

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

JULY 21, 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 - 23)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 24 - 26)**

- 5. REGULAR AGENDA (Pages 27 - 31)**
TIME CERTAIN 10:00 A.M. (Supervisor of Elections) (Page 27)
TIME CERTAIN 10:05 A.M. (Green Task Force Report) (Page 28)
TIME CERTAIN 2:00 P.M. (Grand Jury Report & Clerk's Debt Review) (Page 27)

- 6. BOARD APPOINTMENTS (Page 32)**

- 7. STAFF COMMENTS (Page 33)**

- 8. COMMISSIONER COMMENTS (Page 34)**

- 9. ADJOURNMENT (Page 34)**

TABLE OF CONTENTS

CONSENT AGENDA

A. ADMINISTRATION

Page 6

- 3A-1 2006-2009 Scripps Small Business Enterprise Utilization Report
- 3A-2 Payment for participation in Palm Beach Partners Business Matchmaker Conference & Expo
- 3A-3 Budget Transfers for three (3) Countywide Community Revitalization Team projects
- 3A-4 Golf Tournament Agreement with Trump International Golf Club and Glades Healthcare Foundation for charitable golf tournament

B. CLERK & COMPTROLLER

Page 7

- 3B-1 Warrant list
- 3B-2 Minutes: None
- 3B-3 Contracts and claim settlements list
- 3B-4 Change orders, work task orders, minor contracts, final payments and other items

C. ENGINEERING & PUBLIC WORKS

Page 7

- 3C-1 Agreement with Wantman Group for Community Dr/Military Trail intersection improvements
- 3C-2 Deleted
- 3C-3 Contract with H & J Contracting for Blue Heron Blvd/Congress Ave intersection improvements
- 3C-4 Parcel of land purchase needed for Northlake Blvd improvements

Page 8

- 3C-5 Four (4) Resolutions declaring acquisition of property for Lyons Road improvements
- 3C-6 Agreement with Lake Charleston Maintenance Association for PBSO traffic control jurisdiction
- 3C-7 Agreement with Independence Homeowners Association for PBSO traffic control jurisdiction
- 3C-8 Deleted
- 3C-9 Deleted
- 3C-10 License Agreements with J.P.B. Lemontree regarding Military Trail and Summit Blvd. right-of-way usage

Page 9

- 3C-11 Two (2) Warranty Deeds and two (2) Temporary Construction Easements associated with widening of Congress Avenue

D. COUNTY ATTORNEY

Page 9

- 3D-1 Policies, Procedures and Process for Loan Application using surplus funds by Housing Finance Authority
- 3D-2 Settlement in case of Palm Beach County v. Boca Lago Country Club, Inc., et. al.

Page 10

- 3D-3 Amendment No. 4 with Greenberg Traurig for bond counsel and related legal services

E. COMMUNITY SERVICES

Page 10

- 3E-1 Contracts with various provider agencies for Ryan White Part A HIV funds

Page 11

- 3E-2 Agreement with Oakwood Center of the Palm Beaches for 17 permanent housing beds for disabled, homeless individuals

F. AIRPORTS

Page 11

- 3F-1 Resolution regarding PBSO Trespassing Enforcement Affidavit Form

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 11

- 3G-1 Budget Amendments regarding Series 1993 Refunding Bonds

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

H. FACILITIES DEVELOPMENT & OPERATIONS

Page 12

- 3H-1 Resolution pertaining to the Public Art Committee
- 3H-2 Amendment No. 4 with The Gordian Groups to the Job Ordering Contract
- 3H-3 Amendment No. 4 with Siemens Building Technologies to the HVAC Contract

Page 13

- 3H-4 Change Order No. 34 with Moss & Associates for West County Detention Facility improvements
- 3H-5 Contract with Drawdy Construction for Riverbend Park Equestrian Bridge
- 3H-6 Contract with American Engineering & Development Corp for Wellington Park & Ride

project

Page 14

- 3H-7 Change Order No. 3 with West Construction for South County Regional Park main access road extension and boat ramp facility
- 3H-8 Second Amendment with Columbia Palms West Hospital for County's 800 MHz radio

system

- 3H-9 Interlocal Agreement with Town of Loxahatchee Groves for County's 800 MHz radio

system

Page 15

- 3H-10 Interlocal Agreement with City of Coconut Creek for County's 800 MHz radio system
- 3H-11 Amendment No. 3 to Lease Agreement with School Board for Eagle Academy facility portable classrooms

I. HOUSING & COMMUNITY DEVELOPMENT

Page 15

- 3I-1 Resolution amending Emergency Shelter Grants Program Advisory Board

Page 16

- 3I-2 Sixth Amendment to State Housing Initiatives Partnership Local Housing Assistance Plan
- 3I-3 Westgate/Belvedere Homes Community Redevelopment Agency Board Officers

J. PLANNING, ZONING & BUILDING - None

K. WATER UTILITIES

Page 16

- 3K-1 Grant Agreement with FDEP regarding LRWTP construction

Page 17

- 3K-2 Purchase Orders with vendors for FPL Reclaimed Water project
- 3K-3 Change Order No. 2 with Sheltra & Son Construction for Canal Point Low Pressure

System

L. ENVIRONMENTAL RESOURCES MANAGEMENT

Page 17

- 3L-1 Amendment No. 1 with Sea to Shore Alliance regarding business automobile liability

insurance

Page 18

- 3L-2 Budget Amendment related to Solid Waste Authority fill
- 3L-3 Amendment No. 1 to Primary and Secondary contracts regarding annual dune and wetlands restoration project

M. PARKS & RECREATION

Page 19

- 3M-1 Agreement with Arthur R. Marshall Foundation for Torry Island tree planting projects
- 3M-2 Agreement with Palms West Athletic Association for Little Scholars Banquet
- 3M-3 Agreement with Palms West Chamber of Commerce for 2009 WestFest event
- 3M-4 Agreement with Palms West Chamber of Commerce for Green Task Force Conference
- 3M-5 Agreement with Bangladesh Association of Florida for 2009 Asian Food Fair/Cultural Show
- 3M-6 Agreement with The Acreage Landowners Association for 2008 Huck Finn Day event

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

M. PARKS & RECREATION (Cont'd)

Page 20

- 3M-7 Agreement with Adolph & Rose Levis Jewish Community Center for Camp Kovod 2009
- 3M-8 Agreement with Palm Beach County PAL for First Tee of the Glades golfing program
- 3M-9 Agreement with Town of Glen Ridge for playground improvements
- 3M-10 Agreement with The Center for Youth Activities for after school programs
- 3M-11 Receive and file School Board RAP for Golden Grove Elementary fitness trail equipment

Page 21

- 3M-12 Receive and file two (2) Recreation Assistance Program projects for District 7
- 3M-13 First Amendment to Independent Contractor Agreement with Eric Mundt for diving program
- 3M-14 Receive and file one (1) Independent Contractor Agreement
- 3M-15 Receive and file letter of approved changes to Concessionaire Service Agreement with Tennis Insights, Inc.

N. LIBRARY - None

P. COOPERATIVE EXTENSION SERVICE - None

Q. CRIMINAL JUSTICE COMMISSION - None

R. HUMAN RESOURCES - None

S. FIRE RESCUE

Page 22

- 3S-1 Certify the non-ad valorem assessment roll for fire hydrant maintenance and rental
- 3S-2 Memorandum of Agreement for Participating Agencies with Miami-Dade County

T. HEALTH DEPARTMENT - None

U. INFORMATION SYSTEMS SERVICES - None

V. METROPOLITAN PLANNING ORGANIZATION - None

W. PUBLIC AFFAIRS - None

X. PUBLIC SAFETY

Page 22

- 3X-1 Agreement with Florida Division of Emergency Management for Community Emergency Response Team volunteers training grant

Y. PURCHASING - None

Z. RISK MANAGEMENT - None

AA. PALM TRAN

Page 23

- 3AA-1 Florida Commission for the Transportation Disadvantaged Trip & Equipment Grant
- 3AA-2 Interlocal Agreement with Town of Lake Park for bus shelters placement

BB. HOUSING FINANCE AUTHORITY

Page 23

- 3BB-1 Nomination of Robin B. Henderson as HFA Chairperson

PUBLIC HEARINGS - 9:30 A.M.

Page 24

- 4A Uniform Method of collecting non-ad valorem special assessments
- 4B Palm Beach County Petroleum Contamination Cleanup Criteria Ordinance
- 4C Animal Care & Control Ordinance

TABLE OF CONTENTS

PUBLIC HEARINGS – 9:30 A.M. CONTINUED

Page 25

- 4D Palm Beach County Investment Ordinance
- 4E Palm Beach County State Court Facility Surcharge Ordinance
- 4F FY 2009-2010 Palm Beach County Action Plan

Page 26

- 4G Resolution abandoning a portion of Stacy Road
- 4H Five-Year Road Program Ordinance

REGULAR AGENDA

ADMINISTRATION

Page 27

- 5A-1 Grand Jury Report & Clerk's Debt Review – **TIME CERTAIN 2:00 P.M.**
- 5A-2 Small Business Enterprise Program Ordinance
- 5A-3 Supervisor of Elections Sublease Agreement – **TIME CERTAIN 10:00 A.M.**

Page 28

- 5A-4 Green Task Force Report – **TIME CERTAIN 10:05 A.M.**

COUNTY ATTORNEY

Page 28

- 5B-1 Resolution approving the issuance of Hospital Revenue Bonds (Jupiter Medical Center loan)

FACILITIES DEVELOPMENT & OPERATIONS

Page 29

- 5C-1 Request for rent reductions by tenants leasing agricultural property in the Ag Reserve

Page 30

- 5C-2 Encroachment License Agreement with Mayfair Housing Association

PURCHASING

Page 30

- 5D-1 Palm Beach County Local Preference Ordinance

RISK MANAGEMENT

Page 31

- 5E-1 Contract with Preferred Governmental Claims Solutions regarding Workers' Compensation claims processing

BOARD APPOINTMENTS (Page 32)

STAFF COMMENTS (Page 33)

COMMISSIONER COMMENTS (Page 34)

ADJOURNMENT (Page 34)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to receive and file: The 2006-2009 Scripps Small Business Enterprise (SBE) Utilization Report as compiled by the Office of Small Business Assistance. **SUMMARY:** The Office of Small business Assistance has prepared a report which provides 2006-2009 SBE Utilization figures for the Scripps project to be submitted to the Board of County Commissioners. Countywide (TKF)

2. Staff recommends motion to approve: Payment in an amount not to exceed \$6,000 for participation in the Palm Beach Partners Business Matchmaker Conference & Expo to be held on August 4, 2009 in the Palm Beach County South County Civic Center. **SUMMARY:** The Office of Small Business Assistance, Department of Airports and Palm Tran are participating with the South Florida Water Management District, School District of Palm Beach County, the City of West Palm Beach, the Center for Technology, Enterprise & Development, Inc. (TED Center) and the Paragon Foundation, Inc., to present the 2009 Business Matchmaker Conference & Expo (a statewide conference). This is the 3rd Annual Matchmaker Conference & Expo held in Palm Beach County. Each participating entity will contribute \$2,000 plus in-kind and/or fund related contracts directly, and the County's contribution will be broken down as follows: the Office of Small Business Assistance (\$2,000), Department of Airports (\$2,000) and Palm Tran (\$2,000). Payment will be made to the Palm Beach Partners Business Matchmaker Conference & Expo. The conference and expo will provide Small Business Enterprise owners an opportunity to collaborate with larger businesses in an effort to increase business opportunities and knowledge of programs offered by the above listed governmental partners. Countywide (TKF)

3. Staff recommends motion to approve:
 - A) Budget Transfer of \$326,986 in the Capital Outlay Fund from the Reserves for Countywide Community Revitalization Team (CCRT) to the Sun Court Paving and Drainage project;

 - B) Budget Transfer of \$52,500 in the Capital Outlay Fund from the Reserves for CCRT to the Navarre Road Paving and Drainage project;

 - C) Budget Transfer of \$37,614 in the Capital Outlay Fund from the Reserves for CCRT to the Sylvan Lane Paving and Drainage project; and

 - D) Budget Transfer of \$67,386 in the Capital Outlay Fund from the CCRT Recouped Funding Reserves to the Sylvan Lane Paving and Drainage project.

SUMMARY: The three (3) projects listed above were approved by the Board of County Commissioners on December 18, 2007, December 21, 2004 and October 24, 2000. The funds being requested are needed to supplement committed MSTU funds to complete the projects, and to cap the individual property assessments to \$25 at abutting foot (as the projects were petitioned). Districts 1, 2 & 3 (AH)

4. Staff recommends motion to approve: Golf Tournament Agreement with Trump International Golf Club, L.C. and Glades Healthcare Foundation, Inc., a Florida not-for-profit corporation, for a one (1) day charitable golf tournament to be held on November 3, 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-day, or two one-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 3, 2009. Proceeds from the golf tournament will benefit Glades Healthcare Foundation, Inc., a Florida not-for-profit corporation. Countywide (AH)

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: 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 March 2009. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** an Agreement in the amount of \$193,333.82 with Wantman Group, Inc. for professional services. **SUMMARY:** Approval of this Agreement will provide the professional services necessary for the preparation of a preliminary study for Community Drive and Military Trail intersection improvements. District 2 (PFK)
2. **DELETED**
3. **Staff recommends motion to approve:**

A) a Contract with H & J Contracting, Inc. (H & J), the lowest responsive, responsible bidder in the amount of \$360,562.68 for the construction of Blue Heron Boulevard and Congress Avenue – Phase 1 – Intersection Improvements (Project); and

B) a Budget Amendment of \$2,587 in the Road Impact Fee Fund – Zone 1 to recognize reimbursement funding from the City of Riviera Beach and appropriate it to the 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 H & J is 15.01%. The time limit for the completion of all work under this Contract shall be no more than 150 calendar days. District 7 (MRE)
4. **Staff recommends motion to approve:** the purchase and payment in the amount of \$650,227 for a parcel of land located at the southwest quadrant of Northlake Boulevard and 130th Avenue North. **SUMMARY:** Approval of this action will allow the purchase and payment in the amount of \$650,227 for a 13.86 acre parcel of land designated as Parcel 135 (WMA-2). This parcel of land is for a water management area needed for the construction and improvement of Northlake Boulevard from east of Seminole Pratt Whitney Road to east of Coconut Boulevard. District 6 (PFK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

5. Staff recommends motion to adopt: four (4) Resolutions declaring the acquisition of property known as Parcels 104 and 106 as partial takes in fee simple for right-of-way, and Parcels 704 and 706 as temporary construction easements, for the improvement and construction of Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard (Project No. 2005503). **SUMMARY:** Approval of this action will adopt four (4) Resolutions to authorize the filing of eminent domain proceedings against four (4) parcels whose estimated total value is \$691,000. District 5 (PM)

6. Staff recommends motion to approve: an Agreement with Lake Charleston Maintenance Association Incorporated (Community) for traffic control jurisdiction to be performed by the Palm Beach County Sheriff's Office (Sheriff). **SUMMARY:** Approval of this Agreement will authorize the Sheriff to provide traffic control enforcement services within the Community. District 3 (MRE)

7. Staff recommends motion to approve: an Agreement with Independence Homeowners Association Incorporated (Community) for traffic control jurisdiction to be performed by the Palm Beach County Sheriff's Office (Sheriff). **SUMMARY:** Approval of this Agreement will authorize the Sheriff to provide traffic control enforcement services within the Community. District 6 (MRE)

8. **DELETED**

9. **DELETED**

10. Staff recommends motion to approve:
 - A)** a License Agreement with J.P.B. Lemontree, L.L.C., to allow use of road right-of-way being conveyed for Military Trail for parking, landscaping and signage; and
 - B)** a License Agreement with J.P.B. Lemontree, L.L.C., to allow use of road right-of-way being conveyed for Summit Boulevard for parking, landscaping and signage.

SUMMARY: Additional right-of-way for Military Trail and Summit Boulevard is being conveyed to Palm Beach County (County) as a result of the zoning approval for the expansion of the Peachtree Shopping Center (Center) to allow for the Summit Animal Hospital. Approval of these license agreements will allow the owner of the Center to utilize right-of-way being conveyed to the County until the conveyed right-of-way is actually needed for road improvements. The Center has had parking on this property for years and staff believes that it is only appropriate for the land to continue to be used as parking until construction of a right turn lane is necessary. There is no fiscal impact as a result of this approval. District 2 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

11. Staff recommends motion to:

A) accept two (2) Warranty Deeds designated as Parcels 104 and 105 and two (2) Temporary Construction Easements designated as Parcels 304 and 313; and

B) approve Subordinations of Utility Interests from Bellsouth Telecommunication, Inc. over Parcels 104 and 105.

SUMMARY: These actions will accept Warranty Deeds for two (2) parcels of land needed for a right turn lane, designated as Parcels 104 and 105, and two (2) Temporary Construction Easements, designated as Parcels 304 and 313. Approval of these motions will also approve the subordination of any interests of Bellsouth Telecommunication, Inc. over Parcels 104 and 105. The acceptance and approval of these documents is required for the widening to six (6) lanes and construction of improvements on Congress Avenue from Lantana Road to south of Melaleuca Lane. District 3 (PFK)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: the Policies, Procedures and Process for Loan Applications Using Surplus Funds (the "Surplus Funds Policy"), as revised, of the Housing Finance Authority of Palm Beach County, Florida (the "Authority") as required by Ordinance No. 2002-022 (the "Ordinance"). **SUMMARY:** Pursuant to its authority under the Ordinance and the Florida Housing Finance Authority Law, Part IV, Chapter 159, Florida Statutes (the "Act"), the Authority has promulgated the Surplus Funds Policy to carry into effect the powers and purposes of the Authority with respect to the use of its surplus monies. That Surplus Funds Policy was approved by the Board of County Commissioners on December 16, 2008. Since that time, the Authority has learned that it has the statutory authority to use its surplus funds to assist for-profit developers who are developing affordable housing, and has revised its Surplus Funds Policy accordingly. Under the Ordinance, the revised Surplus Funds Policy must be approved by the Board. Countywide (PFK)

2. Staff recommends motion to approve: Settlement in the total amount of \$128,592 inclusive of attorney's fees but excluding costs, as to Parcels 108, 208 and 308 in the case of Palm Beach County v. Boca Lago Country Club, Inc., et al., Case No. 50 2008 CA029566XXXMBAI. **SUMMARY:** On February 4, 2009, Palm Beach County acquired these three (3) parcels of land through eminent domain for a right-of-way in fee simple, an embankment easement, and a temporary construction easement, along Boca Rio Road between Palmetto Park Road and Glades Road in Boca Raton, for the construction and improvement of Boca Rio Road. As the County has already taken the property, the issue in the case is the amount of full compensation due to the owner of the parcels. Countywide (DRO)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

3. Staff recommends motion to approve: Amendment No. 4 to the Agreement (R2008-1852) with the law firm of Greenberg Traurig, P.A. (“Attorney”), to provide bond counsel and related legal services for the not to exceed \$62 Million Public Improvement Revenue Bonds, Series 2009 (Water & Sewer Revenue Bonds Project) (the “Bonds”). **SUMMARY:** The law firm was selected as bond counsel for the Bonds by the Board at the October 21, 2008 meeting. This Amendment No. 4 amends the existing Agreement for bond counsel and related services between the County and Attorney to provide additional and necessary bond counsel services in connection with the “private activity” bonds. Attorney will receive a bond counsel fee of \$117,000 regardless of the total amount of the Bonds and whether or not Attorney incurs attorney time in excess of such fee. The total amount of the Bonds decreased, which was not anticipated when the bond counsel fee was set for the Bonds. Countywide (PFK)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: contracts with listed provider agencies for the period March 1, 2009, through February 28, 2010, totaling \$2,248,860 for Ryan White Part A HIV Emergency Relief Formula funds and \$622,241 Supplemental funds:

<u>Supplemental</u>	<u>Formula</u>	
1) Compass, Inc.	\$ 220,000	\$ 11,055
2) Comprehensive AIDS Program	1,282,750	46,387
3) Comprehensive Community Care Network, Inc.	218,229	194,594
4) Glades Health Initiative, Inc.	51,398	0
5) Gratitude House	0	6,767
6) Legal Aid Society of Palm Beach County	48,396	0
7) Minority Development & Empowerment, Inc.	58,602	0
8) Oakwood Center of the Palm Beaches, Inc.	1,614	0
9) Health Care District	133,152	363,438
10) Palm Beach County Health Department	<u>234,719</u>	<u>0</u>
	\$2,248,860	\$ 662,241

SUMMARY: A Notice of Grant Award from the Department of Health and Human Services Health Resources and Services Administration (HRSA) was received on March 8, 2009, that conveys an award for the contract period March 1, 2009, through February 28, 2010. Total funds awarded are \$2,654,236 (Formula) and \$2,238,403 (Supplemental), of which \$200,001 is allocated for Grantee Administration. The grantee, Palm Beach County, is responsible for selecting and contracting with service providers. The HIV Care Council is charged with the sole responsibility of determining service priorities and the allocation of funding. The grant award is for the provision of services related to HIV affected clients, such as medical case management, medical care, oral health care and substance abuse treatment. The remaining contracts for Palm Beach County Health Department and Treasure Coast Health Council will be forthcoming. The agencies listed were selected through the Request For Proposal (RFP) process and have been recommended to receive funding. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to approve: Agreement with Oakwood Center of the Palm Beaches, Inc. for the period of August 1, 2009, through July 31, 2010, in an amount of \$223,584, for 17 permanent housing beds for disabled, homeless individuals. **SUMMARY:** This Agreement with Oakwood Center of the Palm Beaches, Inc. is a collaborative with the Division of Human Services funded under a Housing and Urban Development (HUD) Shelter Plus Care Program Grant. The grant provides rental assistance for permanent housing beds for 17 homeless, disabled individuals. No local match is required by the County for this grant. (Human Services) Countywide (TKF)

F. AIRPORTS

1. Staff recommends motion to adopt: a Resolution authorizing the County Administrator or his designee to execute the Palm Beach Sheriff's Office Trespassing Enforcement Affidavit Form; providing for severability; and becoming effective upon adoption. **SUMMARY:** The Resolution authorizes the County Administrator or his designee to execute the Palm Beach County Sheriff's Office (Sheriff) standard form Trespassing Enforcement Affidavit (Affidavit) authorizing the sheriff to enforce Sections 810.08 and 810.09, Florida Statutes, on properties managed by the Department of Airports on behalf of the County, including the Palm Beach International Airport, the Palm Beach County Park Airport, the Palm Beach County Glades Airport and the North County General Aviation Airport (the Airports). The Affidavit enables the Sheriff to enforce the trespassing statutes at the Airports for a period of two (2) years from date of authorization. Countywide (AH)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve:
 - A) Budget Amendment of \$5,298 in the \$30.73 Million Beach Acquisition Refunding Bonds, Series 1993 Debt Service Reserve Fund to recognize interest income and transfer remaining funds to Capital Outlay Fund to fund future capital projects; and
 - B) Budget Amendment of \$106,959 in the Capital Outlay Fund to record the transfer of remaining funds from the \$30.73 Million Beach Acquisition Refunding Bonds, Series 1993 Debt Service Reserve Fund to fund future capital projects.

SUMMARY: The final debt service payment on the Series 1993 Refunding Bonds was paid in FY 2008. Based on direction from Bond Counsel, the balance of the funds in the Debt Service Reserve Fund must be used to fund new capital projects. The funds are transferred to the Capital Outlay Fund contingency reserves to be used for capital projects in FY 2010. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

A) adopt a Resolution rescinding and replacing Resolution No. R2008-0864 pertaining to the Public Art Committee (Committee); and

B) approve the nomination of new Committee member Dorotha G. Lemeh to fill the vacant PBC resident with significant visual art background seat.

SUMMARY: The replacement Resolution modifies Committee member duties and adds three (3) year terms for Committee appointments/reappointments. This Resolution also extends the termination date of the Committee for five (5) years from the date of the passage of the Resolution. In addition, the BCC is being asked to approve the nomination of Dorotha G. Lemeh to the Committee for a term of three (3) years. (FDO Admin) Countywide (MJ)

2. Staff recommends motion to approve: Amendment No. 4 to Contract with The

Gordian Group, Inc. (R2005-1489) for consulting/professional services in conjunction with the Job Ordering Contract (JOC) system extending the Contract until August 15, 2010 and increasing the not-to-exceed limit from \$504,000 to \$600,000. **SUMMARY:** Amendment No. 4 is an extension to the sole source Contract with The Gordian Group, Inc. The Gordian Group provides professional services required to implement the JOC system to facilitate renovation, repair, and/or maintenance of improvement projects. Compensation is 1.5% of the dollar value of issued JOC work orders. Staff is bringing forward the Amendment at this time based on expiration of the term as well as pending work which would exceed the value assigned to the Contract. The Gordian Group's current standard fee for maintenance and support services is 1.95% for the first \$10 million in construction per year, and 1.5% thereafter. The County has successfully kept its fee at 1.5% for all work since 1997. Due to language in their contracts with other government agencies, The Gordian Group is no longer able to offer new contracts to anyone at less than their standard fee of 1.95%. The Gordian Group is able to offer the County an extension to our existing Contract at the current 1.5% fee for an additional two (2) year period. This Amendment will allow the County to accept the 30% fee discount offered for the maximum one (1) year extension period allowed by the Purchasing Ordinance. All other terms of the original contract remain in effect. (FD&O Admin) Countywide (JM)

3. Staff recommends motion to approve: Amendment No. 4 to Contract with

Siemens Building Technologies, Inc. (R2006-2103) 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 Siemens Building Technologies, 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 twelve 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%. Siemens' participation for work orders issued to date is 0%. Work orders issued to date for all eight (8) contracts include a combined SBE participation of 85.4%. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve:

A) Change Order No. 34 to the Contract with Moss & Associates, LLC. (R2007-0031) in the amount of \$195,425 for the West County Detention Facility outbuildings; and

B) Budget Transfer of \$434,793 in the \$20M Bond Anticipation Note '07 Jail Expansion Fund from reserves to the project budget.

SUMMARY: Change Order No. 34 provides compensation for work resulting from value engineering, building department comments and owner changes. The Small Business Enterprise (SBE) participation for this project is 15%. Moss & Associates will be providing 13% SBE participation for this Change Order. Overall project SBE participation is 16.14%. Unrelated to funding for this particular Change Order, a Budget Transfer is necessary to avoid substantial arbitrage penalties in the \$20M Jail Facility Expansion Series 2007 Bond by expending the remaining monies in this bond by September 20, 2009. (Capital Improvements Division) Countywide/District 6 (JM)

5. Staff recommends motion to approve:

A) Contract with Drawdy Construction Company, Inc. in the amount of \$274,929 for the construction of the Riverbend Park Equestrian Bridge; and

B) Budget Transfer of \$500,000 in the Park Impact Fees Zone 1 Fund from Reserves for Riverbend Park History Museum and Nature Center to Riverbend/Reese Grove Park Phase III.

SUMMARY: This Contract will provide for the construction of an equestrian bridge within Riverbend Park to provide equestrian access between the eastern and western parcels of the park. The Small Business Enterprise (SBE) goal for this project is 15%. The Drawdy Construction Company, Inc. bid includes SBE participation of 100%. The contract time is 90 calendar days to substantial completion. This project is being funded through Zone 1 impact fees. (Capital Improvements Division) District 1 (JM)

6. Staff recommends motion to approve: Contract with American Engineering & Development Corp. for the construction of the Wellington Park and Ride project in the amount of \$339,150. **SUMMARY:** This Contract will provide for the construction of a 138 space Park and Ride Lot to be located on Wellington Green Drive in the Village of Wellington. This project is being funded through an FDOT Grant for Park and Ride lots. Due to the grant funding agreement, this project is subject to the Federal Disadvantaged Business Enterprise (DBE) program. The DBE goal for this project is 10%. The American Engineering & Development Corp. bid includes participation at 10.32%. The contract time is 90 calendar days to substantial completion. (Capital Improvements Division) District 6 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. Staff recommends motion to approve: Change Order No. 3 to the Contract with West Construction, Inc. (R2008-2058) in the amount of \$17,520.56 and a time extension of 42 days for the South County Regional Park Parcel A Main Access Road Extension and Boat Ramp Facility. **SUMMARY:** Change Order No. 3 provides for construction of an additional 20 feet of lake outfall pipe and replacement of ballasts on the 54 new street light fixtures. This change is necessary due to late unforeseen conditions and change in power delivery from Florida Power & Light. In order to maintain progress and minimize remobilization costs, this work was completed prior to this Change Order. Change Order No. 3 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 the Park Improvement Fund. 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 22.6%. (Capital Improvements Division) District 5 (JM)

8. Staff recommends motion to approve: a Second Amendment to the Agreement (R2003-1611) with Columbia Palms West Hospital Limited Partnership d/b/a Palms West Hospital (Hospital), 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 Hospital can program into its radios and utilize the countywide and EMS common talk groups for certain types of inter-agency communications will expire on October 7, 2009. The Agreement provides for three (3) – three (3) year renewals but renewals require approval by both parties. The Hospital has approved a renewal to extend the term of the Agreement until October 6, 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 Hospital 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)

9. Staff recommends motion to approve: an Interlocal Agreement with the Town of Loxahatchee Groves (Town) allowing for interoperable communications through the countywide common groups of the County's 800 MHz Radio System. **SUMMARY:** This Interlocal Agreement provides the conditions under which the Town can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications. The County's system will not be utilized for routine operational communications by the Town. The terms of the Agreement are standard and have been offered to all municipalities and local branches of state and federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The Town is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The term of the Agreement is for five (5) years with three (3) - five (5) year renewals. The Agreement may be terminated by either party, with or without cause. (FDO/ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

10. Staff recommends motion to approve: an Interlocal Agreement with the City of Coconut Creek (City) allowing for interoperable communications through the countywide common groups of the County's 800 MHz Radio System. **SUMMARY:** This Interlocal Agreement provides the conditions under which the City can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications. The County's system will not be utilized for routine operational communications by the City. The terms of the Agreement are standard and have been offered to all municipalities and local branches of state and federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The City is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The term of the Agreement is for five (5) years with three (3) - five (5) year renewals. The Agreement may be terminated by either party, with or without cause. (FDO/ESS) Countywide (JM)

11. Staff recommends motion to approve: an Amendment No. 3 to a Lease Agreement with the School Board of Palm Beach County (R98-2089D) to allow up to twelve (12) concrete portable classrooms at the Eagle Academy facility at the West County Detention Facility in Belle Glade. **SUMMARY:** Since 1998, the Sheriff's Office has operated its Eagle Academy at the West County Detention Facility, which includes an educational program provided directly by the School Board. The West County Jail Expansion project requires relocating the Eagle Academy's existing portable classrooms. This Amendment No. 3: i) amends the site plan to reflect the new location of the portables; ii) increases the number of portables allowed from seven (7) to twelve (12); and iii) modifies the Notice provisions for both parties. At this time, the School Board is only installing eight (8) portables. The County is responsible for providing, installing and monitoring the fire alarm devices for each portable, and providing electrical service drops for up to eight (8) portables. The School Board is responsible for: i) providing all electrical service to the additional four (4) portables when installed; ii) extending water and sewer service to each portable, iii) all site work including, electrical service from the service drop to each portable; and iv) removing the seven (7) existing portables, grading the area and installing sod. The annual rent will continue to be \$1/year. All other terms and conditions of the Lease remain unchanged. (PREM) District 6 (HJF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to adopt: a Resolution amending Resolution No. 2006-1279 and Resolution No. R1997-1154, eliminating the minimum number of meetings that the Emergency Shelter Grants Program (ESGP) Advisory Board is required to conduct annually. **SUMMARY:** The proposed Amendment to Resolution No. 2006-1279 which amended Resolution No. R1997-1154 which established the ESGP Advisory Board will specifically eliminate the minimum number of meetings that the Advisory Board must conduct yearly. The proposed Amendment reads as follows: "The Advisory Board shall meet as required to ensure that all obligations of the Board are satisfactorily met and that all Board tasks are completed. A majority of the members appointed shall constitute a quorum for the conduct of the Advisory Board's business. In the presence of a quorum, Advisory Board business shall be conducted by a vote of a majority present and be governed by Roberts Rule of Order. The Chair shall have the authority to call emergency meetings, as is needed and appropriate, by informing members at least one week in advance." Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to:

A) adopt a Resolution approving the Sixth Amendment to the State Housing Initiatives Partnership (SHIP) Local Housing Assistance Plan (LHAP) for fiscal year 2009-2010 to implement the “Florida Homebuyer Opportunity Program;” and

B) approve a Budget Amendment of \$799,498 for the implementation and administration of this home buyer assistance program.

SUMMARY: The State of Florida, through the Florida Housing Finance Corporation awarded \$799,498 to Palm Beach County to implement the “Florida Homebuyer Opportunity Program” (FHOP) to provide loan funding of up to \$8,000 in down-payment assistance to first-time homebuyers who qualify for the federal homebuyer tax credit created through The American Recovery and Reinvestment Act of 2009. The recipient homebuyers must agree to utilize their federal income tax refunds to repay the FHOP loans to Palm Beach County. Any recipient homebuyer who does not repay Palm Beach County within 18 months of the loan closing will incur annual interest charges of four percent (4%). Countywide (TKF)

3. Staff recommends motion to approve: the following Westgate/Belvedere Homes Community Redevelopment Agency (CRA) Board Officers from June 8, 2009, through June 14, 2010.

Board Member

Office

Frederick G. Wade
Ronald Daniels

Chair
Vice-Chair

SUMMARY: The Westgate/Belvedere Homes CRA Board consists of seven (7) at-large members from residents and local businesses within the CRA boundaries. At the June 8, 2009 meeting, the CRA Commissioners elected the Chair and Vice-Chair from amongst its Board. The term shall be one (1) year, beginning with the date of election. District 2 (TKF)

K. WATER UTILITIES

1. Staff recommends motion to approve: a Grant Agreement with the State of Florida Department of Environmental Protection (FDEP) for construction of the Lake Region Water Treatment Plant (LRWTP) in the amount of \$400,000. **SUMMARY:** The FDEP is providing grant funding through the State of Florida General Appropriations Act for Fiscal Year 2008-2009 in the amount of \$400,000 for construction of the LRWTP. This funding will be matched as a 50% agreement by the County utilizing \$400,000 that the Board of County Commissioners (Board) previously committed to this project. Construction began in June 2005 and these grant funds will be used to reduce the net cost of the LRWTP to the Cities of Belle Glade, Pahokee and South Bay. (WUD Project No. 03-169) District 6 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. **Staff recommends motion to approve:** Purchase Orders with vendors for the Florida Power and Light (FP&L) Reclaimed Water project to provide materials and equipment in the amount of \$4,282,119.64. **SUMMARY:** The project provides for reclaimed water to become the primary source of cooling water supply to FP&L's West County Energy Center (Center) beginning in FY 2011. FP&L will construct a 27 million gallon per day reclaimed water treatment facility at the East Central Regional Wastewater Reclamation Facility (ECRWRF) and a pipeline to deliver the reclaimed water from the ECRWRF to the Center. FP&L competitively bid the reclaimed water treatment facility. Wharton-Smith was the low bidder and selected the vendors for the materials and equipment. FP&L has entered into a construction contract with Wharton-Smith, Inc. on May 6, 2009, for construction of the reclaimed water treatment facility at the ECRWRF. The Reclaimed Water Agreement (R2008-0906) with FP&L states that the County is responsible for activities necessary to procure materials for the construction of the Reclaimed Water Project. Florida Statute Section 212.08(6) and Florida Administrative Code Rule 12A-1.094 provides for an exemption of sales tax if the purchaser is a governmental entity. By purchasing materials and equipment directly from the vendors listed in the Purchase Orders, total sales tax savings of \$257,102.18 can be achieved. FP&L will reimburse the County the cost of the Purchase Orders. The County Attorney's Office has submitted a Technical Assistance Advisement request to the Florida Department of Revenue to confirm eligibility for sales tax exemption. If the State of Florida determines the project is not eligible for sales tax exemption, then FP&L will pay the cost of the sales tax. (WUD Project No. 08-031) District 6 (JM)

3. **Staff recommends motion to approve:** Change Order No. 2 to the Contract with Sheltra & Son Construction, Inc. (R2009-0771) for the Canal Point Low Pressure System increasing the contract price by \$151,131. **SUMMARY:** On May 5, 2009, the Board of County Commissioners approved the Contract for the Canal Point Low Pressure System (R2009-0771) with Sheltra & Son Construction, Inc., in the amount of \$498,027.58. This Change Order authorizes the Contractor to make changes to the construction of certain portions of the low pressure sanitary sewer extension project as necessitated by Health Department permitting requirements. This consists of upsizing all lift stations and providing for the additional construction work related to installation of these larger stations. Total change orders to date equal \$102,900 (22.9% increase). 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 the Sheltra & Son Construction, Inc. provides for SBE participation of 15.05% overall. Funding for this project has been allocated by Palm Beach County Office of Community Revitalization Program. (WUD Project No. 06-179) District 6 (JM)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to approve:** Amendment No. 1 to Contract for Consulting/Professional Services (R2009-0109) with Sea to Shore Alliance, a non-profit corporation, removing the requirement for maintaining Business Automobile Liability insurance coverage. **SUMMARY:** The Amendment removes the requirement for maintaining Business Automobile Liability insurance coverage (Article 10(C)) from the Contract for Consulting/Professional Services (R2009-0109). This contract is for conducting semi-monthly aerial surveys of manatees. The contract expiration of March 31, 2011 and the not-to-exceed amount of \$114,755 remain unchanged. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. **Staff recommends motion to approve:** Budget Amendment of \$4,530,000 in the Natural Areas Fund to recognize revenue from the Solid Waste Authority (SWA) for the sale of fill as part of an Interlocal Agreement (ILA) signed August 21, 2008 (R2008-1313). **SUMMARY:** The ILA specifies an advanced payment of \$4,530,000 to the County for the delivery of an initial 750,000 tons of acceptable fill from the Winding Waters Natural Area Restoration Project to the SWA. As per the ILA, the advanced payment shall be made within ninety (90) days of the County's first delivery of acceptable fill to the SWA, provided the County has maintained continuous delivery of an average of at least 200 loads per day. Initial delivery to the SWA began on April 13, 2009, and the County has maintained continuous delivery of well over 200 loads per day. The Amendment will provide \$1,530,000 in operating costs which is budgeted for project construction this year. The remaining \$3,000,000 will be placed into the Natural Areas Fund Reserves. This money is needed to continue construction into future years and to deliver excavated material to the SWA as is required in an existing Memorandum of Understanding. Continued project construction for future years is not yet budgeted. District 7 (SF)

3. Staff recommends motion to approve:

A) Amendment No. 1 to the Primary Contract for the Palm Beach County Annual Dune & Wetlands Restoration Project No. 2008ERM02 (R2008-1666) with Eastman Aggregate Enterprises, LLC (Eastman) to increase the Contract by \$305,880 to a not-to-exceed amount of \$4,603,334, and extend the Contract for two (2) years and add bid items;

B) Amendment No. 1 to the Secondary Contract for the Palm Beach County Annual Dune & Wetlands Restoration Project No. 2008ERM02 (R2008-1666.1) with Rio-Bak Corporation (Rio-Bak) to extend the Contract for two (2) years; and

C) Work Supplement No. 1666-03A to Palm Beach County Annual Dune & Wetlands Restoration Project No. 2008ERM02 (R2008-1666) with Eastman in the amount of \$182,885 to provide additional services for the Ibis Isle Restoration Project (R2009-1005).

SUMMARY: The BCC approved two (2) annual construction Contracts for the Palm Beach County Annual Dune & Wetlands Restoration Project No. 2008ERM02 (R2008-1666, - 1666.1) on September 23, 2008. Eastman was issued three (3) work orders totaling \$1,207,074; Rio-Bak has not received any. Staff requests Board approval of Amendment No. 1 to extend the Eastman and Rio-Bak Contracts, to increase the amount of work for the Eastman Contract (R2008-1666) by \$305,880, and to add new bid items to the Eastman Contract Bid Schedule incidental primarily to the Ibis Isle Restoration Project. The increased Contract amount is based on estimated project expenses. Small Business Enterprise (SBE) goals of 16.14% as set forth in the Eastman Contract and 10.19% as set forth in the Rio-Bak Contract will remain in effect. Eastman's SBE participation to-date is 28.25%. Work Supplement No. 1666-03A will authorize Eastman to place rock at the Ibis Isle Restoration Project (R2009-1005) and implement water quality and wetland protective measures. The Work Supplement is funded by grants through the Lake Worth Lagoon Partnership Program (R2007-2279), a 2007 State appropriation (R2009-0574) and Manatee Protection Program funds as match. Countywide (JM)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to approve: Agreement with Arthur R. Marshall, Jr. Foundation and Florida Environmental Institute, Inc. for the period July 21, 2009, through August 1, 2010, in an amount not-to-exceed \$3,000 for Torry Island tree planting projects. **SUMMARY:** This funding is to assist with costs for tree planting projects at Belle Glade's Torry Island. Approximately 250 students and 250 adults participate in these projects. 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 6 Funds. District 6 (AH)
2. Staff recommends motion to approve: Agreement with Palms West Athletic Association, Inc. for the period July 21, 2009, through October 31, 2009, in an amount not-to-exceed \$1,000 for the Royal Palm Beach Little Scholars Banquet. **SUMMARY:** This funding is to assist with costs for the Little Scholars Banquet sponsored by Palms West Athletic Association, Inc. to recognize athletic and academic successes of Royal Palm Beach Pop Warner sports program participants. Approximately 350 youth attended the banquet. 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 Palms West Chamber of Commerce, Inc. for the period July 21, 2009, through August 30, 2009, in an amount not-to-exceed \$10,000 for the 2009 WestFest event. **SUMMARY:** This funding is to assist with costs for the Palms West Chamber of Commerce's annual WestFest event held from March 14 through March 15, 2009. The event was attended by approximately 10,000 people. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to February 13, 2009. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)
4. Staff recommends motion to approve: Agreement with Palms West Chamber of Commerce, Inc. for the period July 21, 2009, through August 31, 2009, in an amount not-to-exceed \$2,500 for the Green Task Force Conference. **SUMMARY:** This funding is to assist with costs for the Green Task Force Conference sponsored by the Palms West Chamber of Commerce from March 9 through March 12, 2009. The event was attended by approximately 1,000 people. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to February 17, 2009. Funding is from the Recreation Assistance Program (RAP) District 3 Funds. District 7 (AH)
5. Staff recommends motion to approve: Agreement with Bangladesh Association of Florida, Inc. for the period July 21, 2009, through October 31, 2009, in an amount not-to-exceed \$1,000 for the 2009 Asian Food Fair and Cultural Show. **SUMMARY:** This funding is to assist with costs for the 2009 Asian Food Fair and Cultural Show held at Old School Square in Delray Beach on May 9 and May 10, 2009. The event was attended by approximately 5,000 people. 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 5 Funds. District 7 (AH)
6. Staff recommends motion to approve: Agreement with The Acreage Landowners Association, Inc. for the period July 21, 2009, through August 15, 2009, in an amount not-to-exceed \$1,000 for the 2008 Huck Finn Day event. **SUMMARY:** This funding is to assist with costs for a community event held at the Corbett Youth Camp on March 9, 2008. Nearly 875 people participated in the event. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to February 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

7. Staff recommends motion to approve: Agreement with Adolph and Rose Levis Jewish Community Center, Inc. for the period July 21, 2009, through December 30, 2009, in an amount not-to-exceed \$20,000 for funding of Camp Kavod 2009. **SUMMARY:** This funding is to assist with operational expenses for Camp Kavod 2009. This special needs summer camp serves approximately 55 children and youth. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to June 1, 2009. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 5 (AH)
8. Staff recommends motion to approve: Agreement with Palm Beach County PAL, Incorporated for the period July 21, 2009, through October 30, 2009, in an amount not-to-exceed \$1,000 for funding of the First Tee of the Glades golfing program. **SUMMARY:** This funding is to help offset costs paid by Palm Beach County PAL, Incorporated for the First Tee of the Glades golfing program. The program serves approximately 30 at-risk youth. The Agreement allows for reimbursement of eligible expenses incurred subsequent to June 4, 2009. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)
9. Staff recommends motion to approve: Agreement with the Town of Glen Ridge for the period July 21, 2009, through April 1, 2010, in an amount not-to-exceed \$30,000 for Glen Ridge playground improvements. **SUMMARY:** This funding is to offset the cost of playground improvements for Flury Park in the Town of Glen Ridge. The park serves approximately 50 users on a regular basis. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to June 1, 2009. Funding is from the Recreation Assistance Program (RAP) District 3 Funds. District 3 (AH)
10. Staff recommends motion to approve: Agreement with The Center for Youth Activities, Inc. for the period July 21, 2009, through March 31, 2010, in an amount not-to-exceed \$50,000 for funding of after school programs. **SUMMARY:** This funding is to assist with expenses for the after school programs provided at Veterans Park by The Center for Youth Activities, Inc. The programs serve approximately 108 youth from age 5 to 12 on a daily basis. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to October 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 5 (AH)
11. Staff recommends motion to receive and file: original executed Fourth Amendment to Request for Funding Form for School Board Recreation Assistance Program project for Golden Grove Elementary School for the purchase and installation of fitness trail equipment (R2007-0991), as amended (R2008-0545, R2008-1224, R2008-2234), to extend the project completion date from June 30, 2009, to December 31, 2009. **SUMMARY:** This fully executed Fourth Amendment to Request for Funding Form is being processed in accordance with the Interlocal Agreement for the Funding of Recreation Assistance Program (RAP) Projects (R2003-1747), as amended. The amended project completion date of December 31, 2009, is being extended by six (6) months to allow project completion time and completion of reimbursement documentation. All other project terms, including the funding amount of \$5,000, remain the same. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

12. Staff recommends motion to receive and file: two (2) fully-executed original Agreements for Recreation Assistance Program (RAP) funding as follows:
 - A) Agreement with Delta Heritage Foundation, Inc. for the period June 18, 2009, through August 31, 2009, in an amount not-to-exceed \$6,500 for the 2009 Delta GEMS College Tour; and
 - B) Agreement with United Sports and Social Club, Inc. for the period June 18, 2009, through December 2, 2009, in an amount not-to-exceed \$5,000 for the 8th Annual Jamaica Independence Celebration in the Park event.

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 Funds. District 7 (AH)
13. Staff recommends motion to approve: First Amendment to Independent Contractor Agreement (MUNDT1177510509530300B) with Eric Mundt for USA Diving Program services at Aquacrest Pool for the period May 8, 2009, through May 7, 2010. **SUMMARY:** On May 1, 2009, the Parks and Recreation Department entered into an Independent Contractor Agreement with Eric Mundt to provide coaching services for the USA Diving program at Aquacrest Pool. Under this original Agreement, the fee to be paid by the County for services was 70% of the paid enrollment fees. This First Amendment increases the fee to be paid by the County for services to 80% of the paid enrollment fees. The total amount to be paid by the County to Eric Mundt under this contract remains unchanged at \$35,000. District 7 (AH)
14. Staff recommends motion to receive and file: executed Independent Contractor Agreement received during the month of June: 3D Diving, Inc., USA Competitive Diving Program, 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 Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution No. R94-422, amended by Resolution Nos. R02-2103 and R7-0409, and is now being submitted to the Board to receive and file. District 1 (AH)
15. Staff recommends motion to receive and file: letter of approved changes to Concessionaire Service Agreement with Tennis Insights, Inc. (R2008-1867), amending the hours of operation and allowing the installation of park signage directly related to Tennis Insights, Inc.'s operations at South County Regional Park. **SUMMARY:** The Parks and Recreation Department entered into a Concessionaire Service Agreement on October 21, 2008, with Tennis Insights, Inc. for the purpose of operating the Tennis and Racquetball Center at South County Regional Park. Tennis Insights requested changes to said Agreement, and the Parks and Recreation Department, in accordance with the terms of the Agreement, approved certain changes. The approved changes include changing the hours of operation to be consistent with competing facilities, changes to holiday hours, and allowing the installation of park signage related to the operations of Tennis Insights, Inc. District 5 (AH)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to approve: the Chairman to certify the non-ad valorem assessment roll for the Municipal Service Benefits Unit (MSBU) for Fire Hydrant Maintenance and Rental-Riviera Beach and for the MSBU for Fire Hydrant Maintenance and Rental-Boca Raton. **SUMMARY:** MSBU's for fire hydrant maintenance and rental for Riviera Beach and Boca Raton were established in February, 1993, by Ordinance No. 93-5. The current rates as established by Resolutions are \$52.86 per parcel for Riviera Beach (R98-1023) and \$23 per parcel for Boca Raton (R2008-0239). Every year the assessment roll must be certified by the Chairman of the Board and the State Department of Revenue Form DR-408A must be signed by the Chairman for each MSBU. These forms and the tape of the assessment rolls must be submitted to the Tax Collector no later than September 15 of each year. Districts 5 & 7 (SB)

2. Staff recommends motion to approve: a Memorandum of Agreement for Participating Agencies with Miami-Dade County. **SUMMARY:** Miami-Dade County is the Sponsoring Agency responsible for coordinating the Urban Search and Rescue (US&R), Florida Task Force 1 (FL TF1), on behalf of the Federal Emergency Management Agency (FEMA). If the FL TF1 is mobilized, Miami-Dade may request the services of Palm Beach County Fire-Rescue to provide certain specialty service to the FL TF1. The existing Cooperative Agreement between FEMA and Miami-Dade requires the Sponsoring Agency to enter into a Memorandum of Agreement with each Participating Agency to delineate the responsibilities of the parties for US&R activities, while providing a mechanism for reimbursement by FEMA of the costs incurred by the Participating Agency when the FL TF1 is mobilized. This Agreement shall commence upon execution by both parties and will continue through September 30, 2011. Countywide (SB)

X. PUBLIC SAFETY

1. Staff recommends motion to approve:
 - A) an Agreement with State of Florida, Division of Emergency Management to receive grant funding of \$30,550 from July 1, 2009, through September 1, 2009 to provide advance training to Community Emergency Response Team (CERT) volunteers; and
 - B) a Budget Amendment of \$30,550 in the Emergency Management Grant Fund to establish grant budget.

SUMMARY: Florida Division of Emergency Management awarded Palm Beach County Division of Emergency Management a grant of \$30,550 to conduct a Regional CERT Advanced Academy for up to 100 participants. The CERT Advanced Academy will provide intensive CERT training that will enhance knowledge of currently trained CERT members and increase the operational readiness of the volunteer workforce. No County match is required. Countywide (GB)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. Staff recommends motion to:

A) approve Florida Commission for the Transportation Disadvantaged (CTD) Trip and Equipment Grant in the amount of \$2,078,793 for FY 2009/2010 to provide non-sponsored trips in accordance with the Transportation Disadvantaged Trust Fund in Chapter 427 Florida Statutes and Rule 41-2 Florida Administrative Code; and

B) authorize the Executive Director of Palm Tran, through the County Administrator or his designee, to file and execute the Trip and Equipment Grant Agreement with the CTD.

SUMMARY: On June 2, 2009, the Board of County Commissioners approved a resolution (R2009-0940) authorizing the filing of a Transportation Disadvantaged Trust Fund Application with the CTD, and delegating authority to the Palm Tran Executive Director to execute the Standard Coordination/Operator contracts on behalf of Palm Beach County. Based on that approval, the Trip and Equipment Grant Agreement was developed. The Grant provides approximately 90% of the funding for Palm Beach County's TD program. Palm Beach County has been allocated funds for FY 2009/2010: Trip and Equipment Grant: \$2,075,766; Total State Grant: \$1,868,189; Local Match: \$207,577; Voluntary Dollar Contributions: \$2,724; In-Kind Match for Voluntary Dollar: \$303; Total Grant: \$2,078,793. The local match has already been budgeted in Palm Tran's proposed FY 2010 operating budget. Countywide (DR)

2. **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)

BB. HOUSING FINANCE AUTHORITY

1. Staff recommends motion to approve: the nomination of Robin B. Henderson as the Chairperson of the Housing Finance Authority of Palm Beach County (HFA) for the term of June 2009 through May 2010. **SUMMARY:** At the regular HFA meeting of June 12, 2009, the board nominated Robin B. Henderson as its Chairperson to serve a second consecutive and final one (1) year term in accordance with Ordinance No. 2002-022. The Ordinance requires the nomination of the Chairperson to be submitted to the Board of County Commissioners for approval. Countywide (TKF)

* * * * *

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

A. Staff recommends motion to:

A) conduct a Public Hearing for approval of the use of the Uniform Method of collecting non-ad valorem special assessments provided for in Chapter 197, Florida Statutes pursuant to the Notice of Intent adopted by Resolution No. R97-2152; and

B) adopt the non-ad valorem special assessment roll and specify the unit of measurement and amount of the assessment.

SUMMARY: On December 16, 1997, the Board approved Resolution No. R97-2152 expressing the intent of Palm Beach County to use the Uniform Method of collecting non-ad valorem special assessments. The Uniform Method provides for inclusion of water and street improvement project special assessments on the tax bill. This method has been utilized successfully since 1998. A Public Hearing is required to implement this collection method for new special assessment projects to be included on the 2009 tax bill. Countywide (PK)

B. Staff recommends motion to adopt:

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 was advertised on June 23, 2009, in the Palm Beach Post for Public Hearing on July 21, 2009; it replaces Countywide Ordinance No. 2003-021 which was approved by the Board of County Commissioners (BCC) 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)

C. Staff recommends motion to adopt:

an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 4 of the Palm Beach County Code (Ordinance 98-22, as amended by Ordinance No. 2003-29, Ordinance 2005-44, and Ordinance No. 2008-004) pertaining to animal care and control; amending Section 4-2 of the Palm Beach County Code (Definitions); amending Section 4-27 of the Palm Beach County Code (Dangerous Dogs and Vicious Dogs); providing for repeal of laws in conflict; providing for savings clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for enforcement; providing for penalty; providing for captions; and providing for an effective date. **SUMMARY:** At a meeting of the Board of County Commissioners held on April 21, 2009, the Board directed staff to prepare an amendment to the Animal Care and Control Ordinance to strengthen provisions pertaining to dangerous and vicious dogs. Countywide (SF)

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, 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:** This amending ordinance was approved on first reading at the Board's June 16th meeting. The Investment Policy Committee recommends that the Board amend provisions of the Palm Beach County Investment Ordinance, Section 2-41, Subsection (c)(1), of the County Code to amend certain provisions of the Investment Ordinance related to the conduct of investment policy committee meetings, providing attendance requirements for committee members and providing for removal of committee members. Countywide (PFK)

E. Staff recommends motion to adopt: 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 318.17, 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)

F. Staff recommends motion to:

A) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the Palm Beach County Action Plan (AP) for FY 2009-2010; and

B) authorize the Chairman, or his designee, to execute Standard Forms 424 and Certifications for submission to the U.S. Department of Housing and Urban Development (HUD) to receive FY 2009-2010 formula grant funding through the Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), and HOME Investment Partnerships (HOME) Programs.

SUMMARY: Federal Regulation 24 CFR Part 91 requires Palm Beach County to submit an Action Plan (AP) to HUD no later than August 15, 2009 in order to receive CDBG, ESG, and HOME entitlement grant allocations for FY 2009-2010 totaling \$9,917,845. Failure to meet the deadline will automatically result in the loss of funds for the upcoming year. The Palm Beach County Action Plan for FY 2009-2010 outlines the recommended expenditures of HUD entitlement grants as follow: CDBG - \$6,815,780 (plus program income estimated at \$300,000); ESG - \$302,730; and HOME - \$2,799,335. The Draft Palm Beach County Action Plan for FY 2009-2010 was approved by the Board of County Commissioners (BCC) on June 16, 2009 (Agenda Item 5F-1). A summary of the draft Plan and a Notice of Public Hearing were published on June 7, 2009. Comments received as a result of the public notice and meetings were summarized and added to the plans, as required by HUD regulations. The ESG Program requires at least a dollar-for-dollar match that will be provided by the 12 ESG-funded agencies. The HOME Program requires a 25% local match (\$594,859) that will be provided from the PBC Universal Housing Trust Fund (\$450,000) and from the State Housing Initiatives Partnership (SHIP) unencumbered program income (\$144,859). **These are Federal Funds of which the ESG and HOME Programs require a local match.** Countywide (TKF)

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

- G. **Staff recommends motion to adopt:** a Resolution abandoning a portion of Stacy Road as shown on the plat of Haverhill Acres, as recorded in Plat Book 20, Page 75, Public Records of Palm Beach County, Florida (presently known as North Stacy Street). **SUMMARY:** This petition site is located west of Haverhill Road, lying between Belvedere Road and Okeechobee Boulevard. This abandonment is necessary to allow the Palm Beach County School District (School District) to move forward with their plans. Palm Beach County (County) will receive a drainage easement to accommodate our Stacy Street improvement project. District 2 (PK)

- H. **Staff recommends motion to adopt:** an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five-Year Road Program (Program); providing for title; purpose; adoption of revised program and revised list of projects contained in exhibit "a"; implementation of the program; modification of program; 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:** Since the development and adoption of Palm Beach County's Five-Year Road Program on December 2, 2008, the progress and evolution of current and near-term projects has continued to be monitored. Costs and revenues have been updated and in some cases, additional needs have been identified. Revisions are being proposed to modify the Program to reflect this updated information. A Mid-Year Ordinance Amendment with a Preliminary Reading and a Public Hearing is required in order to accomplish this. On June 16, 2009, the Board approved this Amendment on preliminary reading and authorized advertisement for today's Public Hearing for final adoption. Countywide (MRE)

* * * * *

5. REGULAR AGENDA

A. ADMINISTRATION

TIME CERTAIN – 2:00 P.M.

1. [Grand Jury Report & Clerk's Debt Review](#)

2. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on August 18, 2009 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Sections 2-80.21 through 2-80.34 of the Palm Beach County Code, which codified Ordinance No. 2002-064, as amended by Ordinance No. 04-071, Ordinance No. 05-048, and Ordinance No. 2008-014, and established the Small Business Enterprise Program; providing for definitions; providing for eligibility standards; providing for commercially useful business function; providing for application procedures; providing for application review procedures; 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 Office of Small Business Assistance (OSBA) conducted a study of comparable regional programs and reviewed gross receipts of county SBEs. Based on the research, the OSBA determined in order to reduce confusion, the county should utilize gross receipts when determining the size of the SBE for certification. Other changes to the SBE Ordinance are recommended to create a thorough process for reviewing applications for certification and provide further clarity in the ordinance. Countywide (TKF)

TIME CERTAIN 10:00 A.M.

3. [Staff recommends motion to approve:](#) a Sublease between Palm Beach County and Huttig Building Products, Inc., for approximately 76,000 square feet of warehouse space for the Supervisor of Elections (SOE) for support operations and Election Day vote tabulation, for a term of five (5) years, with a renewal option ending June 21, 2016. **SUMMARY:** Due to the need to handle massive amounts of paper from the change in the voting system for 2008, the Airport Department's partially used warehouse (commonly known as Sky Chef) on the north side of PBIA, was leased to the County on behalf of the SOE. The SOE does not find Sky Chef to be acceptable for future use. Among reasons stated are: insufficient space, poor layout of space and second floor access issues. The SOE further stated that time is of the essence due to the upcoming election cycle. The SOE has identified space at 7835 Central Industrial Drive, Riviera Beach, Florida to accommodate this function, and pursuant to Board direction from the June 2, 2009, has negotiated a sublease with Huttig. The lease costs and site improvements are similar in costs that would have been incurred by remaining at the Sky Chef facility, and the SOE has stated that these costs will be absorbed within the current and future budgets.

The Sublease imposes a chargeback against the County in the amount of \$450,000 in the event the County does not exercise its option to renew. The SOE and staff anticipate the County will exercise such option and thereby avoid such chargeback because staff does not expect to have completed construction of new facilities for this function by the expiration of the term of the Sublease. The Sublease requires Huttig to construct a demising wall and separately meter certain utilities, requires the SOE to install suitable HVAC, and associated electrical, and to accept the Premises As-Is and maintain the subleased premises with the exception of the roof foundation and structural components, which are Huttig's responsibility. Rent is fully abated until January 1, 2010 and discounted until January 1, 2011. The SOE will pay a pro-rata share of taxes and expenses for the subleased premises. The use of the subleased premises is limited to SOE purposes. Countywide (HF)

JULY 21, 2009

5. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

TIME CERTAIN 10:05 A.M.

4. **Staff recommends motion to receive and schedule for further discussion at workshop:** Final Report of the Palm Beach County Green Task Force on Environmental Sustainability and Conservation. **SUMMARY:** The Task Force has completed its work and wishes to present its recommendations to the Board of County Commissioners prior to the Task Force sunset date of August 1, 2009. Due to the lengthy agenda for this July 21st meeting, staff is recommending a short introductory presentation by the Task Force and limited discussion at this meeting. A more detailed presentation along with staff comments and board discussion can take place at a future workshop. The next available workshop date is October 27, 2009. Countywide (GB)

B. COUNTY ATTORNEY

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida approving the issuance of Hospital Revenue Bonds, Series 2009 in an amount not to exceed \$13,000,000 (the "Bonds") by the Palm Beach County Health Facilities Authority (the "Authority"). **SUMMARY:** The proceeds of the Bonds will be used by the Authority to make a loan to Jupiter Medical Center, Inc. to acquire, construct and improve certain improvements to the existing health care facilities of the Medical Center and to refinance debt incurred for such purposes. Approval by an elected body 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 1 (PFK)

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff:

A) requests Board direction: regarding a request for rent reductions by our tenants leasing agricultural property in the Ag Reserve; and

B) recommends motion to approve: the termination of the Lease with Mecca Farms, Inc., of the 215-acre Amestoy Farm effective as of September 1, 2007.

SUMMARY: The farmers and nurserymen, who lease property from the County, are requesting reductions in the rent they pay the County. The Board requested that this matter be brought back for further consideration. While it is difficult to quantify the net financial impact of changing market conditions upon the farmers, costs have clearly gone up by roughly 30%, row crop revenues appear to have remained relatively stable and nursery revenues have decreased substantially. Recent appraisal data indicates that rents for row crop land have decreased to \$500/net acre (\$350/gross acre). In February, the Board approved a reduction in rent under the Pero/McMurrain Lease to \$500/gross acre. Bowman and Bedner are asking for a 30% reduction in rent under their leases to \$450/acre. Pero is seeking a reduction to \$500/gross acre for the York Farm Lease. The nursery operators, Floral Acres and K&M, are seeking reductions of 50%. Currently, Floral Acres pays \$1,318/acre and K&M pays \$1,800/acre. Nurseries have been hit hard by the economic downturn. Unfortunately, there is not much specific data upon which to base a decision on rents other than the recent appraisal of row crop land rents, which in the case of Pero represented a 62% reduction. The farmers have not shared detailed information on their operating performance, but Staff has reviewed summary data showing that their profits have decreased substantially, with the nurseries actually operating at a loss. Options available to the Board are to cancel and rebid all Ag Leases, adopt a new rental rate for all Ag Leases, or adopt the rates requested by the farmers. Staff would recommend that if the Board is inclined to support a rent reduction without rebidding, that a uniform rate of \$500/gross acre for row crops and \$1,000/acre for nurseries be established, and the rents be revisited every 2-3 years, such that in the event market conditions improve, the rents will be increased. Rents from the Leases are allocated to maintenance of Environmentally Sensitive Lands. The total reduction in annual revenue proposed by the farmers would be \$1,369,426.

Mecca Farms is asking to be let out of their Lease of the 215-acre Amestoy property. This Lease runs through 2011 and the rent was \$1,723/acre. Shortly after entering into the Lease in 2006, Mecca Farms attempted to obtain permits for water use and drainage, but due to recent changes in regulations, discovered that they would be unable to obtain permits for drainage without a total redesign of the drainage system. In August of 2007, Mecca Farms notified the County that they would be unable to obtain required permits and stopped paying rent. Staff supports Mecca Farms' request to be released from the Lease effective as of September 1, 2007, in that it will enable the County to lease the property to another farmer, although it is likely that the rent will be much lower. (PREM) District 5/Countywide (HJF)

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff requests Board direction: on a request by the Mayfair House Association to obtain an Encroachment License Agreement for encroachments on the Old Ocean Boulevard right-of-way without charge. **SUMMARY:** The right-of-way for Old Ocean Boulevard runs along the dune and beach from Sloans Curve in Palm Beach, south to Ocean Avenue at the Lantana/Boynton line. The Road was washed out in the 50's, condominiums were constructed in the 70's and 80's which encroached into the right-of-way and in the early 90's the County attempted to reassert control over the north end right-of-way in South Palm Beach by requiring the encroaching property owners to enter into encroachment permit agreements and pay fees equal to 10% of the appraised value of the land encroached upon. The property owners strenuously objected to the program and agreements were reached only with those property owners with the most extensive encroachments at reduced rates. This is the first property to be addressed in the South section of the right-of-way. The Mayfair House condominium was constructed in 1974. A portion of one condominium tower is 6 feet away from this right-of-way and the pool deck and concrete apron encroaches 10'-15' into the right-of-way. The total area encroached upon is roughly 3,750 square feet. At 10% of assessed value, this would equate to a permit fee of \$75,000. Staff negotiated an Encroachment License Agreement with Mayfair House which, similar to the other agreements, allow the encroachments to remain in place until such time that the County intends to reconstruct a road, which is unlikely to ever occur. The Agreement also gives the County an easement for beach and dune restoration and public access over, but not to, the beach. Staff supports allowing the encroachments to remain, but requires direction as to whether Mayfair House should be charged a fee. The Mayfair House Condominium has through the years suffered extensive damage during Hurricane and other storm events from waves breaking over their seawall. They have obtained permits to reconstruct and elevate their seawall, conditioned upon obtaining this Encroachment Agreement. (PREM) District 4 (HJF)

D. PURCHASING

1. Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on August 18, 2009 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, to be entitled the "Palm Beach County Local Preference Ordinance;" repealing and replacing Sections 2-80.41 through 2-80.48 of the Palm Beach County Code, which codified Ordinance No. 2002-065 establishing a "Local Preference in Purchasing Ordinance;" providing for a title; providing for definitions; providing for a reciprocal preference for local businesses; providing for a straight preference for local businesses; providing for a straight preference for Glades businesses for certain procurements; providing for a straight preference for the use of Glades subcontractors by local businesses; providing for interlocal agreements; providing for waiver; providing for limitations; authorizing the County Administrator or designee to develop rules and regulations; 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 current Local Preference Ordinance (Ordinance No. 2002-065), which was adopted in 2002, established a 5% straight local preference for local businesses. It also established a 5% reciprocal preference for local businesses competing against vendors from Martin, Broward and Miami-Dade Counties that is applied when a local preference ordinance or policy established by one of those Counties is utilized against Palm Beach County vendors. In addition to the 5% straight local preference and the 5% reciprocal preference for local businesses, the proposed Ordinance Amendment establishes a 5% straight local preference for Glades businesses competing against local or non-local vendors for goods or services to be utilized in the Glades and for any construction projects located in the Glades. The proposed Ordinance Amendment also establishes a straight 3% or 4% preference for local businesses using Glades subcontractors for goods or services to be utilized in the Glades or for any construction projects located in the Glades. Countywide (DW)

5. REGULAR AGENDA

E. RISK MANAGEMENT

1. Staff recommends motion to:

A) approve Contract with Preferred Governmental Claims Solutions - PGCS with guaranteed unallocated administrative rates for the three (3) year period of August 1, 2009, through July 31, 2012, at an annual estimated cost to the Board of \$136,100, \$134,600, \$139,600 for years one (1) through three (3) respectively, with a full contract estimated cost of \$410,300, plus allocated claim specific expenses as illustrated in Article 4D and Exhibit B of the Contract; and

B) adopt Resolution of the Board of County Commissioners of Palm Beach County, Florida, authorizing the establishment of a bank account with Wachovia for payment of workers' compensation claims with a beginning reserve deposit of \$750,000.

SUMMARY: As part of the Fiscal Year 2010 budget reduction strategies, staff recommends privatizing the claims adjusting and medical bill paying functions of the self-insured/self-administered workers' compensation program. To that end, an RFP was released for third party administration services. Currently, the adjusting and billing functions of the County's self-insured workers' compensation program include four (4) full-time positions and dedicated ISS professional services, at a projected cost of \$360,325 for Fiscal Year 2010. This proposed privatization will result in the elimination and layoff of four (4) filled positions. Comparatively, the projected administration, billing and ISS professional costs for onsite third party administration for Fiscal Year 2010 are \$179,732. Additional savings to this program will be realized through network preferred provider organization (PPO) discounts and prescription benefit management negotiated discounts. It is estimated that total savings to the Risk Management budget will exceed \$400,000 in its first year. Countywide (TKF)

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6. BOARD APPOINTMENTS

A. AIRPORTS
(Citizens Committee on Airport Noise)

1. Staff recommends motion to appoint: the following individual to the Citizens Committee on Airport Noise (CCAN) for a term of three (3) years:

<u>SEAT</u>	<u>NAME</u>	<u>ACTION</u>	<u>ORGANIZATION</u>
12	Nancy Pullum	Appointment	Good Neighbor Council

SUMMARY: Per Resolution No. R94-1060, the Citizens' Committee on Airport Noise consists of 13 seats of which six (6) (Seat No. 8 through Seat No. 13) are recommended for appointment by the organizations approved by the BCC. The Good Neighbor Council has submitted their recommendation for a representative to fill seat No. 12 by letter. Countywide (AH)

B. COMMUNITY SERVICES
(Homeless Advisory Board)

1. Staff recommends motion to approve: appointment of the following community and business representatives to the Homeless Advisory Board effective July 21, 2009, and ending November 4, 2011.

<u>Seat No.</u>	<u>Appointment</u>	<u>Member Category</u>
24	Bill Mitchell	Private Foundation
19	Tim Shaw	Business Representative

SUMMARY: On May 1, 2007, the Board of County Commissioners approved a resolution establishing the Homeless Advisory Board. The Advisory Board consists of 16 core members who are principally elected officials or agency heads (or their designees) and 20 community and business members. The community and business member seats are broken down as follows: seven (7) business representatives; three (3) private foundation representatives; four (4) formerly homeless representatives; one (1) faith based community representative; one (1) philanthropist; one (1) housing authority representative; one (1) hospital executive officer; and two (2) general members. In accordance with the establishing resolution, the community and business representatives to this advisory board are nominated by the core members. Bill Mitchell will complete the term of the seat vacated by Paul Gionfriddo and Tim Shaw will complete the term of David Gury. Both vacated seat terms expire on November 5, 2009, after which the candidates will continue on the board to serve full two (2) year terms to end November 4, 2011. These nominations were approved by the core members on May 20, 2009. Countywide (TKF)

C. COMMISSION DISTRICT APPOINTMENTS

JULY 21, 2009

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

Schedule for Tax Collector Office RFP

B. COUNTY ATTORNEY

JULY 21, 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 PRISCILLA A. TAYLOR

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

JULY 21, 2009

<u>PAGE</u>	<u>ITEM</u>		<u>Formula (Amendments)</u>	<u>Supplemental (Contracts)</u>
6	3A-4	REVISED TITLE: Golf Tournament Agreement with Trump International Golf Club, L.C. and Glades Healthcare Foundation, Inc., a Florida not for profit corporation, for a one (1) day charitable golf tournament to be held on <u>November 16, 2009</u> November 3, 2009 . <u>District 6</u> (AH) (Adm.)		
10	3E-1	REVISED TITLE: <u>contracts and contract amendments</u> with listed provider agencies for the period March 1, 2009, through February 28, 2010, totaling \$2,248,860 for Ryan White Part A HIV Emergency Relief Formula funds and \$622,241 Supplemental funds:		
		1) Compass, Inc.	\$ 220,000	\$ 11,055
		2) Comprehensive AIDS Program	1,282,750	46,387
		3) Comprehensive Community Care Network, Inc.	218,229	194,594
		4) Glades Health Initiative, Inc.	51,398	0
		5) Gratitude House	0	6,767
		6) Legal Aid Society of Palm Beach County	48,396	0
		7) Minority Development & Empowerment, Inc.	58,602	0
		8) Oakwood Center of the Palm Beaches, Inc.	1,614	0
		9) Health Care District	133,152	363,438
		10) Palm Beach County Health Department	<u>234,719</u>	<u>0</u>
			\$2,248,860	<u>\$622,241</u>
		<u>Countywide</u> (TKF) (Com.Serv.)		<u>\$662,241</u>
11	3E-2*	REVISED TITLE: Agreement with Oakwood Center of the Palm Beaches, Inc. for the period of August 1, 2009, through July 31, 2010, in an amount of <u>\$219,160</u> \$223,584 , for 17 permanent housing beds for disabled, homeless individuals. <u>Countywide</u> (TKF) (Com.Serv.)		
16	3I-2	REVISED MOTION:		
		A) adopt a Resolution approving the Sixth Amendment to the State Housing Initiatives Partnership (SHIP) Local Housing Assistance Plan (LHAP) for fiscal year 2009-2010 to implement the “Florida Homebuyer Opportunity Program;” and		
		B) approve a Budget Amendment of \$799,498 for the implementation and administration of this home buyer assistance program; <u>and</u>		
		C) authorize <u>the Board of County Commissioners Chairman to execute the Certification to Florida Housing Finance Corporation.</u> <u>Countywide</u> (TKF) (HCD)		
17	3K-2	DELETED: Purchase Orders with vendors for the Florida Power and Light (FP&L) Reclaimed Water project to provide materials and equipment in the amount of \$4,282,119.64. <u>District 6</u> (JM) (WUD) (Further staff review)		
18	3L-2	DELETED: Budget Amendment of \$4,530,000 in the Natural Areas Fund to recognize revenue from the Solid Waste Authority (SWA) for the sale of fill as part of an Interlocal Agreement (ILA) signed August 21, 2008 (R2008-1313). (ERM) (Further staff review)		
23	3AA-2	DELETED: 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) (Further staff review)		

REVISED MOTION, TITLE & SUMMARY:**Staff recommends motion to adopt:**

A) approve Road Program Findings of Fact (per Article 12.N.4.B of the Unified Land Development Code) that the deletion of the three construction projects will not result in any Link or intersection on the road network operating at greater than the Adopted LOS and that no project which was approved and phased based upon such Assured Construction would be denied Building Permits because of the deletion of the construction. The three projects that have meet this criteria to delay the construction are ~~Approve delaying construction of~~ Boca Rio Rd., Palmetto Park Rd. to Boca Lago Blvd.; Congress Ave., S. of Lantana Rd. to Lantana Rd., and Hatton Hwy at H.G.W.C.D. E-2 Canal; and

B) adopt an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five-Year Road Program (Program); providing for title; purpose; adoption of revised program and revised list of projects contained in exhibit "a"; implementation of the program; modification of program; 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: In accordance with Article 12.N.4.B of the Unified Land Development Code, and prior to the deletion of any construction project from the County's Five-Year Road Program, the Board must determine that the Findings of Fact have been made. Since the development and adoption of Palm Beach County's Five-Year Road Program on December 2, 2008, the progress and evolution of current and near-term projects has continued to be monitored. Costs and revenues have been updated and in some cases, additional needs have been identified. Revisions are being proposed to modify the Program to reflect this updated information. A Mid Year Ordinance Amendment with a preliminary reading and a Public Hearing is required in order to accomplish this. On June, 16, 2009, the Board approved this Amendment on preliminary reading and authorized advertisement for today's Public Hearing for final adoption. Countywide (MRE) (Engineering)

ADD-ON:**Staff recommends motion to:**

A) waive the ordinance enactment notice requirements of Section 125.66(2), Florida Statutes, declaring that an emergency exists and that the immediate enactment of an ordinance adopting and establishing an employee voluntary separation incentive program is necessary, pursuant to the emergency enactment procedure set forth in Section 125.66(3), Florida Statutes; and

B) adopt an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, adopting and establishing a Palm Beach County employee voluntary separation incentive program; providing for short title; providing for purpose; providing for eligibility criteria; providing for voluntary separation incentives; providing for implementation; providing for captions; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for effective date.

SUMMARY: On July 13, 2009, the Board of County Commissioners (BCC) directed staff to proceed with developing a voluntary separation incentive program for its employees. Section 215.425, Florida Statutes, requires that a county program offering its employees additional incentives to voluntarily end their employment must be adopted by ordinance before it can be implemented. As a result, staff drafted this ordinance for the Board's consideration. However, for this program to be an effective tool for staff to address the budgetary issues now facing the County, it must be implemented as soon as possible before the end of the current fiscal year on September 30, 2009. Regular enactment of an ordinance requires notice to be published at least 10 days before enactment. The Board meeting today is less than 10 days after July 13, 2009, and waiting until the Board's next regular meeting on August 18, 2009, to enact the ordinance would not give staff sufficient time to fully implement the program before September 30, 2009. Pursuant to the emergency ordinance enactment procedure in Section 125.66(3), Florida Statutes, the Board may enact an ordinance with a waiver of the regular notice requirements by a four-fifths vote of the membership, declaring that an emergency exists and that immediate enactment of this ordinance is necessary. Countywide (EC) (County Attorney)

TIME CERTAIN 2:00 P.M. & NEW MOTION & NEW SUMMARY:

Staff requests Board direction: regarding the County response to the Investigation of County Governance and Public Corruption Issues by the Palm Beach County Grand Jury. **SUMMARY:** The Spring, 2009 Palm Beach County Grand Jury under the direction of State Attorney Michael McAuliffe investigated "the erosion of public trust in the institutions of governance whether caused by actual or perceived corruption...." Their findings cover five broad areas. Staff has prepared a review of the findings and is providing recommendations for Board consideration to address the issues raised. Staff will also provide a response to the Clerk's Debt Issuance Process Review. Countywide (DN) (Adm.)

REVISED TITLE & SUMMARY:

Staff recommends motion to approve:

A) a Sublease between Palm Beach County and Huttig Building Products, Inc., for approximately 76,000 square feet of warehouse space for the Supervisor of Elections (SOE) for support operations and election day vote tabulation, for a term of five (5) years, with a renewal option ending June 21, 2016; and

B) a consent to Sublease between RREEF America Reit II Corp. S, the Prime Landlord, Huttig Building Products, Inc., the Sublessor and Palm Beach County.

SUMMARY: Due to the nature to handle massive amounts of paper from the change in the voting system for 2008, the Airport Department’s partially used warehouse (commonly known as Sky Chef) on the north side of PBI, was leased to the County on behalf of the SOE. . . . The Consent to Sublease contains the Prime Landlord’s consent to the Sublease, as required by the Prime Lease. Countywide (AH)(Admin/SOE)

DELETED: Final Report of the Palm Beach County Green Task Force on Environmental Sustainability and Conservation. (Admin) (Moved to September 22, 2009 Workshop)

ADD-ON: **Staff recommends motion to approve:** a License Agreement with the United States Department of Homeland Security Federal Emergency Management Agency (FEMA) for use of offices within Vista Center Office Building without charge. **SUMMARY:** Staff is recommending that FEMA be granted a License to use four (4) modular open air work stations on the second floor of the Vista Center Office Building located at 2300 North Jog Road in unincorporated West Palm Beach. The space will be used solely by FEMA employees for general office purposes. FEMA’s employees will also have the right to park in the Vista Center parking garage. The term of the License Agreement is for nine (9) months. The County may revoke the license for any reason whatsoever upon written notice to FEMA. The County will not charge for the use of the licensed premises, and will supply all utilities and janitorial services. This will provide space for FEMA employees working on reimbursements to the County. (PREM) District 2 (HJF) (FDO)

REVISED TITLE: **Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on August 18, 2009 at 9:30 a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, ~~to be entitled the “Palm Beach County Local Preference Ordinance;” repealing and replacing~~ amending Sections 2-80.41 through 2-80.48 of the Palm Beach County Code, which codified Ordinance No. 2002-065 establishing a “Local Preference in Purchasing Ordinance;” providing for a title; providing for definitions; providing for a reciprocal preference for local businesses; providing for a straight preference for local businesses; providing for a straight preference for Glades businesses ~~for certain procurements;~~ providing for a straight preference for the use of Glades subcontractors by local businesses; ~~providing for interlocal agreements;~~ ~~providing for waiver;~~ providing for limitations; ~~authorizing the County Administrator or designee to develop rules and regulations;~~ 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. Countywide (DW) (Purchasing)

ADD-ON: Staff recommends motion to authorize:

A) staff to submit proposed millage rates for the FY 2010 budget to the Property Appraiser as follows:

	Proposed <u>Millage</u>	<u>Taxes</u>	Over/(Under) Rollback	
			<u>Amount</u>	<u>Percent</u>
Countywide Non-Voted	4.3440	\$613,607,557	\$0	0.00%
Library	0.4970	37,474,834	(6,077,408)	(13.95%)
Fire-Rescue				
Fire-Rescue MSTU	3.4581	196,305,394	0	0.00%
Jupiter Fire-Rescue MSTU	1.9501	15,098,789	(4,606,830)	(23.38)%
Aggregate-Excluding Voted Debt	<u>6.1059</u>	<u>\$862,486,574</u>	<u>(\$10,684,238)</u>	<u>(1.22%)</u>
Countywide Voted-Debt	0.2174	\$30,732,418	N/A	N/A
County Library Voted Debt	0.0548	\$4,132,034	N/A	N/A

B) staff to submit to the Property Appraiser public hearing dates of Tuesday, September 8 at 6 p.m. and Monday, September 21 at 6 p.m. in the Commission Chambers, 6th floor of the Governmental Center for FY 2010;

C) administrative adjustments to establish funding in the FY 2010 budget for capital projects approved and established in the current fiscal year. These projects were approved in the current fiscal year (FY 2009) after the preparation of the proposed budget and are therefore not currently included in the FY 2010 budget. These adjustments will have no impact on proposed ad valorem taxes and will be incorporated into the tentative budget to be presented at the first public hearing; and

D) administrative adjustments to establish funding in the FY 2010 budget for designated fund balances for contingency and other projects and carryover for encumbrances. These balances and encumbrances were approved in the current fiscal year (FY 2009) after the preparation of the proposed budget and are therefore not currently included in the FY 2010 budget. These adjustments will have no impact on proposed ad valorem taxes and will be incorporated into the tentative budget to be presented at the first public hearing.

SUMMARY: Proposed millage rates are below roll-back for County Library, and Jupiter Fire-Rescue MSTU. The proposed millage rates are at roll-back for Countywide purposes and Fire-Rescue MSTU. Countywide (PFK) (OFMB)

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 (*).