

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

JULY 7, 2009

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

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance
- 2. AGENDA APPROVAL**
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 - B. Adoption
- 3. CONSENT AGENDA (Pages 6 - 24)**
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve: Golf Tournament Agreement with Trump International Golf Club, L.C. and WXEL, a Florida not-for-profit corporation, for a one (1) day charitable golf tournament to be held on November 12, 2009. **SUMMARY:** The Development Site Lease Agreement with the Trump International Golf Club, L.C. (Trump), approved September 3, 1996 (R96-1277D), allows use of the golf course for the County to host either a single two (2) day, or two (2) - one (1) day charitable golf tournament(s). The Golf Tournament Agreement provides for the Trump International Golf Club to be available exclusively for the tournament to be held on November 12, 2009. Proceeds from the golf tournament will benefit WXEL, a Florida not-for-profit corporation. Countywide (AH)

2. Staff recommends motion to approve:

A) Agreement with Palm Beach County Sheriff's Office (PBSO) in an amount not to exceed \$50,000 for "Putting Kids First";

B) Budget Transfer of \$50,000 in the Capital Outlay Fund to establish transfer to the Sheriff's Grant Fund; and

C) Budget Amendment of \$50,000 in the Sheriff's Grant Fund to recognize and appropriate the transfer from the Capital Outlay Fund.

SUMMARY: This Agreement provides for the County to reimburse PBSO in an amount not to exceed \$50,000 for the costs of purchasing book bags, school supplies, food, and other miscellaneous expenses associated with the implementation of "Putting Kids First." The above project was reviewed and recommended for funding by the Countywide Community Revitalization Team Committee and approved by the Board of County Commissioners (BCC) on February 3, 2009. The individual project funding agreement is now being submitted to the BCC for approval. The budget transfer and amendment are needed to allocate funds to PBSO. Countywide (AH)

3. Staff recommends motion to approve: an Award/Contract (Charge Resolution Contract No. EECCN090037) with the U. S. Equal Employment Opportunity Commission (EEOC) allowing the Office of Equal Opportunity to receive revenue in the total amount of \$74,500 as payment for processing and resolving employment discrimination complaints. **SUMMARY:** Execution of this contract is required so that OEO can receive payment for processing and resolving complaints of employment discrimination pursuant to the Worksharing Agreement with the EEOC. This Charge Resolution Contract is for FY 2008-2009 and is in the amount of \$74,500 (\$71,500 - charge processing; \$1,700 Intake Services, and \$1,300 - attendance at EEOC sponsored annual training). EEOC Charge Resolution Contracts for all Fair Employment Practices Agencies nationwide provide payment at a rate of \$550 per charge. OEO's contract is for a total of 130 charges. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Regular	January 13, 2009
Environmental Control Board	January 13, 2009
Zoning	February 25, 2009
Zoning	April 23, 2009
Workshop	April 28, 2009
Regular	May 5, 2009

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

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** a Restrictive Covenant over a water management tract owned by Palm Beach County (County), which will protect the designated planted littoral shelves as approved by the County Department of Environmental Resources Management. **SUMMARY:** Approval of this action will protect the designated planted littoral shelves over a County-owned water management tract. District 6 (PK)

2. **Staff recommends motion to:**

A) adopt a Resolution to execute a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) for FDOT funding for Palm Beach County's (County) installation of irrigation and landscape on State Road 7 from Palmetto Park Road to Glades Road; and

B) approve a Budget Amendment of \$200,000 in the Transportation Improvement Fund to recognize reimbursement from FDOT and appropriate it to S.R. 7/Palmetto Park Road to Glades Road.

SUMMARY: FDOT agrees to provide the County up to \$200,000 as 100% reimbursement funding for the County's installation of irrigation and landscape in the medians of State Road 7 from Palmetto Park Road to Glades Road. This maximum reimbursement funding amount is in excess of the estimated cost to construct the project; therefore, the project can be built at no cost to the County. The JPA requires that all work be completed by the County and accepted by FDOT no later than December 31, 2011. No matching funds are required. District 5 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to approve: a Contract with Hubbard Construction Company (Hubbard), the lowest responsive, responsible bidder in the amount of \$3,590,411.76 for the widening of Hypoluxo Road from an existing four (4) lane roadway to a six (6) lane facility from Jog Road to Military Trail (Project). **SUMMARY:** Approval of this Contract will allow Palm Beach County to issue a Notice to Proceed to begin construction of the Project. The Small Business Enterprise (SBE) goal for the Project is 15% overall. The SBE participation committed for the Project by Hubbard is 15.78%. The time for the completion of all work under this Contract shall be no more than 270 calendar days. District 3 (MRE)

4. Staff recommends motion to adopt: a Resolution to accept maintenance of Cleary Road from the Lake Worth Drainage District L-4 Canal to Belvedere Road (.68 miles), at an estimated cost of \$4,380 annually. **SUMMARY:** The developer of the Terracina development was required to construct Cleary Road as a condition of approval. The construction is complete and this request is to accept maintenance of the road. District 6 (MRE)

5. Staff recommends motion to approve: an Amendment to the County Participation Agreement (R2008-0927) with 1950 Congress Avenue, LLC (Developer), concerning funding of the design and construction of the Old Boynton Road Bridge over the Lake Worth Drainage District E-4 Canal (Project). **SUMMARY:** During construction of the Project, a drainage pipe was encountered that requires protection via installation of a concrete slab. Approval of this Amendment will enable Palm Beach County to reimburse the Developer up to \$15,040 for installation of the concrete slab. District 3 (MRE)

6. Staff recommends motion to approve: a Subordination of Encumbrance to Property Rights from the City of West Palm Beach (City) over a parcel of land, designated as Parcel 100, needed for the project 60th Street North, from west of Royal Palm Beach Boulevard to State Road 7 extension. **SUMMARY:** Approval of this action will subordinate the interest of the City in a parcel of land owned by Palm Beach County. District 6 (PK)

7. Staff recommends motion to adopt: three (3) Resolutions declaring the acquisition of property known as Parcels 200 and 201 as permanent drainage easements, and Parcel 300 as a temporary construction easement for drainage and construction of Grove Street outfall improvements. **SUMMARY:** Approval of this action will adopt three (3) Resolutions authorizing the filing of eminent domain proceedings against three (3) parcels whose estimated total value is \$66,000. District 6 (PM)

D. COUNTY ATTORNEY

1. Staff recommends motion to receive and file: the official transcript for the closing of the \$94,235,000 Palm Beach County, Florida, Public Improvement Revenue Bonds, Series 2008-2 (the "Bonds"), as authorized by Resolution R2008-1957 adopted on October 21, 2008. **SUMMARY:** The closing occurred November 13, 2008. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** One-time payment to Easter Seals Florida, Inc., for services performed during the period October 1, 2008, through July 7, 2009, in the amount of \$42,750. **SUMMARY:** Easter Seals Florida, Inc. provides for early intervention occupational, physical, and speech therapy services for fragile and disabled children ages birth – 3. The payment amount was allocated in the 2009 budget by the Board of County Commissioners under the Other County Sponsored program section of the budget. A detailed invoice for the specified amount has been provided. There is no contract for these services. In next year's budget, staff is recommending that the Easter Seals program be moved from Other County Sponsored Program to the Financially Assisted Agencies Program (FAA). This will allow for the development of a detailed scope of services and performance indicators. Easter Seals will also be subject to contracting, reporting and certification requirements currently used with FAA service providers. Countywide (TKF)

2. **Staff recommends motion to ratify:** the Chairman's signature on the response to the Request for Proposal (RFP) for the American Recovery and Reinvestment Act Senior Nutrition Services grant, with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA), for the period June 1, 2009, through September 30, 2010, for Federal funds totaling \$250,896, for home delivered meals to the elderly. **SUMMARY:** As a Lead Agency, Division of Senior Services (DOSS) will contract with vendors to provide home delivered meals to functionally impaired elderly persons living independently at home. A required 10% County match of \$27,877 and program income of \$10,539 are included in the RFP response which spans two (2) County fiscal years. Sufficient funding is available in the FY 2009 budget to meet County obligations. County match funding required to meet FY 2010 obligations has been requested in the FY 2010 budget process. In the area south of Hypoluxo Road, Mae Volen Senior Center responded to a similar RFP from the AAA. The RFP response was submitted through the emergency signature process due to the requirement of the AAA that it be returned by May 8, 2009, and there was insufficient time to submit it through the regular agenda process. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. **Staff recommends motion to approve:** Use of Facility Agreement with MorseLife to provide a kosher congregate meal site and kosher meals for the elderly for the period of July 7, 2009, through July 6, 2012 in an annual amount not to exceed \$36,962 for the cost of the kosher meals. **SUMMARY:** This Agreement will enable the Division of Senior Services (DOSS) to operate a kosher congregate dining site for the elderly at MorseLife located at 4847 Fred Gladstone Drive, West Palm Beach, at no cost to the County for space or energy usage. MorseLife will provide kosher meals at the site to elderly participants who require a kosher meal. DOSS will reimburse MorseLife at a cost per meal, including necessary food service related supplies. The estimated annual cost of the meals will be \$36,962, funded under the Older Americans' Act grant in the amount of \$33,266 (90%) and \$3,696 (10%) in County match. The County's portion is included in the FY 2010 budget. Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

4. **Staff recommends motion to approve:** Agreement with Workforce Alliance, Inc. for the period July 7, 2009, to July 6, 2012, to provide work experience in the Department of Community Services for Alliance participants. **SUMMARY:** This Agreement will facilitate the utilization of youth ages 18-24 in work assignments throughout the Department of Community Services. Youth will be given an opportunity to gain meaningful work experience as well as be compensated through Workforce Alliance, the assigning agency. Youth will be matched with work assignments based on their skills, experience, knowledge and abilities. There is no cost to the County to participate in the program. (DOSS) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. Staff recommends motion to approve: Budget Amendment of \$72,000 in the General Fund, to recognize Emergency Food and Shelter Plus (EFSP) grant under the American Recovery and Reinvestment Act (ARRA), for a one (1) year period ending December 31, 2009. **SUMMARY:** On May 27, 2009, the Human Services Division was awarded \$72,000 in 2009 ARRA-EFSP funds. These funds are received directly from the United Way. A Budget Amendment of \$72,000 is needed to align the County budget with the additional grant allocation. No match is required for these funds. (Human Services) Countywide (TKF)

F. AIRPORTS

1. Staff recommends motion to adopt: a Resolution establishing rental rates for certain hangar facilities at the North County General Aviation Airport (Airport); authorizing the County Administrator or his designee to increase rental rates for certain hangar facilities at the Airport; and repealing Resolution No. 2007-1755. **SUMMARY:** On October 2, 2007 (R2007-1755), the Board approved a phased increase in the rental rates for certain hangars at the Airport over a five (5) year period. The first two (2) scheduled increases have taken place and the third is scheduled to occur on October 1, 2009. Staff is recommending suspending the rental rate increase scheduled to occur on October 1, 2009, because the recent economic decline has reduced the demand for hangars. The Department intends to obtain an appraisal of the hangars in 2010 and to reevaluate the rental rates at that time. The Resolution authorizes the County Administrator or his designee to annually increase rental rates commencing on October 1, 2010. The rental rates may be increased to an amount not to exceed the greater of: (i) the fair market rental of such hangar facilities as determined by appraisal; or (ii) three percent (3%) per year. The Aviation and Airports Advisory Board will review and comment on any proposed rental rate increases prior to implementation of the rate increases. Countywide (AH)
2. Staff recommends motion to adopt: a Resolution approving a standard form Executive Hangar Lease Agreement; authorizing the County Administrator or his designee to execute the Executive Hangar Lease Agreement; repealing Resolution 2007-1080; providing for severability; and becoming effective upon adoption. **SUMMARY:** The Resolution authorizes the County Administrator or his designee to execute a standard form Executive Hangar Lease Agreement (Agreement) for executive hangars at the North County General Aviation Airport. The Resolution repeals Resolution 2007-1080 adopting a similar standard form Agreement. The Agreements will be for an initial term of one (1) year and will automatically renew thereafter unless either party elects not to renew. Rental will be at the fair market rental rates as determined by an appraisal, and rates will be updated by an appraisal on October 1, 2010 and every three (3) years thereafter. Countywide (AH)
3. Staff recommends motion to approve: First Amendment to Lessor's Estoppel Certificate and Agreement with Galaxy Aviation of Palm Beach, Inc. **SUMMARY:** On September 6, 2007, Galaxy Aviation of Palm Beach, Inc. (Galaxy Aviation) and the County entered into a Lessor's Certificate and Agreement for the purpose of giving notice of certain terms of the Lease Agreement between the parties dated October 18, 2000 (R2000-1067) (Lease). The Lease was recently amended (R2009-0750) to extend the term of the Lease and increase the square footage of the leasehold premises. Galaxy Aviation has requested the County enter into an Amendment to the Lessor's Certificate and Agreement for the benefit of its lender Citibank, N.A., for the purpose of giving notice of the amended Lease terms and affirming that Galaxy Aviation is not currently in default of the Lease. Countywide (HF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. Staff recommends motion to receive and file: two (2) original Agreements for the Department of Airports:

A) Airfreight Building Lease with GFM Service, Inc. commencing March 15, 2009, and terminating September 30, 2009, automatically extending on a year-to-year basis (October 1st through September 30th) (AH); and

B) Consent to Sublease for a Sublease Agreement between Spirit Airlines, Inc. and United Air Lines, Inc., approved May 20, 2009 (JB).

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the BCC in R94-1453 and R97-233. Countywide

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Amendment No. 4 to Contract (R2006-2091) with Precision Air Systems, Inc. to implement the fourth and final renewal of an annual Heating Ventilation Air Conditioning (HVAC) contract. **SUMMARY:** Amendment No. 4 is a renewal to the Annual Contract–HVAC which was awarded to Precision Air Systems, Inc. as one (1) of eight (8) approved contractors. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,200,000. The renewal term is 12 months or until \$1,200,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the fourth and final extension allowed by the Contract. The Small Business Enterprise (SBE) participation goal for the HVAC contract is 15%. Precision Air's participation for work orders issued to date is 100%. Precision Air Systems, Inc. is a certified SBE contractor. Work orders issued-to-date for all eight (8) annual contracts include a combined SBE participation of 85.4%. (FD&O Admin) Countywide (JM)
2. Staff recommends motion to approve: Amendment No. 4 to Contract (R2006-2089) with Farmer & Irwin Corp. to implement the fourth and final renewal of an annual Heating Ventilation Air Conditioning (HVAC) contract. **SUMMARY:** Amendment No. 4 is a renewal to the Annual Contract–HVAC which was awarded to Farmer & Irwin Corp. as one (1) of eight (8) approved contractors. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,200,000. The renewal term is 12 months or until \$1,200,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the fourth and final extension allowed by the Contract. The Small Business Enterprise (SBE) participation goal for the HVAC contract is 15%. Farmer & Irwin's participation for work orders issued to date is 0%. Work orders issued-to-date for all eight (8) annual contracts include a combined SBE participation of 85.4%. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. **Staff recommends motion to approve:** Amendment No. 4 to Contract (R2006-2092) with York International/A Johnson Controls Company to implement the fourth and final renewal of an annual Heating Ventilation Air Conditioning (HVAC) contract. **SUMMARY:** Amendment No. 4 is a renewal to the Annual Contract–HVAC which was awarded to York International/A Johnson Control Company as one (1) of eight (8) approved contractors. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,200,000. The renewal term is 12 months or until \$1,200,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the fourth and final extension allowed by the Contract. The Small Business Enterprise (SBE) participation goal for the HVAC contract is 15%. York's participation for work orders issued-to-date is 0%. Work orders issued-to-date for all eight (8) annual contracts include a combined SBE participation of 85.4%. (FD&O Admin) Countywide (JM)

4. **Staff recommends motion to approve:** Amendment No. 4 to Contract (R2006-2090) with Kerney & Associates, Inc. to implement the fourth and final renewal to the annual Heating Ventilation Air Conditioning (HVAC) contract. **SUMMARY:** Amendment No. 4 is a renewal to the Annual Contract–HVAC which was awarded to Kerney & Associates, Inc. as one (1) of eight (8) approved contractors. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,200,000. The renewal term is 12 months or until \$1,200,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the fourth and final extension allowed by the Contract. The Small Business Enterprise (SBE) participation goal for the HVAC contract is 15%. Kerney's participation for work orders issued to date is 100%. Kerney & Associates, Inc. is a certified SBE contractor. Work orders issued-to-date for all eight (8) annual contracts include a combined SBE participation of 85.4%. (FD&O Admin) Countywide (JM)

5. **Staff recommends motion to approve:** Amendment No. 4 to Contract (R2006-2093) with E.C. Stokes Mechanical Contractor, Inc. to implement the fourth and final renewal to the annual Heating Ventilation Air Conditioning (HVAC) contract. **SUMMARY:** Amendment No. 4 is a renewal to the Annual Contract–HVAC which was awarded to E.C. Stokes Mechanical Contractor, Inc. as one (1) of eight (8) approved contractors. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,200,000. The renewal term is 12 months or until \$1,200,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the fourth and final extension allowed by the Contract. The Small Business Enterprise (SBE) participation goal for the HVAC contract is 15%. Stokes' participation for work orders issued to date is 100%. E.C. Stokes Mechanical Contractor, Inc. is a certified SBE contractor. Work orders issued-to-date for all eight (8) annual contracts include a combined SBE participation of 85.4%. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. **Staff recommends motion to approve:** a Contract with Musco Sports Lighting LLC., in the amount of \$226,168 to furnish and install new outdoor lighting for one (1) soccer field at the Canyon Town Center on Lyons Road. **SUMMARY:** The work consists of furnishing and installing energy efficient light fixtures on four (4) new concrete poles, including all new electrical wiring and electrical disconnect switches. This procurement is “piggybacking” on the existing annual contract between the City of Jacksonville (SC-0511-06) and Musco Sports Lighting. The existing City of Jacksonville contract only has a Small Business Enterprise (SBE) participation encouragement requirement. There is 0% SBE participation in this Contract. A Performance Bond is included in the contract. These improvements are included in Parks Department’s budget for upgrades and are funded through the \$25M GO 99A and \$25M GO 03 Bond funds. (FD&O Admin) District 5 (JM)

7. **Staff recommends motion to approve:**
 - A) Change Order No. 5 to the Contract with Carrick Contracting Corporation (R2008-0366) in the amount of \$286,644.12 and a 180 day time extension for Carlin Park – Performing Arts Pavilion; and

 - B) Budget Transfer of \$353,000 within the Park Impact Fees Zone 1 fund from Diamondhead/Radnor Park (\$53,000) and Reserves (\$300,000) to Carlin Park Improvements project budget.

SUMMARY: Change Order No. 5 provides sanitary sewer improvements including new pump stations, electrical service to pump stations, and sewer force mains to service the west side of the park. This Budget Transfer to the Carlin Park Improvements project is necessary to provide funding to complete sewer, lighting, and other infrastructure improvements at Carlin Park. The Budget Transfer includes funds above the Change Order amount for permitting, utility fees, and staff charges. This work is required by the Town of Jupiter’s development regulation prohibiting septic systems within their jurisdiction enforced by conditioning this project during building permit review. This work will eliminate all of the septic systems serving the park and thereby meeting the Town’s requirement. By utilizing this contract to perform the work, a significant savings was realized from the Engineer’s estimate for the improvements and the Town’s condition will be satisfied. This project is being funded from the Park Impact Fees Zone 1 Fund. The Small Business Enterprise (SBE) goal for this project is 15%. The SBE participation for this Change Order is 10.8%. When combined with previous Change Orders, the participation to date is 15.4%. (Capital Improvements Division) District 1 (JM)

8. **Staff recommends motion to approve:** a Second Amendment to the Agreement (R2003-2038) with Security Services of America, LLC, d/b/a Elite Protection Services (Agency) allowing for interoperable communications through the countywide and EMS common groups of the County’s 800 MHz Radio System. **SUMMARY:** The Agreement which provides the terms and conditions under which the Agency can program into its radios and utilize the countywide and EMS common talk groups for certain types of inter-agency communications will expire on December 15, 2009. The Agreement provides for three (3) – three (3) year renewals but renewals require approval by both parties. The Agency has approved a renewal to extend the term of the Agreement until December 16, 2012. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to hospitals and other EMS providers. There are no charges associated with this Agreement. The Agency is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. (ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. **Staff recommends motion to approve:** First Amendment to an Interlocal Agreement (R2004-0568) with the School Board of Palm Beach County (School Board) allowing for interoperable communications through the countywide common groups of the County's 800 MHz Radio System. **SUMMARY:** The Agreement which provides the terms and conditions under which the School Board can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications expired on March 29, 2009. The School Board has approved a renewal to extend the term of the Agreement through March 30, 2014. The Amendment was approved by the School Board prior to the expiration date, but the originals were lost. As such, this approval is retroactive to that date. The renewal now requires Board approval. The Agreement provides for three (3) – five (5) year renewals but renewals require approval by both parties. The terms of the Agreement are standard and have been offered to all municipalities and local branches of federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The School Board is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. (ESS) Countywide (JM)

10. **Staff recommends motion to approve:** First Amendment to the Interlocal Agreement (R2005-1338) with the Port of Palm Beach District (Port) for direct access to the County's 800 MHz Radio System. **SUMMARY:** The Agreement which provides the terms and conditions under which the Port can directly access the County's 800 MHz Radio System will expire on July 12, 2009. The Agreement provides for two (2) – four (4) year renewals but renewals require approval by both parties. The Port has approved a renewal to extend the term of the Agreement until July 11, 2013. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies where connection through an established municipal hub is not technically feasible. The annual fees are consistent with those being charged to the County departments. The Agreement may be terminated by either party, with or without cause, on October 1st of any year, with a minimum of six (6) months notice. (ESS) Countywide (JM)

11. **Staff recommends motion to approve:** First Amendment to the Interlocal Agreement (R2005-2156) with the Town of Ocean Ridge (Town) for direct access to the County's 800 MHz Radio System. **SUMMARY:** The Agreement which provides the terms and conditions under which the Town can directly access the County's 800 MHz Radio System will expire on October 31, 2009. The Agreement provides for two (2) – four (4) year renewals but renewals require approval by both parties. The Town has approved a renewal to extend the term of the Agreement until November 1, 2013. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies where connection through an established municipal hub is not technically feasible. The annual fees are consistent with those being charged to the County departments. The Agreement may be terminated by either party, with or without cause, on October 1st of any year, with a minimum of six (6) months notice. (ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

12. Staff recommends motion to approve: a First Amendment to Utility Easement Agreement (R2008-2194) with Florida Power & Light Company (FPL) for electrical service to the County's new Fire Station No. 32 located in unincorporated Lake Worth. **SUMMARY:** The County is constructing a new building to replace the existing Fire Rescue Station No. 32 located on the corner of Lake Worth Road and Charleston Road, east of the Turnpike, in unincorporated Lake Worth. The current utility lines for FPL, AT&T and Comcast have to be relocated in connection with construction of the Fire Station. In December 2008, the Board approved a Utility Easement Agreement in favor of FPL. This First Amendment expands the easement area and includes the right for the easement premises to be used for communication purposes, which will allow for both AT&T and Comcast to co-locate their utility lines within the same easement area. The easement is 5' to 10' wide by 460' long and contains approximately 3,817 square feet. This is a perpetual and non-exclusive easement and is being granted to FPL at no charge, as it will provide electrical services to County facilities. (PREM) District 2 (HJF)
13. Staff recommends motion to approve: a Declaration of Easement in favor of Palm Beach County Water Utilities Department for water and sewer lines servicing the Lantana Road Branch Library. **SUMMARY:** The County has completed development of the Lantana Road Branch Library at the southwest corner of Lawrence Road and Lantana Road in unincorporated Lake Worth. Development of the Library required the County to install water and sewer lines to service the library. The water and sewer lines connect to existing lines on Lantana Road and follow a path from the northwest corner of the site to the southeast corner. The Water Utilities Department requires an easement for these utility lines. The easement is approximately 10' to 40' wide by 1,524 feet long, containing 39,437 square feet (0.91 acres). The Declaration of Easement will be recorded to provide notice of the existence and location of these utility lines. (PREM) District 3 (HJF)
14. Staff recommends motion to approve:
- A)** a Utility Easement Agreement in favor of BellSouth Telecommunications, Inc., d/b/a AT&T Florida (AT&T) for communication services at the County's Water Treatment Plant No. 8; and
- B)** a Utility Easement Agreement in favor of Florida Power & Light Company (FPL) for electrical services at the County's Water Treatment Plant No. 8.
- SUMMARY:** The Water Utilities Department completed an expansion to its Water Treatment Plant No. 8 (WTP 8) located at 1500 Jog Road, in unincorporated West Palm Beach. The expansion of the WTP 8 facilities requires the abandonment a 25' platted road right-of-way which runs north/south along the eastern section of the County property. However, AT&T and FPL have utility improvements that run through the right-of-way and have requested that the County provide a utility easement for these existing utilities. The AT&T easement is approximately 6' wide by 428' long, containing 2,550 square feet (.06 acre). FPL's easement is approximately 10' wide by 2,239' long, containing 22,392 square feet (.51 acre). Both easements are perpetual and non-exclusive and will be granted to AT&T and FPL at no charge as the easements are a condition of the abandonment and they provide service to the County facility. (PREM) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** Amendment No. 003 to an Agreement (R2007-1324), with the City of Delray Beach to extend the expiration date from May 31, 2009, to July 31, 2009. **SUMMARY:** This Amendment provides an extension of 60 days to the term of the existing Agreement for the extension of Mango Drive and Southwest 7th Avenue in the City of Delray Beach. The time extension is requested to make up for delays in the project due to the design changes along Southwest 7th Avenue required prior to construction start. **These are Federal Community Development Block Grant funds that require no local match. District 7 (TKF)**

2. **Staff recommends motion to approve:** Amendment No. 003 to an Agreement (R2007-0777) with the Westgate/Belvedere Homes Community Redevelopment Agency to extend the expiration date from July 31, 2008, to July 31, 2009; and increase the funding amount from \$139,900, to \$264,900. **SUMMARY:** This Amendment provides an extension of one (1) year to the term of the existing Agreement for the installation of street lights on Cherry Road. The construction contract amount for this project is \$339,123. With the approval of this Amendment, the County's funding will be \$264,900, and the Westgate/Belvedere Homes Community Redevelopment Agency will fund the shortfall of \$74,223, as well as the engineering design fees. **These are Federal Community Development Block Grant funds that require no local match. District 2 (TKF)**

3. **Staff recommends motion to approve:** Amendment No. 006 to an Agreement (R2006-0988) with the City of Belle Glade, to extend the expiration date from February 14, 2009, to September 30, 2009. **SUMMARY:** This Amendment provides for a seven and one-half (7 ½) month extension to the term of the existing Agreement for drainage improvements on Southwest 5th, 7th, 8th, 10th, and 12th Streets, and on Southwest Avenues I and J, in the City of Belle Glade. The Amendment is necessary to enable the design and construction of work on Southwest 7th Street to be completed. **These are Federal Community Development Block Grant and 2004 Disaster Recovery Initiative Program (DRI 1) funds that require no local match. District 6 (TKF)**

K. WATER UTILITIES

1. **Staff recommends motion to approve:** Change Order No. 3 to the Contract with TLC Diversified, Inc. (R2008-0209) for the Wastewater Lift Station Rehabilitation Project reducing the contract price by \$34,441.23 and providing for a 60 day extension to the contract schedule. **SUMMARY:** This Change Order authorizes two (2) line item deductions in the amount of \$51,762.23 for unused allowances within the Contract and a \$17,321 increase for emergency repair work performed by the Contractor for a decreased net amount of \$34,441.23. The 60 day extension is due to design delays that affected the delivery date. Total change orders to date, including Change Order No. 3 equals \$504,406.23 (17.53% decrease). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.0% overall. This Change Order includes zero overall SBE participation. The original contract with TLC Diversified, Inc. provides for 16.06% SBE participation overall. (WUD Project No. 06-164A) Districts 2, 3, & 5 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. Staff recommends motion to approve: a sole source Construction Contract with CROM Engineering & Construction Services, Inc. in the amount of \$358,847 to retrofit 17 prestressed concrete water storage tanks. **SUMMARY:** CROM Engineering & Construction Services, Inc. is the sole source for modification services to CROM prestressed concrete water storage tanks. CROM is the sole source for modification of the tanks, to assure the modifications do not damage the tank structure. CROM will provide a one (1) year warranty. Modifications to these tanks are required to improve safety and reduce liability following an accident involving a sub-contractor's employee that fell from a tank at Water Treatment Plant No. 3. Implementing these recommendations will bring the tanks into compliance with the current OSHA fall protection standard. This construction purchase order provides for the modification of 17 tanks at six (6) plant locations. All funding for this project is from the current WUD operations & maintenance budget. The total construction duration is 180 days. Districts 3, 5 & 6 (MJ)

3. Staff recommends motion to approve:
 - A) a Budget Amendment of \$4,587,000 in the Water Utilities Department's Debt Service Reserve Fund;
 - B) a Budget Amendment of \$72,839,000 in the Water Utilities Department's Construction Trust Fund; and
 - C) a Budget Amendment of \$5,953,000 in the Water Utilities Department's Sinking Series 2009 Debt Service Fund.

SUMMARY: On May 5, 2009, the Board approved a Resolution authorizing the issuance of Palm Beach County, Florida Water and Sewer Revenue Bonds Series 2009 for an amount not to exceed \$90,000,000 to fund the Florida Power and Light (FPL) Reclaimed Water Project (Project). This item is necessary to record the bond issue and all related transactions. The Project provides for reclaimed water to become the primary source of cooling water supply to FPL's West County Energy Center (Center) beginning in FY 2011. FPL will construct a 27 million gallon per day reclaimed water treatment facility at the East Central Regional Wastewater Reclamation Facility (ECRWF) and a pipeline to deliver the reclaimed water from the ECRWF to the Center. The Project will be financed by bonds issued by County. FPL will reimburse the County for all debt service costs for the Project. Upon completion, the ECRWF Board will operate the ECRWF and the Water Utilities Department (WUD) will operate and maintain the distribution system. FPL will reimburse WUD for all associated costs with operating the distribution system. Countywide (PKF)

4. Staff recommends motion to adopt: a Resolution revising various sections of Chapters 2, 3, and 5 of the Water Utilities Department's Uniform Policies and Procedures (UPAP) Manual. **SUMMARY:** The UPAP is a codification of the Department's fees, standards, legal documents, policies and procedures governing the provision of potable water, reclaimed water, and wastewater services. The Department performs a review of the UPAP from time to time to insure the continued effective and efficient delivery of utility services. The proposed revisions include: (1) clarifying customer service policies relating to service initiation, transfer of service, excessive usage credit, and dishonored payments, (2) providing that parties contracting for reclaimed water service have the obligation to provide notice of the use of reclaimed water to all property owners within the area in which the contracting party distributes reclaimed water, and (3) adding language to pretreatment sampling requirements as required by the Florida Department of Environmental Protection. Countywide (MJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) approve a 2009 Indian River Lagoon License Plate Funding Agreement with the South Florida Water Management District (District) for the construction of two (2) oxbows within the Limestone Creek Natural Area commencing in FY 2009 for a period of one (1) year from the last date of execution, in an amount not to exceed \$65,975;

B) approve Budget Amendment of \$65,975 in the Environmental Resources Capital Projects Fund to recognize the agreement revenue; and

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

SUMMARY: The District's Indian River Lagoon License Plate (IRLLP) Program has awarded a \$65,975 grant for the construction of two (2) oxbows at the County's Limestone Creek Natural Area. No matching funds are required. IRLLP funds must be expended within one (1) year of the last date of execution of this Agreement. The IRLLP Program supports habitat restoration and water quality improvement projects benefiting the Indian River Lagoon and Loxahatchee River using monies collected from IRLLP sales. Approval of this Funding Agreement is the first step necessary for the County to receive reimbursement funding for this project through IRLLP. The Funding Agreement requires the County to provide certain deliverables including: a copy of the construction contract along with the notice to proceed, photos documenting the various construction phases, as-built drawings, and a certification of construction completion. The IRLLP grant will help fund the oxbow construction which is estimated to cost \$486,705. District 1 (SF)

2. Staff recommends motion to:

A) receive and file four (4) original documents for the Department of Environmental Resources Management; and

B) approve a Budget Amendment of \$6,000 in the Beach Improvement Fund to recognize an increase from the National Fish and Wildlife Foundation for the Assessment of Coastal Lighting Grant Agreement (R2008-2089).

SUMMARY: This is a Receive and File item for the Clerk's Office to note and receive delegated authority items according to County Policy and Procedure PPM No. CW-O-051: 1) Task Assignment No. 3 from the Florida Department of Environmental Protection for Petroleum Storage Tank Compliance for the period of July 1, 2009, to June 30, 2010 was approved for delegation of execution by the BCC in R2007-0882 dated June 5, 2007; 2) Amendment No. 1 to contract with the Florida Institute of Technology providing to extend the agreement from July 31, 2009, to November 15, 2009 was approved for delegation of execution by the BCC in R2008-0985 dated June 3, 2008; 3) Amendment No. 1 to contract No. 4600001245 with the South Florida Water Management District to extend the expiration date from April 13, 2009, to April 13, 2010 was approved for delegation of execution by the BCC in R2008-0407 dated March 11, 2008; and 4) Approval for amended minor scope of work and increase of \$6,000 from the National Fish and Wildlife Foundation for Assessment of Coastal Lighting was approved for delegation of execution by the BCC in R2008-2089 dated November 18, 2008. The Budget Amendment of \$6,000 represents a non ad valorem source of funds for the production and distribution of educational materials with no matching requirements. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to adopt: a Resolution to establish the Erosion Control Line (ECL) from 500' north of Department of Environmental Protection (DEP) reference monument R-61 through R-66 for the Singer Island Shore Protection Project. **SUMMARY:** The Florida Statutes require an ECL be established to delineate the boundary between the upland properties and State-owned submerged lands when coastal projects below the mean high water line are proposed. The mean high water line survey used to establish the ECL and survey drawings have been completed. On January 13, 2009, the BCC approved a Resolution (R2009-0112) to establish the ECL between DEP reference monuments R-60 through R-69. The State Hearing Officer held a public hearing and submitted a report to the Division of State Lands which recommended denial of the ECL based on the extension of the ECL beyond the boundaries of the project area. This new Resolution shall establish the ECL only within the project area. Upon execution of this Resolution, a State Hearing Officer will again conduct a public workshop/hearing, then submit a recommendation to the Director of State Lands. District 1 (SF)

M. PARKS & RECREATION

1. Staff recommends motion to approve: Agreement with The Duo Center, Incorporated for the period July 7, 2009, through December 30, 2009, in an amount not-to-exceed \$8,000 for a summer youth program. **SUMMARY:** This funding is to assist with costs for The Duo Center's Summer Youth Program, which is a summer camp program that will serve approximately 60 children and youth. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to May 1, 2009. Funding is from the Recreation Assistance Program (RAP) District 2 (\$2,500), District 3 (\$3,000), and District 6 (\$2,500) Funds. District 7 (AH)
2. Staff recommends motion to approve: Agreement with Palms West Chamber of Commerce, Inc. for the period July 7, 2009, through March 31, 2010, in an amount not-to-exceed \$46,000 for construction of a new facility. **SUMMARY:** This funding is to help offset construction costs for the new Palms West Chamber of Commerce facility at the Chamber's existing location at 13901 Southern Boulevard in Loxahatchee Groves. This facility is anticipated to serve approximately 1,000 people annually. Funding was previously approved for renovation of the Chamber's existing building (R2005-1241, R2006-1466); however, this funding agreement has now lapsed. The Palms West Chamber of Commerce decided to construct a new building rather than to renovate the existing building, and has requested that the County reinstate the previously approved funding to help offset costs for the construction of the new building. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to January 1, 2009. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)
3. Staff recommends motion to approve: Agreement with Folke Peterson Wildlife Center, Inc. for the period July 7, 2009, through October 31, 2009, in an amount not-to-exceed \$10,000 for environmental and nature education programs. **SUMMARY:** This funding is to assist with costs for Folke Peterson Wildlife Center's environmental and nature programs, which serve more than 4,000 members of the public through in-house and outreach programs and reach 6,000 children annually through school presentations, on-site programs, and educational trail tours. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to August 18, 2008. Funding is from the Recreation Assistance Program (RAP) District 3 (\$5,000) and District 6 (\$5,000) Funds. District 6 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

4. **Staff recommends motion to approve:** Agreement with the Village of Palm Springs for the period July 7, 2009, through December 30, 2009, in an amount not-to-exceed \$30,000 to create the Palm Springs Teen Center. **SUMMARY:** This funding is to offset the cost of expenses to relocate and renovate a 2001 surplus School District trailer to be used for the Palm Springs Teen Center. The Teen Center will serve approximately 100 teenagers. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to May 31, 2009. Funding is from the Recreation Assistance Program (RAP) District 3 Funds. District 3 (AH)

5. **Staff recommends motion to approve:** Agreement with the Greater Lake Worth Chamber of Commerce, Inc. for the period July 7, 2009, through November 30, 2009, in an amount not-to-exceed \$11,500 for funding of the 2009 4th of July celebration. **SUMMARY:** This funding is to offset the cost of Lake Worth's 2009 4th of July celebration, which is hosted by the Greater Lake Worth Chamber of Commerce, Inc. This annual celebration attracts approximately 15,000 people. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to February 2, 2009. Funding is from the Recreation Assistance Program (RAP) District 3 (\$3,000) and District 7 (\$8,500) Funds. Funding of \$8,500 from District 7 for this project was previously approved by the Board on May 19, 2009. District 7 (AH)

6. **Staff recommends motion to receive and file:** three (3) fully-executed original Agreements for Recreation Assistance Program (RAP) funding as follows:
 - A)** Agreement with the City of Riviera Beach for the period June 1, 2009, through July 1, 2009, in an amount not-to-exceed \$2,500 for the Civil Drug Court 2008 Winter Wonderland project;
 - B)** Agreement with Omnipotent Outreach Ministry, Inc. for the period June 1, 2009, through December 30, 2009, in an amount not-to-exceed \$5,000 for summer recreation programs for at-risk youth; and
 - C)** Agreement with the City of Boynton Beach for the period June 1, 2009, through June 30, 2009, in an amount not-to-exceed \$7,000 for the 2009 Heritage Celebration.**SUMMARY:** Delegation of authority for execution of these standard Recreation Assistance Program (RAP) Agreements was approved by the Board on May 19, 2009 (5F-1). Funding is from RAP - District 7. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

7. Staff recommends motion to receive and file: executed Independent Contractor Agreements received during the months of May and June:

- A) Eric Mundt, USA Competitive Diving Coach, Aqua Crest Pool;
- B) Dana Emil White Jr., Theatre Enrichment Instructor, Okeeheelee Nature Center;
- C) Trisha Yancey, Science Enrichment Instructor, Various locations; and
- D) LB2 Enterprises, Inc., Masters Swim Team Coach, North County Aquatic Complex.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 02-2103 and 07-0409, and are now being submitted to the Board to receive and file. Districts 1, 2, 3, 6 & 7 (AH)

8. Staff recommends motion to approve:

A) the second extension to the Concessionaire Service Agreement (R2007-1153) with Vending Americas, Inc., to provide vending machine services at Parks and Recreation facilities located in the north and west regions for the period July 11, 2009, through July 10, 2010; and

B) the second extension to the Concessionaire Service Agreement (R2007-1154) with Sunshine Beverage and Snack, LLC, to provide vending machine services at Parks and Recreation facilities located in the south region for the period July 11, 2009, through July 10, 2010.

SUMMARY: On July 10, 2007, the Board approved Concessionaire Service Agreements with Vending Americas, Inc. and Sunshine Beverage and Snack, LLC. The original Agreements provided for an initial one (1) year term, which expired on July 10, 2008, with four (4) one (1) year renewal options. On July 22, 2008, the Board approved the first extension of each of these Agreements. This Amendment renews the Agreements for the second option period of July 11, 2009, through July 10, 2010, and adjusts the machine fee amounts that the vendors will pay to the County for the periods July 11, 2009, through July 11, 2010 by multiplying the current monthly payment by 104%. All other terms of the contract remain the same. Countywide (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. **Staff recommends motion to approve:** a Grant Application to the Department of Justice for the Justice and Mental Health Collaboration Program for \$249,382, for the period of October 1, 2009, through March 31, 2012, to be used for enhanced Crisis Intervention Team training which shall include juvenile justice correctional officers and a pilot project for intensive case management for treatment-resistant non-violent persons. **SUMMARY:** Beginning in June 2008, the Palm Beach County Criminal Justice, Mental Health and Substance Abuse Planning Council has worked on a one (1) year planning grant that was used to develop partnerships and strategies to identify and divert adults and juveniles with mental health and substance abuse issues out of the criminal justice system. Work to complete the Strategic Plan was funded by the Florida Reinvestment Act grant awarded by the Florida Department of Children and Families. It was developed by the County's Criminal Justice, Mental Health and Substance Abuse Planning Council supported by the Criminal Justice Commission and Analytica Consultants. In order to implement some of the Strategic Plan's main goals, the Criminal Justice Commission is seeking approval to apply for a 30-month federal grant for \$249,382. Match funds are required. The Criminal Justice Commission will provide the \$20,000 match for Fiscal Year 2010. The Criminal Justice Commission will be funding the cash match in fiscal years 2011 and 2012 of \$23,000 each year, from the Crime Prevention Fund, and will bring those requests through a separate agenda item. Countywide (DW)

S. FIRE RESCUE

1. **Staff recommends motion to approve:** an Interlocal Agreement relating to the sale of three (3) Fire-Rescue Vehicles to Fentress County, Tennessee for \$36,500. **SUMMARY:** Fire Rescue currently has one (1) apparatus (1997 Freightliner FL80 Ferrara Engine, VIN No. 1FV6JLCB3VH767103, Asset No. 10169778) and two (2) rescue vehicles (1999 Chevy Tahoe, VIN No. 1GNEC13R9XR153261, Asset No. 10169772; and 1994 Ford F350 Rescue, VIN No. 1FDKF38M4RNB11890, Asset No. 10169723) that are scheduled to come out of our fleet. The estimated fair market value of the vehicles is \$36,500. Approval of this Agreement will authorize the sale and title transfer of the vehicles to Fentress County, Tennessee, to be used to respond to emergencies within their response area. Countywide (SB)

2. **Staff recommends motion to:**

A) approve the U.S. Department of Labor Provider Enrollment Form; and

B) authorize the County Administrator or his designee (Fire-Rescue Administrator) to execute the U.S. Department of Labor Provider Enrollment Form on behalf of the Board of County Commissioners.

SUMMARY: The U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs (OWCP) administers the Federal Employees' Compensation Act, the Coal Mine Workers' Compensation program, the Energy Employees Occupational Illness Compensation Program and the Longshore and Harbor Workers' Compensation Program. As part of their benefit structure, these four (4) programs reimburse both medical and non-medical providers for services rendered for the care and treatment of a claimant's compensable condition. OWCP contracted with Affiliated Computer Services (ACS) to provide medical bill processing services to the four (4) programs. To process claims submitted by the County for emergency transport services, the U.S. Department of Labor is requiring service providers be enrolled with ACS. Countywide (SB)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. **Staff recommends motion to approve:** Interlocal Agreement with the Town of Lake Park regarding the placement of bus shelters within the Town's limits by the County's bus shelter contractor, CBS Outdoor Group, Inc. **SUMMARY:** In December 2001, Palm Beach County entered into a long-term bus shelter construction and advertising contract with NextMedia Outdoor Inc., which was assigned on October 28, 2008 to CBS Outdoor Group, Inc. Various cities have expressed interest in having the County's contractor build bus shelters within their community. The Interlocal Agreement gives the County the right to construct advertising bus shelters within the Town of Lake Park. In accordance with previous policy of the Board, advertising revenue generated from the shelters constructed in any municipality will be passed through to that municipality. Countywide (DR)

2. Staff recommends motion to approve:

A) Downward Budget Amendment of \$2,260,760 in the Palm Tran Grants Fund to reallocate funding to the Public Building Improvement Fund for the construction of Palm Tran's Belle Glade Facility; and

B) Upward Budget Amendment of \$2,260,760 in the Public Building Improvement Fund for the construction of Palm Tran's Belle Glade Facility.

SUMMARY: On August 10, 2005, President Bush signed the Safe, Accountable, Flexible, and Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU), providing guaranteed funding for federal surface transportation programs over six (6) years through FY 2009, including funding for Palm Tran's Belle Glade Facility. The project is ready to start and all funding needs to be allocated to Fund 3804, Public Building Improvement Fund. These budget amendments account for allocations under Section 5309 (\$760,760) and Section 5307 (\$1,500,000) from Fiscal Year 2008, originally budgeted in the Palm Tran Grant Fund. Countywide (DR)

BB. 15TH JUDICIAL CIRCUIT

1. Staff recommends motion to approve: a Budget Amendment of \$13,180 in the General Fund to recognize revenue collected from Witness Management Program fees and appropriate it within the 15th Judicial Circuit budget. **SUMMARY:** The Budget Amendment requested recognizes revenue generated over and above the currently budgeted revenue from Witness Management fees. The Witness Management Program provides a central location for police officer and members of the public to record testimony. The program is offset by a \$10 fee, per deposition, which is paid by the State Attorney, Public Defender and court appointed counsel using the services. Additional revenue is collected for copying, certification, and research services. The amendment appropriates the additional revenue of \$13,180 within the 15th Judicial Circuit budget to purchase CD's and other general office supplies. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

CC. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to:

A) approve Addendums to the standard form Category “B” Grant Agreement and Category “CII” Grant Agreement to provide “TDC stimulus” funding for out-of-county marketing of Cultural programs; and

B) authorize the County Administrator or his designee to execute the Addendum with grantees.

SUMMARY: These Addendums to the Category “B” and “CII” grant agreements will provide the terms and conditions of grantees’ receipt of additional ‘stimulus’ funding for marketing and advertising their Cultural programs to promote Palm Beach County tourism. Countywide (MC)

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4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A.** Proclamation declaring November 2009 as “Discovery of Puerto Rico Month” in Palm Beach County. (Sponsored by Commissioner Santamaria)

- B.** Proclamation honoring the Palm Beach County Convention & Visitors Bureau for receiving full accreditation by the Destination Marketing Association. (Sponsored by Commissioner Koons)

- C.** Proclamation declaring August 29, 2009 as “American Business Women’s Day” in Palm Beach County. (Sponsored by Commissioner Koons)

- D.** Certificates of Commendation to individuals for their heroic assistance in rescuing Mrs. Fanchon Katz from a vehicle fire on June 15, 2009. (Sponsored by Commissioner Aaronson)

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5. REGULAR AGENDA

B. 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 10-11(c)(1) of the Palm Beach County Code, the Palm Beach County State Court Facility Surcharge Ordinance, to increase the surcharge imposed to fund state court facilities; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date. **SUMMARY:** This Ordinance amendment increases the County's state court facility surcharge as authorized by a recent change to Section 318.18, Florida Statutes. The surcharge is increased from \$15 to \$30 on all such infractions and violations for the purpose of funding state court facilities. Countywide (PFK)

C. PLANNING, ZONING & BUILDING

1. Staff recommends motion to adopt: Resolution establishing an expedited/coordinated building approval process for qualified projects in targeted industries. **SUMMARY:** This Resolution encourages new businesses to come to Palm Beach County and encourages expansion of existing businesses. Businesses that meet established criteria outlined in the Resolution will qualify for an expedited and specially coordinated building permitting process. Unincorporated (RB)

5. REGULAR AGENDA

D. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to:

A) authorize the Department of Housing and Community Development to submit an application to the U.S. Department of Housing and Urban Development (HUD) under the Neighborhood Stabilization Program 2 (NSP-2);

B) approve the proposed NSP-2 activities and funding request amounts; and

C) adopt a Resolution authorizing the County Administrator or his designee to execute the Neighborhood Stabilization Program 2 Grant Application, Standard Form SF 424, Certifications, Agreement with HUD, and all other documents related to implementation of the Neighborhood Stabilization Program 2.

SUMMARY: The U.S. Department of Housing and Urban Development (HUD) is making Neighborhood Stabilization Program 2 (NSP-2) funds in the amount of \$1.93 billion available nationwide through a competitive funding process. In order to access NSP-2 funds, Palm Beach County must submit an application to HUD by July 17, 2009. Because NSP-2 funds are not allocated on an entitlement basis, submittal of an application does not guarantee the award of funding. Eligible applicants include state governments, units of local government, and non-profit entities, and such eligible applicants may have a for-profit partner(s). The purpose of NSP-2 is to stabilize neighborhoods that have been damaged by the economic effects of abandoned and foreclosed properties, and as such, the County's NSP-2 application proposes to request funding as follows: a) \$9.15 million for HCD to provide low-interest second mortgages to homebuyers to acquire vacant foreclosed properties for owner-occupancy; b) \$20.13 million for a competitive Residential Redevelopment Program to provide grants or loans to subrecipient entities to acquire/rehabilitate vacant foreclosed residential properties for subsequent affordable resale or rental; and c) \$16.47 million for a competitive Neighborhood Redevelopment Program to provide loans or grants to subrecipient entities partnering with for-profit developers to acquire and/or redevelop vacant residential properties for affordable multifamily rental housing. The NSP-2 regulations allow an amount of up to 10% of the overall grant to be used for general administration and planning activities. HCD intends to request a total of \$50 million and will utilize 8.5% of the request for administrative costs leaving \$45.75 million for implementation of the activities. NSP-2 funds may assist households earning up to 120% of Area Median Income (AMI), however, no less than 25% of the total grant funding must be used to assist households whose incomes do not exceed 50% of AMI. HUD requires that NSP-2 applicants identify a targeted geographic area which meets certain criteria based on foreclosure and vacancy rates provided by HUD. HCD's proposed target area is the Palm Beach County Urban Redevelopment Area, which includes the Westgate/Belvedere Homes Community Redevelopment Area district. As required by HUD, citizen input was received and the Board of County Commissioners meeting was advertised via a Public Notice published on June 26, 2009. All relevant documentation was also posted on HCD's website. **These are Federal funds that require no local match.** Countywide (TKF)

5. REGULAR AGENDA

E. WATER UTILITIES

1. **Staff recommends motion to approve:** an Interlocal Agreement with the Town of Lake Clarke Shores delineating Potable Water, Wastewater and Reclaimed Water service area boundaries. **SUMMARY:** In order to insure the most efficient delivery of utility service countywide, the County encourages the use of cooperative agreements with other public utilities. This Agreement defines the service area boundaries for the provision of potable water, wastewater and reclaimed water service between the Town of Lake Clarke Shores (Town) and the Palm Beach County Water Utilities Department. This Agreement defines only the boundary lines between the utility service areas, and does not change the statutory boundaries of the Town or provide to the Town any development approval rights beyond existing statutory authority. District 3 (MJ)

2. **Staff recommends motion to approve:** an Interlocal Agreement with the Village of Wellington (Village) and Acme Improvement District (jointly referred to as "Village") for emergency potable water interconnect. **SUMMARY:** In order to ensure mutual aid between adjoining utilities during emergency situations for water service, the County has encouraged the use emergency interconnects by way of cooperative agreements with other public utilities. The emergency potable water interconnect with the Village will be located on State Road 7 near the entrance to the Shoppes at Isle of Verde. The interconnect will be supported via a 16 inch water main that is connected to the County's 42 inch water main on the east side of the road. The County will be responsible for design and construction of the interconnect with the Village being responsible for the design and construction of the SR 7 water main crossing that will connect the two (2) systems. The County's cost for construction of the interconnect will be approximately \$25,000. By entering into the Agreement, Village residents will benefit from the additional availability of potable water during emergencies, and existing County utility customers will receive a similar benefit. District 6 (MJ)

F. PARKS & RECREATION

1. **Staff requests Board direction:** regarding the establishment of parking fees at County salt water boat ramp facilities, the cost of annual permits, and the method for collecting fees. **SUMMARY:** On June 2, 2009, Department staff submitted a proposed implementation plan for the collection of boat trailer parking fees at five (5) County salt water boat ramps utilizing annual permits and the use of pay-by-space kiosks for daily users. The Board directed staff to analyze reducing the annual parking fee from \$75 to \$50 and to review alternative methods of collection. This item is in response to that directive. Countywide (AH)

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6. BOARD APPOINTMENTS

A. **ENVIRONMENTAL RESOURCES MANAGEMENT
(South Lake Worth Inlet Advisory Committee)**

1. **Staff recommends motion to approve:** appointment/reappointment of the following individuals on the South Lake Worth Inlet Advisory Committee (SLWIAC) with terms as indicated below:

<u>Nominee</u>	<u>Seat No.</u>	<u>Representing</u>	<u>Terms</u>	<u>Nominated by</u>
Appointment:				
John F. Studt	5	Expertise in Coastal-Related Matters	07/07/09-07/06/12	Comm. Koons
Reappointment:				
Herb Kahlert	7	General Public	06/17/09-06/16/12	Comm. Abrams Comm. Koons
Tom Thornton, Jr.	1 Alt.	Town of Manalapan	06/17/09-06/16/12	Town of Manalapan Comm. Abrams Comm. Koons
Kenneth N. Schenck, Jr.	2 Alt.	Town of Ocean Ridge	06/17/09-06/16/12	Town of Ocean Ridge Comm. Abrams Comm. Koons

SUMMARY: The SLWIAC was established under the provisions of Chapter 96-466, Laws of Florida, Resolutions R96-807 and R2000-0631. The Committee consists of one (1) regular and one (1) alternate member nominated by the Town of Manalapan, one (1) regular and one (1) alternate member nominated by the Town of Ocean Ridge, one (1) member in a boating-related industry, one (1) member from an environmental organization, one (1) member with expertise in coastal-related matters, one (1) member with experience in parks and recreation administration and one (1) member of the general public. Following approval by the Board of County Commissioners, the Palm Beach County Legislative Delegation must confirm the appointments. District 4 (SF)

B. **OFFICE OF FINANCIAL MANAGEMENT & BUDGET
(Impact Fee Review Committee)**

1. **Staff recommends motion to approve:** the Appointment of Jerry Beavers to the Impact Fee Review Committee to complete the term of an alternate municipal seat appointment for Jeffrey Naftal that will expire on September 30, 2010. **SUMMARY:** The Impact Fee Review Committee is composed of seven (7) members and three (3) alternate members appointed by the BCC. The membership of the Committee includes three (3) representatives from municipalities, three (3) representatives from the business community, and one (1) member selected at large. The alternate members include one (1) representative from each of the categories above. An alternate member shall be authorized to vote in place of an absent voting member appointed from the same category and shall count toward a quorum. This agenda item provides for the appointment of Jerry Beavers as an alternate municipal appointee to complete the unexpired term of Jeffrey Naftal who vacated the appointment for a regular Impact Fee Review Committee appointment. This appointment will expire September 30, 2010. Countywide (LB)

6. BOARD APPOINTMENTS

C. HOUSING AND COMMUNITY DEVELOPMENT
(Westgate/Belvedere Homes Community Redevelopment Area)

1. Staff recommends motion to approve:

A) the appointment of the following individual to serve the term July 7, 2009, through May 31, 2013 to the Westgate/Belvedere Homes CRA Board:

<u>Name</u>	<u>Seat No.</u>	<u>Nominated By</u>
Joanne M. Ruffy	7	Commissioner John F. Koons

B) the re-appointment of the following individuals to serve a term of four (4) years beginning on June 1, 2009, through May 31, 2013 to the Westgate/Belvedere Homes CRA Board:

<u>Name</u>	<u>Seat No.</u>	<u>Nominated By</u>
Scott Bedford	1	Commissioner John F. Koons
Joseph H. Kirby	2	Commissioner John F. Koons
Frederick G. Wade	3	Commissioner John F. Koons

SUMMARY: The Westgate/Belvedere Homes CRA (CRA) Board consists of seven (7) at-large members from the general public and local businesses within the CRA boundaries. Ordinance No. 89-6 requires that the Palm Beach County Board of County Commissioners appoint the CRA Commissioners. Seats 1, 2, 3 and 7 are designated to serve for terms of four (4) years, ending May 31. After duly advertising, the CRA held its Annual Meeting on May 11, 2009 to re-appoint candidates to fill seats 1, 2 and 3. Scott Bedford, Joseph H. Kirby and Frederick G. Wade have expressed a willingness to remain on the WG/BH CRA Board in Seats 1, 2 and 3. Joanne M. Ruffy, a resident, has expressed a willingness to serve on the CRA Board in Seat 7. All candidates were nominated by the CRA Board members and residents to be recommended to the Board of County Commissioners. District 2 (TKF)

D. COMMISSION DISTRICT APPOINTMENTS

JULY 7, 2009

7. MATTERS BY THE PUBLIC – 2:00 P.M.

A. Ranchette Assessments to pay for Fargo Avenue

JULY 7, 2009

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

JULY 7, 2009

9. 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

10. ADJOURNMENT

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

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

JULY 7, 2009

<u>PAGE</u>	<u>ITEM</u>	
7	3C-2	<u>DELETED:</u> Staff recommends motion to: A) adopt a Resolution to execute a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) for FDOT funding for Palm Beach County's (County) installation of irrigation and landscape on State Road 7 from Palmetto Park Road to Glades Road; and...(Engineering) (Further staff review)
23	3AA-1	<u>DELETED:</u> Staff recommends motion to approve: Interlocal Agreement with the Town of Lake Park regarding the placement of bus shelters within the Town's limits by the County's bus shelter contractor, CBS Outdoor Group, Inc. (Palm Tran) (Moved to July 21, 2009 Meeting)
25	4E	<u>ADD-ON:</u> Proclamation declaring April 1, 2010 as "Census Day" in Palm Beach County. (Sponsored by Commissioner Abrams)
25	4F	<u>ADD-ON:</u> Proclamation declaring August 2, 2009 as "Palm Beach County Business Matchmaker Day" in Palm Beach County. (Sponsored by Commissioner Vana)
26	5A-1	<u>ADD-ON:</u> Staff requests Board direction: regarding adopting a Resolution authorizing a new Lake Worth Client Service Center for the Tax Collector of Palm Beach County, replacing the current suburban Lake Worth office, and ratifying and affirming the Tax Collector's other existing branch offices. SUMMARY: The Tax Collector's suburban Lake Worth facility, on Military Trail just north of Lake Worth Road, eventually needs replacement. The Tax Collector desires to renovate and lease an existing facility at 6228 S. Congress Avenue, Lantana, FL 33462, to provide more parking, office space, services and better business processing. The Florida Constitution requires the Board of County Commissioners to adopt a Resolution approving the location of branch offices for the Tax Collector for the conduct of County business. The Office of the Tax Collector funds its budget from service fees, the unspent balance of which are passed on to the County and other governments. To the extent the Tax Collector uses those fees to fund the new building, they will not be available to the County and other agencies. The timing and budget for the new building could be a factor in Board consideration of this item. <u>District 3</u> (JM) (Admin)

ADD-ON: Staff recommends motion to approve:

A) a Clean Water State Revolving Fund Construction Loan Agreement No. WW501100 with the City of Pahokee (City) and the State of Florida Department of Environmental Protection (Department), contingent upon approval by the Department; and

B) a Clean Water State Revolving Fund Construction Loan Agreement No. WW501101 with the City and the Department, contingent upon approval by the Department.

SUMMARY: These Agreements are for stimulus funding from the American Recovery and Reinvestment Act of 2009 (ARRA) to fund system improvement projects within the City of Pahokee. The City is eligible to receive \$5,511,570 in ARRA funding, with \$4,535,268 being in the form of a principal forgiveness Grant, resulting in a total loan amount (including \$8,800 of capitalized interest) of \$985,102. On June 2, 2009, the Board of County Commissioners approved an Interlocal Agreement with the City (R2009-0950) to provide a Covenant to budget and appropriate funds should the City default on its obligation to repay the loans. Based on this Covenant, the Department is requiring the County to execute these Agreements. These loans, along with a separate loan for the City of South Bay, satisfy a Condition Precedent to Interlocal Agreement (R2009-1034) creating the Glades Utility Authority (GUA) requiring at least \$1 million in grant/loan (85%/15%) stimulus funding from the ARRA prior to August 1, 2009. These Agreements will be managed by the GUA to complete infiltration & inflow and lift station projects within the City. District 6 (MJ) (WUD)

ADD-ON: Staff recommends motion to approve: a Clean Water State Revolving Fund Construction Loan Agreement No. WW501000 with the City of South Bay (City) and the State of Florida Department of Environmental Protection (Department), contingent upon approval by the City and the Department. **SUMMARY:** This Agreement is for stimulus funding from the American Recovery and Reinvestment Act of 2009 (ARRA) to fund system improvement projects within the City of South Bay. The City is eligible to receive \$792,000 in stimulus funding, with \$724,126 in the form of a principal forgiveness grant, resulting in a total loan amount (including \$600 of capitalized interest) of \$68,474. On June 2, 2009, the Board of County Commissioners approved an Interlocal Agreement with the City of South Bay (R2009-0951) to provide a Covenant to budget and appropriate funds should the City default on its obligation to repay the loan. Based on this Covenant, the Department is requiring the County to execute this Agreement. This loan, along with separate loans for the City of Pahokee, satisfy a Condition Precedent to Interlocal Agreement (R2009-1034) creating the Glades Utility Authority (GUA) requiring at least \$1 million in grant/loan (85%/15%) stimulus funding from the ARRA prior to August 1, 2009. This Agreement will be managed by the Glades Utility Authority (GUA) to complete an infiltration & inflow project within the City. District 6 (MJ) (WUD)

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 (*).