-6) provided for work associated with the Detention Facility. Amendment No. 7 will provide a bus maintenance facility for Palm Tran at the West County Detention Facility. Amendment No. 7 is funded through Federal Grants and stimulus money from the Federal Government. The Disadvantaged Business Enterprise (DBE) participation goal for this project is 10%. Moss & Associates will be providing 11.1% DBE participation in this Amendment. The duration of this work is 283 calendar days. (Capital Improvements Division) Countywide/District 6 (JM)

12. Staff recommends motion to approve: Consultant Services Authorization No. 5 to Architectural Continuing Services Contract with Colome & Associates, Inc. (R2007-0392) in the amount of \$194,985 for architectural, engineering and construction administration services for Fire Station No. 24 replacement. **SUMMARY:** The project involves architectural, engineering, landscape and irrigation design, and construction administration services for the replacement of the existing fire station in Westgate. The estimated cost is \$1,800,000. Design of this project is being funded from ad valorem taxes through the Fire Rescue Municipal Service Taxing Unit. The Small Business Enterprises (SBE) participation for this work is 70%. When added to the Consultant's participation to date, the resulting SBE participation is 73%. The consultant's goal is 70%. (Capital Improvements Division) District 3 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

13. **Staff recommends motion to approve:** Amendment No. 1 to the annual Contract (R2008-1305) with BRPH Architects-Engineers, Inc. for professional consulting services. **SUMMARY:** BRPH Architects-Engineers, Inc. was selected to provide professional consulting services for Mechanical, Electrical, Plumbing (MEP) services. The original contract provided for an initial one (1) year term with two (2) - one (1) year renewal options. Amendment No. 1 will provide for services during the first renewal period. BRPH Architects-Engineers, Inc. has a Small Business Enterprise (SBE) participation goal of 20%. During the first year of the contract, BRPH Architects-Engineers, Inc., as the only SBE subconsultant, achieved 16% participation. (Capital Improvements Division) Countywide (JM)

14. **Staff recommends motion to approve:** Amendment No. 1 to the annual Contract (R2007-1105) with The Weitz Company for construction management services. **SUMMARY:** The Weitz Company was selected to provide construction management services associated with the design and construction of various capital projects. These capital projects may include new construction, additions, or renovations from \$400,000 to \$25,000,000. The original contract provided for an initial two (2) year term with three (3) - one (1) year renewal options. Amendment No. 4 will provide for services during the first renewal period and add language to the contract regarding the County's policy for the use of preferences for evaluating subcontractor bids for Small Business Enterprise (SBE) and local firms. The Weitz Company has an SBE participation goal of 15%. During the first two (2) years of the contract, The Weitz Company has achieved 0% participation as their services provided during this contract term only included pre-construction activities with limited SBE opportunities. (Capital Improvements Division) Countywide (JM)

15. **Staff recommends motion to approve:** Amendment No. 4 to the annual Contract (R2007-1217) with Catalfumo Construction, Ltd., for construction management services. **SUMMARY:** Catalfumo Construction, Ltd. was selected to provide construction management services associated with the design and construction of various capital projects. These capital projects may include new construction, additions, or renovations from \$400,000 to \$25,000,000. The original contract provided for an initial two (2) year term with three (3) – one (1) year renewal options. Amendment No. 4 will provide for services during the first renewal period and add language to the contract regarding the County's policy for the use of preferences for evaluating subcontractor bids for Small Business Enterprise (SBE) and local firms. Catalfumo Construction has an SBE participation goal of 15%. During the first two (2) years of the contract, Catalfumo Construction has achieved 19.6% participation. (Capital Improvements Division) Countywide (JM)

16. **Staff recommends motion to approve:** a Sovereignty Submerged Lands Lease Modification (No. 500012026) (R96-869D) with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (TIITF) to reconfigure the 32 boat slip marina, and reduce the lease area at Phil Foster Park. **SUMMARY:** The County leases 39,800 square feet (.91 acres) of sovereign submerged lands from TIITF for a 32-slip docking facility at Phil Foster Park. This Lands Lease Modification allows for six (6) of the thirty-two (32) boat slips to be installed as permanent docks with marine lifts to be used exclusively by the PBSO Marine Unit. The reconfiguration of the boat slips will decrease the lease area from 39,800 square feet (.91 acres) to 38,654 square feet (.89 acres) which results in a decrease of \$163.74 to the annual lease fee. The Lands Lease Modification requires a \$1,444.26 processing fee. The annual rent will be adjusted to \$5,777.03. All other terms and conditions of the Submerged Lands Lease remain unchanged. All Lease fees, including any annual adjustments as may be required by State statutes, are budgeted by the Parks and Recreation Department under annual operating expenses for Phil Foster Park. (PREM) District 1 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

17. Staff recommends motion to approve: a Declaration of Easement for water and sewer mains at the County-owned Airport Center complex in unincorporated West Palm Beach. **SUMMARY:** The Palm Beach County Water Utilities Department (PBCWUD) installed a new underground water main at the 100 Australian Avenue Building in the Airport Center complex, located at the northeast corner of Australian Avenue and Southern Boulevard in unincorporated West Palm Beach. An easement is needed for the new water main as well as reconciling all other previously-installed onsite water and sewer lines. All improvements associated with this easement are located underground. The easement is being granted to PBCWUD at no charge as it provides utility service to County facilities. The water main easement area is approximately 3,736 feet long and 20 feet wide and contains 74,730 square feet (1.72 acres) and the sanitary sewer main easement area is approximately 1,883 feet long and 20 feet wide and contains 37,675 square feet (0.86 acres) for a total area of 112,405 square feet (2.58 acres). The Declaration will be recorded to provide notice of the existence and location of the water and sewer lines and appurtenant facilities. (PREM) District 2 (HJF)

18. Staff recommends motion to:

A) adopt a Resolution authorizing the extension of the term of the License Agreement (R2007-1103) with the Genealogical Society of Palm Beach County, Inc., and finding that the purpose of the First Amendment is promoting community interest and welfare, the space is required for such use and is not needed for County purposes; and

B) approve a First Amendment to License Agreement with the Genealogical Society of Palm Beach County, Inc. to provide for automatic renewals of the term of the License Agreement on a year to year basis, unless terminated by either party upon 180 days notice.

SUMMARY: On July 10, 2007, the Board approved a License Agreement with the Genealogical Society of Palm Beach County, Inc. d/b/a Palm Beach County Genealogical Society, for use of 1,719 sq. ft. of space in the County's Main Library located at 3650 Summit Boulevard in the City of West Palm Beach. The current License Agreement will expire July 9, 2009. This First Amendment: (i) extends the term for one (1) year from July 10, 2009 through July 9, 2010, with automatic annual renewals thereafter, unless cancelled by either party upon 180 days notice; (ii) acknowledges that the correct square footage is 1,719 sq. ft.; (iii) modifies Section 3.05 of the License Agreement to prohibit discrimination against any individual based upon gender identity or expression; and (iv) updates the Notice provisions. The Genealogical Society will continue to pay a monthly service fee of \$150 for utility and custodial costs. All other terms and conditions of the License Agreement remain unmodified. (PREM) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

19. Staff recommends motion to receive and file:

A) a notice of the merger of Trump International Golf Club II, L.C. into Trump International Golf Club, L.C., and

B) an amended Letter of Credit in the amount of \$86,575.

SUMMARY: Trump International Golf Course is located at the southeast corner of Kirk Road and Gun Club Road in West Palm Beach and is operated on land leased from the County (R2002-1231). The Development Lease Agreement allows an assignment to any entity controlled by Donald Trump. On July 30, 2008, the County received notice that Trump International Golf Club II, L.C. had been merged into Trump International Golf Club, L.C., an entity controlled by Donald Trump. Additionally, the Development Lease Agreement requires tenant to provide a Security Deposit equal to three (3) months' rent. The rental rate was adjusted in November 2008. As such, the initial Letter of Credit was amended to reflect an increase in the credit amount to \$86,575, and was subsequently amended to reflect the County's correct address. (PREM) District 2 (HJF)

20. Staff recommends motion to approve: Contract with GC Works, Inc. for the construction of the John Prince Park Campground Phase II improvements in the amount of \$724,000. **SUMMARY:** This Contract will provide for water, sewer and electrical improvements within the John Prince Park Campground. This is the second phase of the upgrade program. The program replaces the existing septic system with connection to the City of Lake Worth sanitary system, upgrades to electric and water service. This project is being funded through a Florida Department of Environmental Protection grant and the \$25 Million GO 2005 Parks and Cultural Improvements Bond Fund. The Small Business Enterprise (SBE) goal for this project is 15%. The GC Works, Inc. bid includes participation at 28.6%. The contract time is 180 calendar days to substantial completion. (Capital Improvements Division) District 3 (JM)

21. Staff recommends motion to approve: Contract with Brang Construction Incorporated in the amount of \$1,665,000 for the construction of Fire Station No. 32. **SUMMARY:** This Contract will provide for the construction of a 8,700 square foot two (2) story fire station located at 4022 Charleston Street in Lake Worth and the staged demolition of the existing fire station after the new station is completed. The project will be funded from the Fire Rescue Municipal Service Taxing Unit. The Small Business Enterprises (SBE) goal for this project is 15.0%. Brang Construction Incorporated will provide 28.5%. The contract time is 365 calendar days to substantial completion. (Capital Improvements Division) District 3 (JM)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to receive and file: two (2) Agreements in the amount of \$2,482,200 with the West Palm Beach Housing Authority for the period of April 1, 2009, to January 31, 2010, under the 2005 Disaster Recovery Initiative Program - Supplemental Appropriation, for hurricane hardening at the Colony Oaks and Twin Lakes housing developments. **SUMMARY:** On April 23, 2008, Palm Beach County entered into an Agreement with the Florida Department of Community Affairs (DCA) to receive up to \$19,568,569, for various projects to be funded under the 2005 DRI Program - Supplemental Appropriation. The two (2) Agreements provided herein are funded under this Agreement with DCA. The County Administrator executed these two (2) Agreements under the Authority approved by the Board of County Commissioners on September 11, 2007 (R2007-1524). **These are Federal Community Development Block Grant funds which do not require local matching funds.** Districts 6 & 7 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to receive and file:

A) an Agreement in the amount of \$150,000, with the Village of Palm Springs for the period of April 1, 2009, to August 15, 2009; and

B) an Agreement in the amount of \$1,500,000 with NOAH Development Corporation, for the period of April 1, 2009, to August 15, 2009.

SUMMARY: On February 16, 2007, Palm Beach County entered into an Agreement (R2007-1027) with the Florida Department of Community Affairs (DCA) to receive up to \$19,035,920, for various projects to be funded under the 2005 Disaster Recovery Initiative Program. The two (2) Agreements provided herein are funded under this Agreement with DCA. The Agreement with the Village of Palm Springs provides funding for water treatment plant and sewage lift station fencing, and the Agreement with NOAH Development Corporation provides funding for hurricane hardening at Covenant Villas and South Bay Villas. The County Administrator executed these two (2) Agreements under the Authority approved by the Board of County Commissioners on July 18, 2006 (R2006-1351). **These are Federal Community Development Block Grant funds that require no local match.** Districts 3 & 6 (TKF)

K. WATER UTILITIES

1. Staff recommends motion to approve: a Potable Water and Wastewater Development Agreement with Willie H. Day and Frankie J. Day. **SUMMARY:** On February 28, 2006, the Board approved an Agreement (R2006-0410) with the Village of Royal Palm Beach (Village) for the purchase and sale of the Village's potable water and wastewater utility. As part of that purchase the County assumed responsibility for certain active development agreements on properties contained within the Village's former service area. One of those agreements required the property owner, Willie H. Day (Day), to install certain oversized potable water and wastewater facilities to serve adjoining properties. The Village and Day also entered into a refund agreement (Refund Agreement) requiring the Village to collect third-party reimbursements from owners of adjoining properties whose projects benefited from the oversized facilities and remit said third-party reimbursements to Day. Because the County has interconnected its pipelines with those installed by Day, it is impossible to identify which future projects would benefit solely from the oversized facilities and, subsequently, to determine the amount of the reimbursement associated with a project. Day and the Water Utilities Department desire to resolve this issue by applying the full amount of the reimbursement (\$66,415) as a credit against certain fees associated with this Development Agreement, which relates to an adjoining parcel of property not encumbered by the original development agreement with the Village. These fees include Installation, Guaranteed Revenue, Connection, Plan Review, Inspection, and Franchise Fees. Any remaining balance may be assigned to a subsequent purchaser, but will not be refunded to Day. This Development Agreement replaces and supersedes the original Refund Agreement, and Day agrees to release the County from any liability related to the Refund Agreement. District 6 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. **Staff recommends motion to approve:** Work Authorization No. 10 to the Optimization and Improvements Design/Build Services with Globaltech, Inc. (R2008-2323) for Water Treatment Plant (WTP) No. 10 Membrane Improvement Construction in the amount of \$278,654. **SUMMARY:** On December 16, 2008, the Board approved the Water Utilities Department Optimization and Improvements Design/Build Services Contract with Globaltech, Inc. for treatment plant and regional pump station projects. This Work Authorization is a guaranteed maximum price for improvements at WTP 10 which will increase the automation and ability to utilize the membrane treatment without using the lime softening portion of the plant. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Globaltech, Inc. provides for SBE participation of 75.00% overall. This Authorization includes 83.99% overall participation. The cumulative SBE participation, including this Work Authorization, is 69.87% overall. (WUD Project No. 08-074) Districts 5 & 6 (JM)

3. **Staff recommends motion to receive and file:** five (5) Standard Development Agreements complete with executed documents received during the months of March and May 2009:

Standard Development Agreements

- | | | |
|---|--------------|--------------|
| A) Pine Ridge at Delray Beach Master Association, Inc.
(Reclaimed/Lake Discharge) | (District 5) | 03-90009-000 |
| B) William Mazzoni Revocable Trust | (District 5) | 05-01100-000 |
| C) Town Commons Acquisition, LLC | (District 3) | 05-01101-000 |
| D) William Mazzoni Revocable Trust
(Reclaimed/Direct Discharge) | (District 5) | 05-90022-000 |
| E) Minto Communities, LLC | (District 6) | 13-01023-000 |

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

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to approve:

A) Change Order No. 1 to Winding Waters Natural Area Wetland Creation Contract (R2009-0320) with J.W. Cheatham, LLC, to extend the Contract Time by 21 days and increase the Contract Amount by \$296,208;

B) Budget Transfer of \$200,000 from the Natural Areas Reserves Fund to the Environmental Resources Capital Fund; and

C) Budget Amendment of \$200,000 in the Environmental Resources Capital Fund to recognize the transfer from the Natural Areas Fund to provide additional funding for the Contract.

SUMMARY: A minor change to the wetland configuration will increase the amount of fill excavated from the site and delivered to the Solid Waste Authority (SWA) by 115,200 tons. Additional erosion control and minor lump sum work items are also being added to the Contract. No additional SBE participation is anticipated, but the contract total remains above 16%. This Change Order will increase the Contract Time to 532 days and the Contract Amount to \$5,491,924. The Contract is funded by the Natural Areas Fund, a Non-Ad Valorem source. District 7 (SF)

2. Staff recommends motion to approve: Work Order No. 1666-03 to Palm Beach County Annual Dune & Wetlands Restoration Project No. 2008ERM02 (R2008-1666) with Eastman Aggregates Enterprises, LLC (Eastman) (Primary) in the amount of \$438,440 to provide restoration services for the Ibis Isle Restoration Project. **SUMMARY:** The BCC approved the Palm Beach County Annual Dune & Wetlands Restoration Project No. 2008ERM02 (R2008-1666) on September 23, 2008. Work Order No. 1666-03 authorizes Eastman to complete the capping and excavation portion associated with the Ibis Isle Restoration Project. The work order is funded by grants through the Lake Worth Lagoon Partnership Program (R2007-2279) and Legislative Appropriation for the Sediment Management Project (R2009-0574). There is 29.64% Small Business and Minority Business Enterprise (SBE-MBE) subcontractor participation on this Work Order. Eastman committed to an overall 16.14% SBE-MBE participation for this Contract and has achieved 28.82% to date. District 7 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to:

A) approve State of Florida Department of Transportation Local Agency Program Agreement (Agreement) in an amount not to exceed \$1,250,000 for reimbursement of construction costs of Bluegill Trail from Riverbend Park to Sandhill Crane Park (FM No. 423809-1-58-01);

B) approve Budget Amendment of \$1,250,000 in the Environmental Capital Projects Fund; and

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

SUMMARY: The Agreement will encumber \$750,000 in Florida Stimulus Scenic Enhancement funds from the American Recovery and Reinvestment Act and \$500,000 in Florida Department of Transportation (FDOT) Transportation Enhancement program funds to reimburse the cost of constructing the bicycle/pedestrian portion of the Northeast Everglades Natural Area (NENA) Bluegill Trail. The project includes a 5.5 mile-long, ten-foot wide crushed concrete trail, a steel and concrete bridge over the canal C-18E, a chickee shade shelter and informational signs. No County match is required. The trail connects the City of Palm Beach Gardens Sandhill Crane Access Park to Riverbend Park utilizing the eastern levee of the South Florida Water Management District (SFWMD) canal C-18E to traverse the Loxahatchee Slough Natural Area. The Agreement will expire December 31, 2011. Specific federal requirements for contract bidding and job reporting apply. District 1 (JMB)

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 Boynton Beach Community High School for the period November 1, 2008, through June 30, 2009, in an amount not-to-exceed \$2,430 for funding of a student trip to Washington, D.C. **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 3 Funds. District 3 (AH)

2. Staff recommends motion to receive and file: original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for Lake Worth Community High School for the period January 1, 2009, through September 30, 2009, in an amount not-to-exceed \$1,000 for funding of Project Graduation 2009. **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 3 Funds. District 3 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. **Staff recommends motion to receive and file:** original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for W.T. Dwyer Community High School (\$1,907), Jupiter Community High School (\$1,907), and Palm Beach Gardens Community High School (\$1,907) for the period January 1, 2009, through September 30, 2009, in an amount not-to-exceed \$5,721 for funding of Project Graduation 2009. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747), as amended. Funding is from the Recreation Assistance Program (RAP) District 1 Funds. District 1 (AH)

4. **Staff recommends motion to receive and file:** First Amendment to Agreement (R2009-0439) with Inlet Grove Community High School, Inc. for a student trip to Washington, D.C., to expand the project timeframe from January 15, 2009, through March 30, 2009, to December 4, 2008, through April 15, 2009, and to extend the term of the Agreement from June 30, 2009, to July 15, 2009. **SUMMARY:** This fully executed First Amendment to Agreement expands the project timeframe for the Inlet Grove Community High School student trip to Washington, D.C., to accommodate dates of actual payments made for the trip and to allow sufficient time to complete the reimbursement process. All other terms of the Agreement, including the funding amount of \$13,650, remain the same. Funding for the project is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

5. **Staff recommends motion to approve:** Agreement with the Town of Lantana for the period June 16, 2009, through October 31, 2009, in an amount not-to-exceed \$14,000 for operational costs for the Lantana Sports Complex. **SUMMARY:** This funding is to offset the cost of operational expenses for baseball fields at the Lantana Sports Complex. The baseball fields serve approximately 960 users on a regular basis. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to April 1, 2009. Funding is from the Recreation Assistance Program (RAP) District 3 Funds. District 7 (AH)

6. **Staff recommends motion to approve:**
 - A) Interlocal Agreement with the Town of Lantana for the period June 16, 2009, through June 15, 2012, in an amount not-to-exceed \$300,000 for funding of Sportsman's Park improvements; and
 - B) Budget Transfer of \$300,000 within the \$50M GO '05 Waterfront Access Bond from Jayces Park Boat Docks to Town of Lantana Sportsman's Park.

SUMMARY: This Interlocal Agreement provides funding for construction of three sets of docks at Sportsman's Park, which is located on Ocean Avenue in Lantana. The Interlocal Agreement allows for the reimbursement of expenses incurred subsequent to November 2, 2004. Funding is from the 2004 \$50 Million GO Waterfront Access Bond referendum. District 4 (PK)

7. **Staff recommends motion to approve:** Agreement with Fun Time Racing, Inc. for the period June 16, 2009, through August 31, 2009, in an amount not-to-exceed \$2,000 for the purchase of uniforms and equipment. **SUMMARY:** This funding is to assist with the cost of uniforms and equipment for participants in the Fun Time Racing, Inc.'s BMX program. Approximately 30 children and youth take part in this athletic program. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to December 1, 2008. Funding is from Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

8. Staff recommends motion to approve:

A) Agreement with the City of Pahokee for the period June 16, 2009, through July 30, 2009, in an amount not-to-exceed \$20,000 for funding of City Recreation Complex parking improvements;

B) a Budget Transfer of \$20,000 in the Transportation Improvement Fund from Reserve for District 6 to the County Transportation Trust Fund;

C) a Budget Transfer of \$20,000 in the Transportation Trust Fund increasing the annual transfer from the Transportation Improvement Fund and decreasing the annual transfer from the General Fund;

D) a Budget Transfer of \$20,000 in the General Fund decreasing the annual transfer to the County Transportation Trust Fund and increasing the annual transfer to the Park Improvement Fund; and

E) a Budget Amendment of \$20,000 in the Park Improvement Fund increasing the annual transfer from the General Fund and increasing the appropriation to the District 6 Recreation Assistance Program.

SUMMARY: This funding is to offset the cost of the City of Pahokee's completed City Recreation Complex Parking Improvements project. The Agreement allows for the reimbursement of eligible project costs incurred by the City of Pahokee subsequent to October 1, 2008. These budget transfers and budget amendment increase the gas tax support and decrease the ad valorem support of the County Transportation Trust Fund, thereby allowing for the allocation of \$20,000 from available ad valorem support to the District 6 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. With approval of this allocation, the remaining balance available in transfers for District 6 for FY 2009 is \$180,000. District 6 (AH)

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

A) Building Up Sports Academy, Summer Camps, Various Locations;

B) Elaine Williamson, Water Exercise Instructor, Therapeutic Recreation Complex;

C) Valerie Bell, Crafts & Fun, West Jupiter Recreation Center;

D) Valerie Bell, Crafts & Fun, West Jupiter Recreation Center; and

E) Michelle Kirkon, Literacy Enrichment, West Jupiter Recreation Center.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Independent Contractor 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. Countywide (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve: the Fourth Amendment to the Interlocal Agreement (R2007-0332) with Florida State University for the third year evaluation of the Youth Violence Prevention Project extending the term from June 23, 2009, to June 22, 2010 in an amount not to exceed \$100,000, for a total agreement amount of \$300,000. **SUMMARY:** On February 27, 2007, the Board of County Commissioners approved the Criminal Justice Commission to develop a comprehensive evaluation of the Youth Violence Prevention Project, including the commitment to participate from Florida State University's Center for Criminology and Public Policy Research. On April 28, 2009, the second year evaluation was presented to the Board of County Commissioners. Countywide (DW)

S. FIRE RESCUE

1. Staff recommends motion to receive and file: one (1) original standard Interlocal Agreement for Swimming Lessons with the Village of Wellington. **SUMMARY:** On September 27, 2005, the Board adopted Resolution No. R2005-1906 authorizing the County Administrator, or his designee (the Fire Rescue Administrator) to execute standard agreements with municipalities and independent contractors to provide swimming lessons to members of the public through the Palm Beach County Drowning Prevention Coalition's Learn to Swim Program. Pursuant to Countywide PPM CW-O-051, one (1) standard County agreement that has been executed by the County Administrator, or his designee (the Fire Rescue Administrator) is being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (PK)

U. INFORMATION SYSTEM SERVICES

1. Staff recommends motion to approve: Task Order No. 2 to the License Agreement with Pictometry International Corporation (R2007-1010 and R2007-1011) to exercise a two (2) year renewal option for new imagery at a cost of \$279,110. **SUMMARY:** Task Order No. 2 to the Pictometry License Agreement is to exercise the first of two (2) – two (2) year renewal options as set forth in the original contract. A Cooperative Agreement with the Sheriff's Office, Property Appraiser's Office and Palm Beach County Board of County Commissioners was approved on June 19, 2007, along with the Pictometry contract approval. The discounted cost for the two (2) year renewal agreement under Task Order No. 2 is shared one third by each party in the amount of \$46,518 for year one, and the same amount in year two. Additional cost sharing is being pursued with local municipalities. Countywide (PK)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to:

A) approve the Memorandum of Agreement with the City of Miramar, a municipal corporation of the State of Florida, as fiscal agent for Ft. Lauderdale Urban Area Security Initiative (UASI) to receive an additional \$146,685 from FY 2007 UASI grant funding effective through April 30, 2010;

B) approve a Budget Amendment of \$146,685 in the Emergency Management Grant Fund to establish the grant budget; and

C) approve a Budget Amendment of \$10,000 in the Water Utilities Department Operations & Maintenance Fund to establish grant budget.

SUMMARY: This Agreement provides a means of funding various domestic security activities within the County using federal UASI funds through the City of Miramar as the Ft. Lauderdale UASI's fiscal agent. The UASI had awarded the County \$412,745 from FY 2007 Federal funds. The UASI is providing an additional \$146,685 from the FY 2007 Federal funds based on risk assessment models. The funds will be used to support and strengthen the County's ability to plan for, and respond to, acts of terrorism. Resolution R2006-2669 authorizes the County Administrator or his designee to execute UASI related contracts on behalf of the Board. No County match is required. Countywide (GB)

2. Staff recommends motion to:

A) approve the Memorandum of Agreement with the City of Miramar, a municipal corporation of the State of Florida, as fiscal agent for Ft. Lauderdale Urban Area Security Initiative (UASI) to receive \$451,337 in reimbursable grant funding for various non-law enforcement oriented domestic security activities within Palm Beach County effective through May 31, 2011;

B) approve a Budget Amendment of \$451,337 in the Emergency Management Grant Fund to recognize the grant award;

C) approve a Budget Amendment of \$65,625 in the Fire-Rescue MSTU Fund to establish Fire-Rescue's grant budget;

D) approve a Budget Amendment of \$35,000 in the General Fund to establish Medical Examiner's grant budget; and

E) approve a Budget Amendment of \$61,973 in the Water Utilities Department Operations & Maintenance Fund to establish Water Utilities grant budget.

SUMMARY: This Agreement provides a means of funding various domestic security activities within the County using federal UASI funds through the City of Miramar as the Ft. Lauderdale UASI's fiscal agent. The UASI awarded \$451,337 to the County, which will be used to fund fire, health, emergency management, and other approved anti-terrorism activities. The Sheriff's Office received an equivalent amount of \$451,337 to fund direct law enforcement activities. The total funds awarded to Palm Beach County by the UASI (\$902,674) represent 14.6% of the Ft. Lauderdale UASI grant of \$6,191,025. Future funding will be determined based on a competitive need process. Resolution R2006-2669 authorizes the County Administrator or his designee to execute UASI subgrant contracts on behalf of the Board. No County match is required. Countywide (GB)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. Staff recommends motion to:

A) approve the filing of the FY 2009 Section 5307 Federal Transit Administration (FTA) Grant Application for capital funds allocated to Palm Beach County in the amount of \$15,573,915;

B) authorize the Palm Tran Director or Assistant Director through the County Administrator to execute, on behalf of the Board of County Commissioners, and to transmit electronically the Board's approval of the 5307 grant award, and

C) approve an upward Budget Amendment of \$3,823,915 in the Palm Tran Grants Fund to reconcile the FY 2009 budget to the actual grant award, pending grant award.

SUMMARY: The FY 2009 allocation of federal funds for the Miami Urbanized Area, which includes Palm Beach County, is \$105,578,879. The funds are split between Miami Dade, Broward, South Florida Regional Transportation Authority, and Palm Beach County. The grant will fund capital items necessary for the continued operations of the Palm Tran system: 1) replace buses that have reached their useful life or the acceptable period of use in service; 2) replace support vehicles that have reached their useful life or the acceptable period of use in service; 3) paratransit American's with Disabilities Act service; 4) capitalized maintenance items; 5) transit security projects; 6) metropolitan planning, surveys to update Transportation Development Plan and Title VI Program; 7) shop equipment; 8) Management Information System equipment; 9) miscellaneous support equipment; 10) minor facility renovation projects; 11) lease for CONNECTION facilities; 12) preventive maintenance; 13) employee education and training; 14) complete transit enhancements to improve fixed route access. The grant requires a 20% local match. Palm Tran has requested approval from the Florida Department of Transportation for the use of toll revenue credits as the required local 20% match of the federal dollars for the capital funds. Therefore, the projects budget lists the capital projects at 100% cost for the federal share. No County funds are required. Countywide (DR)

2. Staff recommends motion to:

A) approve the filing of the FY 2009 Section 5309 Federal Transit Administration (FTA) Grant Application for capital funds in the amount of \$2,646,530;

B) authorize the Palm Tran Director or Assistant Director through the County Administrator to execute, on behalf of the Board, and to transmit electronically the Board's approval of the 5309 grant award;

C) approve an upward Budget Amendment of \$565,150 in the Palm Tran Grants Fund to reconcile the FY 2009 budget to the actual grant award, pending grant award; and

D) approve an upward Budget Amendment of \$790,020 in the Public Building Improvement Fund to reconcile the FY 2009 budget to the actual grant award, pending grant award. (Palm Tran)

SUMMARY: For FY 2009 Congress earmarked \$2,646,530 for the following specific projects: 1) purchase of buses (\$1,325,080); 2) purchase of a Vehicle Locator and Passenger Counter (AVL-APC) System (\$56,430); 3) transit facility in Belle Glade (\$790,020); and park and ride facilities in Palm Beach County (\$475,000). Palm Tran has requested approval from the Florida Department of Transportation for the use of toll revenue credits as the required local 20% match of the federal dollars for the capital funds. Therefore, the projects budget lists the capital projects at 100% cost for the federal share. No County funds are required. Countywide (DR)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN (Cont'd)

3. **Staff recommends motion to approve:** Interlocal Agreement with the Martin County Board of County Commissioners, for a total not to exceed \$407,000, for the design, permit and construction of a Park and Ride Facility as funded by the Florida Department of Transportation (FDOT) to serve the customers of the upcoming I-95 Commuter Express service for the period June 16, 2009, through December 31, 2029. **SUMMARY:** FDOT awarded Palm Beach County funds to implement I-95 Express Bus service from Stuart to West Palm Beach, and to construct park and ride lots which will facilitate this service. Per the Joint Participation Agreement (JPA) with FDOT (R2008-2248) funds may be used for planning, design, engineering, construction, and inspection of park and ride lots related to this project. FDOT has approved the project and location of a park and ride facility in Martin County, to be built by Martin County, and to receive 100% reimbursement funding for this project up to \$407,000 from the JPA awarded to Palm Beach County. Martin County is responsible for the operation and maintenance of the facility. No local match was required for the funding from FDOT. Countywide (DR)

BB. SHERIFF

1. **Staff recommends motion to approve:** a Budget Amendment of \$93,767 in the General Fund for additional services provided by the Palm Beach County Sheriff's Office to the Village of Wellington for the period May 1, 2009, through September 30, 2009. **SUMMARY:** The Budget Amendment includes the cost for two (2) additional Deputies as set forth in the renewal to the contract between the Palm Beach County Sheriff's Office and the Village of Wellington, effective May 1, 2009. The annualized cost of this increased service level is \$225,041 for FY 2009. These positions are not included in the proposed FY 2010 budget. Once negotiated, the increase to the contract for FY 2010 will be presented to the Board in the first quarter of 2010. No County funds are required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF (Cont'd)

2. Staff recommends motion to approve: a Budget Transfer of \$125,000 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff's Office (PBSO). **SUMMARY:** Florida Statute 932.7055 requires that no less than 15% of the LETf's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2009 estimated donation requirement is \$160,462. The funds are requested to aid qualified organizations that meet the requirements set forth in F.S. 932.7055. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The current State LETf balance is \$1,908,661. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,783,661. The year-to-date transfer for all donations after approval of this item is \$888,594. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective agency. No new positions are needed and no additional County funds are required. Countywide (DW)

<u>Organization</u>	<u>Amount</u>
211 Palm Beach/Treasure Coast, Inc.	\$ 20,000
Area Agency on Aging Palm Beach/Treasure Coast, Inc.	\$ 15,000
Humane Society of Greater Jupiter Tequesta, Inc.	\$ 25,000
NOPE Task Force, Inc.	\$ 10,000
Redemptive Life Urban Initiative Corp.	\$ 25,000
The ARC of Palm Beach County Foundation, Inc.	\$ 25,000
The Public Safety & Crime Prevention Steering Committee of the National League of Cities	<u>\$ 5,000</u>
Total Amount of Donations	\$125,000

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

CONTINUED FROM MAY 19, 2009

- A. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code, Section 6-21 through 6-23, codifying Palm Beach County Ordinance No. 95-51, pertaining to certain vessels in the Loxahatchee River, to include certain vessels in Little Lake Worth; amending Section 6-21, Declaration of Legislative Intent; amending Section 6-22, Definitions; amending Section 6-23, Prohibitions; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for enforcement; providing for penalty; providing for captions; and providing for an effective date. **SUMMARY:** Residents of Palm Beach County have raised health, safety, and other concerns with regard to people living in boats in the Little Lake Worth area of the Lake Worth Lagoon. Accordingly, the Board of County Commissioners directed staff to draft an amendment to Ordinance 95-51 to prohibit the use of boats as living quarters and restricting commercial activity on boats in Little Lake Worth. Countywide (SF)
- B. **Staff recommends motion to adopt:** a Resolution expanding the Dubois Park Historic District by adding the Susan Dubois Kindt parcel and designating the Pineapple Shack as historic. **SUMMARY:** The Resolution will authorize adding the Susan Dubois Kindt Estate property to the existing DuBois Park Historic District, located just west of DuBois Road on the south side of Jupiter Inlet. Staff recommends the Pineapple Shack be the only structure designated historic. The Historic Resources Review Board (HRRB) recommends that two (2) structures, the Pineapple Shack and a large rental cabin be designated historic. Parks and Recreation has determined that designating both of the structures would create a financial burden. The Pineapple Shack is likely the oldest wood frame building in the County. Therefore, the County Archaeologist does concur with Parks and Recreation that the Pineapple Shack should be the structure saved in lieu of the rental cabin. This property has been recommended by the County's HRRB. If designated, this resource would be added to the existing Dubois Park Historic District on Palm Beach County Register of Historic Places. In addition, any alterations, demolition, renovations or other construction activity would require approval of a "Certificate of Appropriateness" and/or a "Certificate To Dig" from the County Archaeologist. District 1 (RB)
- C. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 27, Article IV of the Palm Beach County Code (Wastewater Facilities Use Ordinance); amending certain provisions for consistency with changes to the Florida Administrative Code and Department name changes; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date. **SUMMARY:** The Florida Department of Environmental Protection conducted a Pretreatment Program Audit of the Water Utilities Department's pretreatment program. Part of the audit was the review of the Wastewater Facilities Use Ordinance (Ordinance), codified at Chapter 27, Article IV of the Palm Beach County Code, for legal sufficiency. This Ordinance gives the Water Utilities Department the authority to administer the pretreatment program. The program's objectives are to prevent the introduction of pollutants to the wastewater collection system that if inadequately treated, can endanger the wastewater treatment process, plant operators, transmission workers, and the public with harmful pollutants. In addition, the program improves the opportunity for the utilities to improve the quality of reclaimed water, domestic wastewater sludge and promote the preservation and enhancement of the regional ecosystem. The changes to the Ordinance include updating references to certain renumbered or deleted provisions of the Florida Administrative Code, and a name change of the Florida Department of Health and Rehabilitative Services to the Florida Department of Health. Countywide (MJ)

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

D. Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida granting to Florida Power & Light company, its successors and assigns, an electric franchise in the unincorporated areas of Palm Beach County, Florida; imposing provisions and conditions relating thereto; providing for monthly payments to Palm Beach County, and providing for an effective date. **SUMMARY:** This Ordinance provides for a new Franchise Fee agreement with Florida Power & Light (FPL) for unincorporated Palm Beach County decreasing the maximum rate from 6% to 5.9% and changing the method of calculating the Franchise Fee by eliminating the consideration given for taxes FPL pays to the County and certain other taxing authorities. Under the current agreement, after the off-set for taxes paid, FPL pays an effective rate of 4.2%. As significant new property taxes will be due from the completion of the new plant at 20 Mile Bend and rehabilitation of the Riviera Beach plant, the off-set for taxes paid will increase resulting in less Franchise Fee revenue to the County. By eliminating the consideration for taxes paid by FPL from the calculation and lowering the maximum rate to 5.9%, the effective rate will increase from 4.2% to 5.9% and result in an \$11 million increase in Franchise Fee revenue to the County. This additional revenue is included in the proposed FY 2010 budget. FPL passes this rate onto its customers in the unincorporated area - the average residential FPL bill will increase \$2.80 per month. If no change is made to the existing agreement: 1) except for increases or decreases in electric usage, Franchise Fee revenue will decline as the amount of property taxes FPL pays increases; and 2) \$11 million will need to be cut from the proposed FY 2010 budget. Unincorporated Palm Beach County (RPB)

E. Staff recommends motion to:

A) adopt a Resolution determining that the transfer of certain utility assets to the Glades Utility Authority (GUA) is in the public interest, as required under Section 125.3401, Florida Statutes;

B) approve an Interlocal Agreement with the City of Belle Glade, the City of Pahokee, and the City of South Bay for the establishment of the GUA;

C) approve a Transition Agreement with the City of Belle Glade, the City of Pahokee, and the City of South Bay; and

D) appoint Shannon LaRocque-Baas and Jimmy Beno as County members of the GUA Board and Michael Jackson as the County member of the GUA Board who must be a resident of the GUA service area.

SUMMARY: This Interlocal Agreement will establish the GUA pursuant to Chapter 163, Florida Statutes. The GUA is a regional partnership established for the purpose of providing water, wastewater, and reclaimed water services to the residents of Belle Glade, Pahokee, and South Bay and surrounding areas in an efficient and fiscally responsible manner. Under the Agreement, the GUA will assume the existing utility debt of the cities, establish sustainable financial policies, assume ownership of all utility assets, including the Lake Region Water Treatment Plant (LRWTP) and the Belle Glade wastewater plant, rehabilitate the systems, correct regulatory violations, improve revenue collections, and decrease costs through economies of scale. The Agreement provides for a Governing Board of seven (7) members, one (1) each from Pahokee and South Bay, two (2) from Belle Glade, and three (3) from the County, each of whom shall be appointed by their respective entity, except that one (1) member appointed by the County must be a resident of the service area. No elected officials may be appointed to the Board. Initially, the Board members from the three (3) Cities and the resident of the service area appointed by the County shall have one (1) vote and each of the other County members shall have two (2) votes each. The voting will change after five (5) years provided that the system has had two (2) consecutive years generating sufficient revenue to pay all expenses, has met all debt service requirements, has been in substantial compliance with all material health and environmental laws, all indebtedness related to the County System has been assumed, refinanced, or paid by the Authority, and any debt incurred by the County as a backup pledge for the GUA has been retired. **(Continued on Page 33)**

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

E. SUMMARY: (Continued)

When these conditions have been met, each Board member thereafter will have one (1) vote, provided that one (1) vote from a County appointee would be required for passage of any resolution or motion. An Executive Director will be appointed by the GUA Board. The Water Utilities Department's financial consultants have developed a Business Plan that illustrates the financial feasibility and sustainability of the proposed authority.

Initially, the Agreement provides for the GUA to contract with the County to provide all utility services, and all City utility employees would become employees of the County, provided that they meet minimum hiring requirements. Transferred employees would be subject to the same probationary status as any County new hires. The Agreement further requires the GUA to pay an annual host franchise fee to the three (3) Cities of 7% of the GUA's gross revenues from within each Cities' service area. It also commits the County to a backup pledge in an amount not to cumulatively exceed \$10 million for start-up capital or other operating requirements plus a backup pledge for State Revolving Fund Loans. As conditions precedent to establishment of the GUA on October 1, 2009, the following must be met by August 1, 2009: (1) The existing State Revolving Fund (SRF) loans of the Cities that are assumed by the GUA must be restructured for a 30-year term with the first five (5) years interest only with an interest rate not exceeding 4½%; (2) at least \$1 million in grant/loan (85%/15%) stimulus funding from the American Recovery and Reinvestment Act of 2009 to fund system improvement projects; (3) the GUA receives a \$10 million bank loan with level principal and interest payments for a 10-year term with interest not exceeding 6%; and (4) verification that the combined utility operating revenue of the three cities is equal to or greater than 90% of baseline revenues (\$13,467,000) for the period May 1, 2008, through April 30, 2009, as assumed in the Business Plan. The State has indicated a willingness to restructure the SRF loans, and Federal stimulus funds have been approved for the GUA for capital improvements in South Bay (\$724,126 grant; \$67,874 loan) and Pahokee (\$4,535,268 grant; \$976,302 loans). Appointments to the GUA Board at this time are necessary to ensure that the Board is in place to secure the grant funds. Also, the Florida Department of Environmental Protection has prepared a draft consent order that will allow the GUA to address previous enforcement actions against the Cities over a 10-year period. The Transition Agreement sets forth the details for transferring assets, customer accounts, and employees, and provides for cooperation and exchange of information needed for a smooth transition. Countywide (MJ)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to:

A) adopt a Resolution by the Board of County Commissioners of Palm Beach County, Florida, authorizing the submittal of an Energy Efficiency and Conservation Block Grant (EECBG) Program application in the amount of \$6,587,600 to the United States Department of Energy National Energy Technology Laboratory; and

B) authorize the County Administrator or his designee to sign all applications and documents that do not change the scope of work, or terms and conditions of the Agreement, if the grant is approved.

SUMMARY: The American Recovery and Reinvestment Act of 2009, Public Law 11-5, appropriated funding for the Department of Energy to issue/award formula-based grants to states, U.S. territories, units of local government, and Indian tribes under the EECBG Program. Funds awarded must be obligated/committed within an 18-month period and expended within 36 months. Palm Beach County's formula-based grant totaling \$6,587,600 will encompass the following eligible energy efficiency and conservation project activities: Water Utilities Department's Digester Biomass Gasification project at the Southern Region Water Reclamation Facility (\$1.2 million), Facilities Development & Operations Dept.'s HVAC for the Emergency Operations Center (\$1.5 million), Parks and Recreation Department's Green Generation Lighting at John Prince, Okeeheele and Lake Lytal Parks (\$1,125,000), Engineering's Traffic Signal Synchronization for four (4) streets (\$200,000), Environmental Resources Management's Solar Powered Gates for natural areas (\$175,000), Economic Development Office's Energy Efficiency/Conservation Competitive Grants for Governmental Organizations (\$650,000), Revolving Loan Fund and Seed Capital Program for merging Green Technology Companies and Energy Efficiency Projects (\$1.3 million) and Administration costs (\$437,600). Countywide (DW)

TIME CERTAIN 10:00 A.M.

2. Staff recommends motion to receive and file: a Presentation by Workforce Alliance, Inc. (Alliance) on the \$9,267,472 in American Recovery and Reinvestment Act (ARRA) Stimulus funds allocated for Palm Beach County Workforce. **SUMMARY:** The ARRA of 2009 appropriated funding under the Workforce Investment Act (WIA) in the amount of \$121,442,223 for the State of Florida. Of this amount, \$9,267,472 is appropriated for Palm Beach County. Of this amount, \$1,414,011 is to be allocated for adult funding; \$3,022,987 is to be allocated for youth funding; and \$4,830,474 is to be allocated for Disclosed Worker Funding. This presentation will highlight the specific programs to be implemented by Alliance. Countywide (TKF)

B. COMMUNITY SERVICES

1. Staff recommends motion to receive and file: a status report on the implementation of the Ten-Year Plan to End Homelessness in Palm Beach County. **SUMMARY:** On September 23, 2008, the Board of County Commissioners approved the Ten-Year Plan to End Homelessness, a strategic planning document containing 63 specific goals and action steps designed to address and end homelessness in Palm Beach County. The Homeless Advisory Board is accountable for tracking and reporting the progress in achieving the goals and objectives outlined in the strategic plan. Each of the action steps was assigned to one of seven (7) committees: Policy and Legislation, Housing, Community Outreach and Public Awareness, Program Planning, Funding, Facilities, and Strategic Planning for planning and implementation. The status report documents current progress in implementation of the Plan. Countywide (TKF)

5. REGULAR AGENDA

C. COUNTY ATTORNEY

1. Staff recommends motion to approve on preliminary reading and advertise for public hearing on July 21, 2009 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Section 2-41, Subsection (c)(1) of the Palm Beach County Code, Amending Certain Provisions of the Palm Beach County Investment Ordinance related to the conduct of Investment Policy Committee meetings, providing attendance requirements for committee members and providing for removal of committee members; providing for severability; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date. **SUMMARY:** The Investment Policy Committee recommends that the Board amend the Palm Beach County Investment Ordinance, Section 2-41, Subsection (c)(1), of the County Code to provide that the Vice Chairperson of the Investment Policy Committee will conduct the meeting whenever the Chairperson is absent. The amendment also sets attendance requirements for Committee members in accordance with Board policy and provides for removal of Committee members. Countywide (PFK)

2. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida approving the issuance of Educational Facilities Revenue Bond (Lynn University Project) Series 2009 (“the Bond”) in an amount not to exceed \$5,500,000 by the Palm Beach County Educational Authority (the “Authority”). **SUMMARY:** The proceeds of the Bond will be used by the Authority to make a loan to Lynn University, Inc. to acquire, construct and improve certain new property, to provide improvements to the existing post-secondary educational facilities of the University and to refinance debt incurred for such purposes. Approval by the Board is required by the Internal Revenue Code, however, adoption of this Resolution does not in any way obligate the County. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** District 5 (PFK)

D. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on July 21, 2009 at 9:30 a.m.: an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five Year Road Program; providing for title; purpose; adoption of revised Five Year Road Plan and revised list of projects contained in Exhibit “A”; implementation of the Plan; modification of Plan; funding of other roadway improvements, interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date. **SUMMARY:** This is the Mid Year Adjustment of the County’s Five Year Road Plan which is required to be considered each year by the Five Year Road Program Ordinance. Exhibit “A” to the Ordinance is a list of proposed projects for the next five years and contains certain changes and modifications. This list is submitted for Board of County Commissioners (Board) consideration on preliminary reading today, with the final list to be approved with the Ordinance at public hearing on Tuesday, July 21, 2009. Countywide (MRE)

5. REGULAR AGENDA

E. ENVIRONMENTAL RESOURCES MANAGEMENT

1. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on July 21, 2009 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, to be known as the Palm Beach County Petroleum Contamination Cleanup Criteria Ordinance; repealing Palm Beach County Code, Sections 11-291 through 11-311 (Ordinance No. 2003-021); providing for a short title and applicability; providing for authority; providing for a purpose; providing a supplement to federal and state law; providing for definitions; providing for adoption of Florida Administrative Code by reference; providing for violations, enforcement, penalties; providing for repeal of laws in conflict; providing for savings clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for an effective date. **SUMMARY:** This Ordinance replaces Countywide Ordinance No. 2003-021 which was approved by the Board of County Commissioners on May 20, 2003 and the Department of State on May 23, 2003. The new Ordinance adopts State regulations for Petroleum Contamination Site Cleanup Criteria, Chapter 62-770, Florida Administrative Code (F.A.C.), and the Contaminant Cleanup Target Levels, Chapter 62-777, F.A.C., into a County ordinance allowing existing language and future revisions by the State to be automatically adopted by reference. The most current amendments to Chapter 62-770, F.A.C., are incorporated by reference. Reference to Chapter 62-777, F.A.C., is being adopted for the first time. In accordance with PPM No. CW-O-041 (Countywide Ordinances: Applicability and Notification to Municipalities), a copy of the new Ordinance was forwarded to the Director of Public Affairs for their processing. Also in accordance with PPM No. CW-O-041, the new Ordinance was presented to the Palm Beach County League of Cities Environmental Subcommittee on February 11, 2009 and approved by the League's General Membership on March 25, 2009. Countywide (SF)

5. REGULAR AGENDA

F. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve and advertise for a Public Hearing on July 21, 2009 at 9:30 a.m.: the FY 2009-2010 Palm Beach County Action Plan (AP) identifying funding and programming recommendations for the Community Development Block Grant (CDBG) Program; the Emergency Shelter Grant (ESG) Program and the HOME Investments Partnership (HOME) Program. **SUMMARY:** The County, through annual entitlement formulas, is scheduled to receive a total of \$9,918,254 in Federal funds for the CDBG, ESG and HOME Programs. Of this amount, \$6,816,189 is for the CDBG Program, \$302,730 is for the ESG Program and \$2,799,335 is for the HOME Program. In order to receive these annual entitlement grant allocations, Federal Regulations require Palm Beach County (PBC) to prepare an action plan which must be finalized and submitted to the U.S. Department of Housing and Urban Development (HUD), no later than August 15, 2009. The proposed CDBG Program includes \$995,603 for Public Services, \$1,208,188 for public facilities, \$1,073,330 for public infrastructure, \$681,618 for economic development activities, \$300,000 for a Countywide Housing Rehabilitation Program, \$200,000 for Countywide Demolition Program, \$2,287,246 for Program administration and implementation costs and \$370,204 for contingency reserves. Reserves are primarily funded through projected program income of \$300,000. These CDBG Program allocations follow the directions received at a Board of County Commissioners Workshop on October 28, 2008. Those directions included placing a higher priority on the funding of activities to combat "homelessness". The proposed ESG Program includes \$302,730 for the funding of 12 local agencies for the provision of homeless activities as defined by ESG regulations. The required local match of 100% will be provided by the 12 agencies providing services. The proposed HOME Program includes \$559,867 for Community Housing Development organizations, \$1,959,535 for a 2nd Mortgage Program and \$279,933 for Program administration. Of the 25%, \$594,859, required local match, \$450,000 will be provided from the PBC Universal Housing Trust Fund and \$144,859 from the State Housing Initiatives Partnership Program income. **These are Federal funds of which the ESG and HOME Programs require a local match.** Countywide (TKF)

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6. BOARD APPOINTMENTS

A. **PLANNING, ZONING & BUILDING**
(Historical Resources Review Board)

1. **Staff recommends motion to approve:** reappointment of seven (7) members to the Historic Resources Review Board (HRRB) for three (3) year terms from June 1, 2009, to May 31, 2012:

<u>Reappointment</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>
Dr. Warren Adams	1	Architectural History	Koons, Marcus, Aaronson
Ms. Helen V. Greene	2	Historian	Koons, Marcus, Aaronson
Ms. Amy Alvarez	3	Historic Planner	Koons, Marcus, Abrams, Aaronson
Dr. Clifford Brown	5	Archaeologist	Koons, Marcus, Aaronson
Ms. Katharine Dickenson	7	None	Koons, Marcus, Abrams, Aaronson
Mr. Dale Erickson	8	Must live west of 20 Mile Bend	Koons, Marcus, Aaronson
Mr. Jud Laird	9	None	Koons, Marcus, Abrams, Aaronson

SUMMARY: The Unified Land Development Code Article 17, Section 9 provides for the membership of the HRRB. The Board is comprised of nine (9) members. The above seven (7) positions expired May 31, 2009. All seven (7) seats are at-large positions to be appointed by the Board of County Commissioners. All have expressed an interest in reappointment to the HRRB. A memo was sent to the Board requesting nominations on April 27, 2009. The above HRRB members were nominated for reappointment by several of the County Commissioners. Unincorporated (RB)

(Planning Commission)

2. **Staff recommends motion to approve:** one (1) of the following individuals to the Planning Commission for a term of three (3) years:

<u>Reappointment Nominee</u>	<u>Seat No.</u>	<u>Nominated By</u>
Neil Merin	15	Commissioner Koons Commissioner Aaronson Commissioner Abrams

OR

<u>Appointment Nominee</u>	<u>Seat No.</u>	<u>Nominated By</u>
Dagmar Brahs	15	Commissioner Marcus Commissioner Aaronson

SUMMARY: The Land Use Advisory Board was reestablished by Resolution No. R90-1987. The Planning Commission (PLC) was created by Ordinance 2008-003 and replaces the LUAB. The Planning Commission consists of 16 members; 15 BCC appointed members and one (1) representative of the School District of PBC and serves three (3) year terms. Each member of the BCC shall appoint two (2) members to the PLC. One (1) member shall be appointed at-large by a majority vote of the BCC. This appointment is the at-large appointment. On May 19, 2009, a memo was distributed to the County Commissioners requesting nominations to this Commission. Mr. Merin currently serves on the Planning Commission and wishes to be reappointed. These are the only nominations that have been received. Countywide (RPB)

B. **COMMISSION DISTRICT APPOINTMENTS**

JUNE 16, 2009

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

JUNE 16, 2009

8. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS

B. District 2 - COMMISSIONER JEFF KOONS, CHAIRMAN

C. District 3 - COMMISSIONER SHELLEY VANA

D. District 4 – COMMISSIONER STEVEN L. ABRAMS

E. District 5 - COMMISSIONER BURT AARONSON, VICE CHAIRMAN

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

G. District 7 - COMMISSIONER

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

JUNE 16, 2009

<u>PAGE</u>	<u>ITEM</u>	
8	3E-2	<p><u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to ratify: the Chairman's signature on a Grant Application to the U.S. Department of Health and Human Services (HHS), Administration for Children and Families for:</p> <p>A) Permanent Cost of Living Adjustment (COLA) for the period of October 1, 2009 2008, through September 30, 2010 <u>2009</u>, in the amount of \$433,206; B)..and C)...</p> <p>SUMMARY: The COLA increase will help cover increased operating costs of the Grantee and delegate agency programs and <u>delegate</u> agency specific adjustments to staff salaries and fringe benefits. The Quality Improvement funding will be used in a manner consistent with the provision of section 640 (a)(5) of the Head Start Act and Program Information ACF-PI-HS-09- 06 FY2009 Funding Increase. The emergency signature process was used because there was insufficient time to submit the item through the regular agenda process and meet the submission deadline of May 15, 2009. County Match funds of \$108,301.50 is required and included in the current budget. A waiver has been requested for a portion of the required match totaling \$266,217. (Community Services)</p>
9	3E-5	<p><u>REVISED TITLE:</u> Staff recommends motion to approve: Amendment No. 1 to the contract with Adoption by Shepherd Care (R2008-1285) for the period July 1, 2008, through September 30, 2009, increasing their contract by \$74,000₁ for a new total not to exceed amount of <u>\$212,000</u>. (Community Services)</p>
28	3AA-1	<p><u>MOVED TO PUBLIC HEARINGS (4F):</u> Staff recommends motion to: A) approve the filing of the FY 2009 Section 5307 Federal Transit Administration (FTA) Grant Application for capital funds allocated to Palm Beach County in the amount of \$15,573,915;...(Palm Tran)</p>
28	3AA-2	<p><u>MOVED TO PUBLIC HEARINGS (4G):</u> Staff recommends motion to: A) approve the filing of the FY 2009 Section 5309 Federal Transit Administration (FTA) Grant Application for capital funds in the amount of \$2,646,530;..(Palm Tran)</p>
34	5A-2	<p><u>REVISED SUMMARY:</u> The ARRA of 2009 appropriated funding under the Workforce Investment Act (WIA) in the amount of \$121,442,223 for the State of Florida. Of this amount, \$9,267,472 is appropriated for Palm Beach County. Of this amount, \$1,414,011 is to be allocated for adult funding; \$3,022,987 is to be allocated for youth funding; and \$4,830,474 is to be allocated for Dislosed <u>Displaced</u> Worker Funding. This presentation will highlight the specific programs to be implemented by Alliance. (Admin)</p>

35

5D-2

ADD-ON: Staff recommends motion to:

A) adopt a Resolution approving a Local Agency Program (LAP) Agreement FPN 423194-1-58-01 with the Florida Department of Transportation providing Federal Safe Routes to School (SRTS) funding in the amount of \$586,571 for the construction of a sidewalk on the west side of Lyons Road between Melody Road and Brandy Lane; and

B) approve a Budget Amendment of \$586,571 in the Transportation Improvement Fund to recognize a Federal SRTS grant for the construction of Lyons Road sidewalk between Melody Road and Brandy Lane.

SUMMARY: This LAP Agreement will allow Palm Beach County to receive \$586,571 in Federal grants to fund the construction of a six (6) foot concrete sidewalk on the west side of Lyons Road between Melody Road and Brandy Lane. No matching funds are required. This Agreement will expire December 31, 2010. District 2 (MRE) (Engineering)

35

5D-3

ADD-ON: Staff recommends motion to:

A) adopt a Resolution approving a Local Agency Program (LAP) Agreement FPN 423195-1-58-01 with the Florida Department of Transportation providing Federal Safe Routes to School (SRTS) funding in the amount of \$308,541 for the construction of a sidewalk on the east side of Lyons Road between Rosemount Drive and the L-14 Canal; and

B) approve a Budget Amendment of \$308,541 in the Transportation Improvement Fund to recognize a Federal SRTS grant for the construction of Lyons Road sidewalk between Rosemount Drive and the L-14 Canal.

SUMMARY: This LAP Agreement will allow Palm Beach County to receive \$308,541 in Federal grants to fund the construction of a six (6) foot concrete sidewalk on the east side of Lyons Road between Rosemount Drive and the L-14 Canal. No matching funds are required. This Agreement will expire December 31, 2010. District 2 (MRE) (Engineering)

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