

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

SEPTEMBER 1, 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 - 25)**
- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 26)**
- 5. PUBLIC HEARINGS - 9:30 A.M. (Page 27)**
- 6. REGULAR AGENDA (Pages 28 - 29)**
- 7. BOARD APPOINTMENTS (Page 30)**
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to:

A) conceptually approve a Section 108 Loan Program Agreement with Glades Home Health Care Medical Center, LLC (GHHCMC);

B) approve an exception to the County's Section 108 Loan Program Criteria to waive the minimum requirement of two (2) years in business operation for GHHCMC; and

C) authorize the County Administrator to sign all loan and grant documents associated with this item.

SUMMARY: On July 27, 2009, the Section 108 Loan Review Committee, made up of representatives from the Economic Development Office, Housing and Community Development, and Office of Financial Management & Budget recommended providing a Housing & Urban Development (HUD) Section 108 loan, in the amount of \$89,000, and a HUD Brownfields Economic Development Initiative (BEDI) grant, in the amount of \$44,337, for GHHCMC through the Palm Beach County Avenue A Section 108 Loan and BEDI grant programs. GHHCMC is the second Avenue A Revitalization project, consisting of the renovation of the building located at 173 West Avenue A in Belle Glade and the acquisition of machinery and equipment. GHHCMC is a new business that branched out of the retail store His and Hers Fashions, which is still operating on Avenue A. GHHCMC was incorporated in 2008 and is licensed by the State of Florida Agency for Health Care Administration, Home Care Unit to work in the counties of Palm Beach, Indian, Okeechobee and Martin. GHHCMC will provide in-house health care to patients released from the hospital or persons who need in-house patient care. The total project investment is \$221,686, of which \$88,675 is equity from GHHCMC, \$88,674 from the Section 108 loan, and \$44,337 from the BEDI grant. The combined financing from the Section 108 loan and the BEDI grant is \$9,501 per job to be created, which is within the HUD criteria. The project will create 14 new full-time equivalent jobs in the next five (5) years. **These are Federal funds that do not require local match.** District 6 (DW)

B. CLERK & COMPTROLLER

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

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Regular	June 2, 2009

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

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 April 2009. Countywide

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER (Cont'd)

5. Staff recommends motion to receive and file: two (2) of Palm Beach County's annual financial reports for fiscal year ended September 30, 2008:

A) The Units of Local Government – Annual Financial Report (AFR); and

B) Annual Financial Audit Report (AFAR), including the Single Audit Report.

SUMMARY: The Units of Local Government Report – Annual Financial Report serves to generate input to the State. The Annual Financial Audit Report is a special annual financial report defined in Chapter 10.550 of the rules of the Auditor General. This report is required to be filed annually with the Auditor General in compliance with Section 11.45, Florida Statutes and includes the Single Audit Report. Countywide (PFK)

6. Staff recommends motion to approve:

A) List of errors insolvencies, double assessments, discounts & Value Adjustment Board reductions on the 2007 assessment roll; and

B) List of errors insolvencies, double assessments, discounts & Value Adjustment Board reductions on the 2008 assessment roll.

SUMMARY: Section 197.492, F.S. requires that on or before the 60th day after the tax certificate sale, the Tax Collector shall make out a report to the Board of County Commissioners, separately showing the discounts, errors and double assessments and insolvencies for which credit is to be given, including in every case except discounts, the names of the parties on whose account the credit is to be allowed. The Board of County Commissioners, upon receiving the report, shall examine it; make such investigations as may be necessary; and, if the board discovers that the Tax Collector has taken credit as an insolvent item any personal property tax due by a solvent taxpayer, charge the amount of taxes represented by such item to the Tax Collector and not approve the report until the Tax Collector strikes such item from record. Countywide (PFK)

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: an Amendment to the Financial Assistance Agreement R2008-1152 with Baywinds Community Association, Inc. (Association) to extend the completion date for improvements along Acreage Access Road. **SUMMARY:** Approval of this Amendment will extend the completion date from June 30, 2009 to June 30, 2010. The completion of the improvements has been delayed due to utility constraints, and prolonged coordination efforts between the City of West Palm Beach and the Association. District 2 (MRE)

2. Staff recommends motion to receive and file: a report of plat recordations from April 1, through June 30, 2009. **SUMMARY:** This is a quarterly summary of subdivision plats recorded during the past fiscal quarter as required by Department of Engineering and Public Works Policies and Procedures Manual Item No. ED-O-11, governing administrative approval of plats by the County Engineer. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to approve: the renewal of the Testing Lab Services Annual Agreements with Dunkelberger Engineering & Testing, Inc., whose original Agreement was dated October 21, 2008 (R2008-1828); Nodarse & Associates, Inc., whose original Agreement was dated October 21, 2008 (R2008-1829) and Testing Lab of the Palm Beaches, Inc., whose original Agreement was dated November 18, 2008 (R2008-2034). **SUMMARY:** Approval of these Renewal Agreements will extend required professional services for one (1) year, on a task order basis. Countywide (PFK)

4. Staff recommends motion to approve: the renewal of the Testing Lab Services Annual Agreements with Ardaman & Associates, Inc., whose original Agreement was dated September 9, 2008 (R2008-1425); Radise International, LC, whose original Agreement was dated September 23, 2008 (R2008-1602) and Tierra, Inc., whose original Agreement was dated September 9, 2008 (R2008-1417). **SUMMARY:** Approval of these Renewal Agreements will extend required professional services for one (1) year, on a task order basis. Countywide (PFK)

5. Staff recommends motion to approve: a Budget Transfer of \$100,000 in the Transportation Improvement Fund from Sweep Reserves to Military Trail from Clint Moore Road to Lake Worth Road. **SUMMARY:** Approval of this Budget Transfer establishes funding for the Military Trail from Clint Moore Road to Lake Worth Road project (Project). This Project will improve surface infrastructure through updating guardrails, ADA ramps and resurfacing efforts on a major County thoroughfare. The Engineering Department has applied for a grant through the American Recovery and Reinvestment Act (ARRA) for this Project. There are strict timelines associated with these funds which require the planning process to begin immediately. The Budget Transfer from reserves will cover permit fees and design costs since the ARRA grant will only reimburse construction costs. Districts 2, 3, 4 & 5 (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: a Settlement Agreement, inclusive of attorney's fees and costs, in the total amount of \$65,000 in the personal injury action styled George Eugene Smith vs. Palm Beach County, Case No. 502008CA041067XXXMB AD. **SUMMARY:** Plaintiff was in a motor vehicle accident on June 10, 2008. He was a restrained passenger in a car which was rear ended by a County driver while it was stopped at a red light at the intersection of Jog Road and Southern Boulevard in Royal Palm Beach, Florida. Plaintiff was taken to the emergency room. He sustained injuries to his neck, back, and left knee and was treated with several health care providers. Staff, including the Risk Management Roundtable Committee, concur that this settlement is in the best interest of Palm Beach County. Countywide (SCL)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

2. Staff recommends motion to approve: a Settlement Agreement, inclusive of attorney's fees and costs, in the total amount of \$75,000 in the personal injury action styled Jo Ann Cremata vs. Palm Beach County, Case No. 502008CA026752XXXMB. **SUMMARY:** Plaintiff, a 76 year old female, fell down the steps as she exited Morikami Museum at night. She alleges the lack of hand rails, inadequate lighting, and negligently designed steps caused her to fall. She was transported to Delray Medical Center where she underwent extensive emergency surgery for severe fractures to her left ankle. After surgery, she was admitted to the Intensive Care Unit for complications that necessitated the administration of blood transfusions. Following discharge, she was in a rehabilitation facility for nearly eight (8) weeks, followed by home health care and more physical therapy. She received a 25% impairment rating to her left lower extremity. Medical bills exceeded \$107,000 and future medical care is estimated at approximately \$55,000. Staff, including the Risk Management Director concur that this settlement is in the best interest of Palm Beach County. Countywide (SCL)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: Contract with United Way of Palm Beach County, Inc. (United Way) for the period October 1, 2009, through September 30, 2010, in an amount not-to-exceed \$43,875 to provide disaster recovery services. **SUMMARY:** This Contract with United Way will support staffing and related expenses for the Disaster Recovery Coalition. United Way agrees to provide oversight as the fiscal agent for the Coalition and direct supervision of Coalition personnel. The Coalition will provide disaster response and recovery services in support of the Palm Beach County Comprehensive Emergency Management Plan. County obligations under this Contract are subject to budget approval. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to approve:

A) Amendments to the following Delegate Agency/Contract Provider/Child Care Provider Agreements as indicated below totaling \$183,550:

1) Amendment No. 1 to Apostolic Child Development Centers, Inc., (R2008-1626) for \$15,922 and a new total not-to-exceed \$485,740;

2) Amendment No. 1 to A Step Above Learning Center, Inc. (d/b/a A Step Above Early Learning Center) (R2008-1625) for \$4,082 and a new total not-to-exceed \$116,481;

3) Amendment No. 1 to Education Development Center, Inc. (d/b/a My First Steps Preschool) (R2009-0543) for \$16,738 and a new total not-to-exceed \$255,483;

4) Amendment No. 1 to Florence Fuller Child Development Centers, Inc. (R2008-1442) for \$31,840 and a new total not-to-exceed \$981,795;

5) Amendment No. 1 to Hispanic Human Resources Council, Inc. (R2008-1443) for \$53,262 and a new total not-to-exceed \$1,642,611;

6) Amendment No. 1 to The King's Kids Early Learning Center, Inc. (R2008-1624) for \$6,736 and a new total not-to-exceed \$192,194;

7) Amendment No. 1 to The Union Missionary Baptist Church Inc. (Day Care Center) (R2008-1727) for \$7,554 and a new total not-to-exceed \$215,491;

8) Amendment No. 1 to the YWCA of Palm Beach County Inc. (R2008-1441) for \$17,142 and a new total not-to-exceed \$528,657;

9) Amendment No. 1 to Apostolic Child Development Centers, Inc. (R2008-1623) for \$6,854 and a new total not-to-exceed \$211,532;

10) Amendment No. 1 to Emmanuel Child Development Center, Inc. (R2008-1726) for \$5,712 for a new total not-to-exceed \$167,462;

11) Amendment No. 1 to Family Central, Inc. (R2008-1736) for \$4,570 and a new total not-to-exceed \$119,854;

12) Amendment No. 1 to Florence Fuller Child Development Center, Inc. (R2008-1731) for \$6,284 and a new total not-to-exceed \$184,209;

13) Amendment No. 1 to Hispanic Human Resources Council, Inc. (R2008-1729) for \$6,854 and a new total not-to-exceed \$211,532.

B) an upward Budget Amendment of \$433,206 for the Head Start/Early Head Start programs to recognize a Cost of Living Adjustment (COLA) award from the Department of Health and Human Services Administration for Children, Youth & Families (HHS/ACYF) for the period October 1, 2008, through September 30, 2009.

SUMMARY: Head Start/Early Head Start submitted an application to the Department of Health and Human Services and was awarded a cost-of-living adjustment (COLA) increase of 3.06% in the amount of \$433,206 (\$381,811 for Head Start and \$51,395 for Early Head Start). These are permanent increases to our base funding and the same percentage totaling \$183,550 is being distributed to delegate agencies and contracted services providers; there is a pending amendment to one additional Delegate Agency (37,753) not listed. The remaining \$211,903 will be used towards offsetting grantee operational costs as detailed in the Budget Amendment document. No additional County funding is being requested. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. **Staff recommends motion to approve:** Amendment No. 001 to Standard Agreement No. IU009-9500 (R2008-2297) for the Nutrition Services Incentive Program (NSIP) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc., for the period October 1, 2008, through September 30, 2009, increasing the reimbursement unit rate and increasing the maximum reimbursement by \$51,084.91, for a new total not-to-exceed \$320,863.27 for various supportive services to seniors. **SUMMARY:** Additional funding has been granted under the NSIP grant. This Amendment will increase the new maximum reimbursement from \$269,778.36 to \$320,863.27 and increase the reimbursement unit rate from 0.6051040 to 0.6295267. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provides OAA services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

4. **Staff recommends motion to receive and file:** the 2008 U.S. Department of Housing and Urban Development (HUD) Grant Agreements for:
 - A) the Supportive Housing Program renewal, FL0292B4D050801, for the period January 1, 2010, through December 31, 2010, in the amount of \$442,158;
 - B) the Shelter Plus Care Program renewal, FL0281C4D050801, for the period of May 23, 2009, through May 22, 2010, in the amount of \$197,280; and
 - C) the newly awarded Shelter Plus Care Program, FL0277C4D050800, for the period of June 24, 2009, through June 23, 2014, in the amount of \$431,520.**SUMMARY:** On February 3, 2009 (R2009-0193 through R2009-0195), the Board of County Commissioners delegated authority to the County Administrator or his designee to sign the U.S. Department of Housing and Urban Development (HUD) Supportive Housing Program grant agreement and the HUD Shelter Plus Care grant agreements. This authorization and designation was necessary to expedite the agreements and thereby avoid gaps in service delivery to homeless individuals. (Human Services) Countywide (TKF)

5. **Staff recommends motion to approve:** an Agreement with the State of Florida, Department of Community Affairs, for the period of October 1, 2009, through September 30, 2010, in an amount not-to-exceed \$1,074,889, for FY 2009-2010 Community Services Block Grant (CSBG). **SUMMARY:** The FY 2009-2010 CSBG will provide a range of services to low-income households in Palm Beach County. CSBG funds will enable Palm Beach County Community Action to help stabilize low-income families through assistance with utility, shelter, transportation, and child care costs. It will also support assistance to low-income persons seeking to acquire and maintain employment. A 20% County required match of \$179,148 is included in the FY 2010 budget. County obligations under this Agreement are subject to budget approval. (Community Action Program) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. **Staff recommends motion to approve:** Eighth Amendment to Lease and Concession Agreement with Host International, Inc. (Agreement), providing for the extension of construction and capital investment deadlines. **SUMMARY:** On August 21, 2007, the Board approved a Seventh Amendment to the Lease and Concession Agreement with Host International, Inc. (Host) (R2007-1293), which provided for an extension of the expiration date of the Agreement to October 17, 2024 and required Host to invest an additional \$3,850,000 on the refurbishment of existing food and beverage locations and introduction of new food and beverage concepts in the Palm Beach International Airport's (PBIA) passenger terminal building. The Seventh Amendment required Host to spend the first \$2,850,000 on or before September 30, 2009. Host has requested an extension to the construction and capital investment deadlines to September 30, 2010 due to the current economic conditions and the resulting impact on Host's concession operations. Host recently completed construction of a new Chili's Too and is anticipated to complete construction of a new Quiznos Subs on or before October 1, 2009. The remainder of the improvements will commence next summer to minimize disruption to passenger traffic during high season. The Amendment requires all improvements to be completed by September 30, 2010. Countywide (HJF)

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

A) Third Amendment to Airport Ground Lease Agreement with Avis Rent A Car System, LLC, (Avis), extending the term to September 30, 2011 with two (2) renewal options for five (5) years each, for an initial annual rental in the amount of \$385,628.75; and

B) Third Amendment to Airport Ground Lease Agreement with DTG Operations, Inc. (DTG), extending the term to September 30, 2011 with two (2) renewal options for five (5) years each, for an initial annual rental in the amount of \$339,021.50.

SUMMARY: The Airport Ground Lease Agreements with Avis (R88-314) and DTG (R93-1267D) for on-airport rental car facilities at the Palm Beach International Airport (PBIA) expire on December 31, 2009. The facilities are used by Avis and DTG in support of their rental car concession operations at PBIA. The amendments extend the term of each lease through September 30, 2011, plus two (2) additional renewal options of five (5) years each. Rental is at the appraised value and will be adjusted October 1, 2010. Countywide (HJF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. Staff recommends motion to receive and file: twelve (12) original Agreements for the Department of Airports:

A) Agreement to Terminate Hangar Lease Agreement with Paul Cain, Unit 11, Building 11740 at North County Airport, terminating R2006-0447 on July 31, 2009;

B) Agreement to Terminate Hangar Lease Agreement with Fred H. Gramling, Unit 15, Building 11300 at North County Airport, terminating R2003-0778 on July 31, 2009;

C) Agreement to Terminate Hangar Lease Agreement with Jaffe Development Inc., Unit 5, Building 11200 at North County Airport, terminating R2004-0036 on July 31, 2009;

D) Hangar Lease Agreement with Aircraft Sales of Palm Beach, Inc., Unit 1, Building 201, at Palm Beach County Glades Airport for one (1) year, automatically renewed at one (1) year intervals, commencing August 1, 2009 or the issuance of the Certificate of Occupancy for Building 201;

E) Hangar Lease Agreement with Vasile Ciuperger, Unit 9, Building 201, at Palm Beach County Glades Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on August 1, 2009 or the date of issuance of Certificate of Occupancy for Building 201;

F) Hangar Lease Agreement with Glades AG Service, Inc., Unit 10, Building 201, at Palm Beach County Glades Airport for one (1) year, automatically renewed at one (1) year intervals, commencing August 1, 2009 or the issuance of the Certificate of Occupancy for Building 201;

G) Hangar Lease Agreement with Barton T. Perryman, Unit 8, Building 201, at Palm Beach County Glades Airport for one (1) year, automatically renewed at one (1) year intervals, commencing August 1, 2009 or the issuance of the Certificate of Occupancy for Building 201;

H) Hangar Lease Agreement with Gary Trzepacz, Unit 6, Building 201, at Palm Beach County Glades Airport for one (1) year, automatically renewed at one (1) year intervals, commencing August 1, 2009 or the issuance of the Certificate of Occupancy for Building 201;

I) Hangar Lease Agreement with William Whyte, Unit 4, Building 201, at Palm Beach County Glades Airport for one (1) year, automatically renewed at one (1) year intervals, commencing August 1, 2009 or the issuance of the Certificate of Occupancy for Building 201;

J) Executive Hangar Lease Agreement with Aircraft Sales of Palm Beach, Inc., Unit 5, Building 11250, at North County Airport for one (1) year, automatically renewed at one (1) year intervals, commencing September 1, 2009;

K) Agreement for Rental Car Lease and Concession at Palm Beach International Airport with Avis Rent A Car System, LLC for two (2) years commencing October 1, 2009, terminating September 30, 2011; and

L) Agreement for Rental Car Lease and Concession at Palm Beach International Airport with Budget Rent A Car System, Inc. for two (2) years commencing October 1, 2009, terminating September 30, 2011.

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the BCC in R2004-1367, R2008-1845, R2009-0974 and R2009-1073. Countywide (AH)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** Amendment No. 2 to the Contract with The Weitz Company (R2007-1105) in the amount of \$1,967,060 for construction management services for the Glades Road Branch Library establishing a Guaranteed Maximum Price (GMP) for the renovation of the existing library. **SUMMARY:** Amendment No. 2 establishes a GMP of \$1,967,060 and 180 calendar days to completion of the building renovation work for the Glades Road Branch Library. The GMP includes the cost of work, the construction manager's fee and a contingency. The project is funded with ad valorem tax revenue taken from Library Operating Funds, transferred and accumulated in the Library Expansion Program Fund to supplement the shortfall in funding for the Library Expansion Program II. The Small Business Enterprise (SBE) goal for this Contract is 15%. The Weitz Company's SBE participation for this project is 22.2%. (Capital Improvements Division) District 5 (JM)

2. **Staff recommends motion to approve:** Consultant Services Authorization (CSA) No. 6 to the Contract with Colome & Associates, Inc. (R2007-0392) in the amount of \$219,355 to provide architectural/engineering services for renovations to the Main Library. **SUMMARY:** CSA No. 6 will provide architectural and engineering services for permitting, design and construction phase services for the renovation of the Main Library which includes mechanical, plumbing, electrical and interior design upgrades. The project is funded from the General Obligation Bonds issued in 2006 for \$22.3 million. Colome & Associates, Inc. has an annual contract for architectural services which provides for an overall Small Business Enterprise (SBE) participation goal of 70%. The participation on this CSA is 82.6%. When added to the consultant's participation to date, the SBE participation is 75.5%. (Capital Improvements Division) District 2 (JM)

3. **Staff recommends motion to approve:** Amendment No. 4 to the annual Contract with Hedrick Brothers Construction (R2007-1506) for construction management services for various capital projects. **SUMMARY:** Hedrick Brothers Construction was selected to provide construction management services associated with the design and construction of various capital projects which may include new construction, additions, or renovations from \$400,000 to \$25,000,000. The original Contract provided for an initial two (2) year term with three (3) - one (1) year renewal options. Amendment No. 4 will provide for services during the first renewal period and add language to the Contract regarding the County's policy for the use of preferences for evaluating subcontractor bids for Small Business Enterprise (SBE) and local firms. Hedrick Brothers Construction has a Small Business Enterprise (SBE) participation goal of 15%. During the first two (2) years of the contract, Hedrick Brothers Construction has achieved 28.2% participation. (Capital Improvements Division) Countywide (JM)

4. **Staff recommends motion to approve:** an Interlocal Agreement with the Department of Homeland Security, U.S. Seventh Coast Guard District (Coast Guard) 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 Coast Guard 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 Coast Guard. 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 Coast Guard 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. (ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. **Staff recommends motion to approve:** an Agreement with Atlantic/Palm Beach Ambulance d/b/a AMR allowing for interoperable communications through the countywide and EMS common talk groups of the County's 800 MHz Radio System. **SUMMARY:** This Agreement provides the conditions under which AMR can program into its radios and utilize the countywide and EMS common talk groups for certain types of inter-agency communications. The County's system will not be utilized for routine operational communications by AMR. The terms of the Agreement are standard and have been offered to all EMS providers. This Agreement also contains state approved standard operating procedures specific to the use of the EMS common talk groups. There are no charges associated with this Agreement. AMR 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 three (3) years with one (1) - three (3) year renewal or as long as AMR possesses a valid certificate of need within Palm Beach County; whichever comes first. The Agreement may be terminated by either party, with or without cause. (ESS) Countywide (JM)

6. **Staff recommends motion to approve:** a First Amendment to the Agreement (R2004-1890) with the City of Atlantis (City) allowing for interoperable communications through the countywide common groups of the County's 800 MHz Radio System. **SUMMARY:** The Agreement with the City, which provides the terms and conditions under which the City can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications will expire on September 13, 2009. The Agreement provides for three (3) - five (5) year renewals but renewals require approval by both parties. The City has approved the first renewal to extend the term of the Agreement through September 12, 2014 and the renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The City 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)

7. **Staff recommends motion to approve:**
 - A)** an Interlocal Agreement with the City of West Palm Beach (City) allowing for the shared use of an electronic surveillance video system (System) located at the new Intermodal Facility; and
 - B)** a Equipment and Access Agreement which will allow the City to assume ownership of the equipment and be responsible for the ongoing operation, maintenance, and repair of the System.**SUMMARY:** The operations plan for the Intermodal Facility focused on both the security and operational requirements of the Facility to determine the most effective combination of physical, human and electronic systems. Security requirements have been met with perimeter fencing, lighting, landscaping and security guards. Operational requirements can be met with video surveillance. It is mutually beneficial to both the County and City to expand and leverage the use of the City's existing System. The County will furnish seven (7) video cameras and related infrastructure (Equipment) to be interfaced directly with the City's existing System. The City will assume ownership of the Equipment and be responsible for the ongoing operation, maintenance, and repair. The City will provide the County with access to System, and there are no charges associated with this Agreement. The City is required to pay all costs associated with Equipment maintenance and to comply with the established operating procedures for the System. The term of the Agreement is five (5) years. The Agreement may be terminated by either party due to default only. (ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

8. Staff recommends motion to approve: the North County Government Center Plat. **SUMMARY:** The County is currently constructing a 14,612 square foot expansion to the North County Regional Library located at the southwest corner of PGA Boulevard and Campus Drive in Palm Beach Gardens. Located adjacent to the Library is the North County Courthouse and vacant unimproved County land. Pursuant to Sections 78-441 and 78-424(b) of the City of Palm Beach Gardens Code of Ordinances, the County is required to plat the entire 27.69 acre County-owned property. Additionally, Palm Beach Gardens Resolution 27, 2008, Condition 7, which approved the site plan for the North County Regional Library expansion, requires the entire County-owned property to be platted. The County is signing the Plat as the property owner. (PREM) District 1 (HJF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: Amendment No. 004 to an Agreement (R2006-0354) with the City of Lake Worth, to extend the expiration date from July 31, 2009, to October 31, 2009, and to reduce the allocated amount from \$452,527 to \$302,527. **SUMMARY:** This Amendment provides an extension of three (3) months to the term of the existing Agreement for street improvements on Latona Avenue in the City of Lake Worth. This project, which is under construction, includes installation of traffic calming measures, crosswalks, handicap ramps, streetlights, trees and sidewalks. The time extension being provided through this Amendment will align with the contractor's work schedule and allow time to process reimbursements to the City. The \$302,527 remaining available to the City under the Agreement for this project are sufficient to fund the \$258,116 construction contract and will reserve \$44,411 for construction contingencies. The \$150,000 reduction in the allocated amount will allow the County to use these funds for another project while the City identifies a new project. HCD will re-allocate \$150,000 to the City at a future time after the City identifies another eligible project. **These are Federal Community Development Block Grant funds that require no local match.** District 7 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to:

A) adopt a Resolution approving the Seventh Amendment to the State Housing Initiative Partnership (SHIP) Local Housing Assistance Plan (LHAP) (R2006-0735) for fiscal years 2007-2008, 2008-2009 and 2009-2010 providing funding for SHIP program strategies, based on the 2007-2008 and 2008-2009 funding allocation;

B) approve a Budget Amendment of \$874,075 in the Affordable Housing Trust Fund to recognize an increase for fiscal year 2007-2008 and 2008-2009 of State SHIP funds from the Florida Housing Finance Corporation (FHFC);

C) approve revisions to the funding levels for strategies in the LHAP for fiscal year 2007-2008 increasing funding from \$877,548 to \$888,414 for Administration and from \$1,250,000 to \$1,311,573 for Owner Occupied Housing Rehabilitation; and

D) approve revisions to the funding levels for strategies in the LHAP for fiscal year 2008-2009 increasing funding from \$1,150,433 to \$1,270,678 for Administration and from \$1,250,000 to \$1,931,391 for Owner Occupied Housing Rehabilitation.

SUMMARY: Palm Beach County receives an annual allocation from the State of Florida Housing Finance Corporation through the SHIP Program to implement various affordable housing programs and other related activities. For Fiscal Year 2007-2008, Palm Beach County (County) was scheduled to receive \$8,662,262 in SHIP funding but received an additional \$72,439 for a total allocation of \$8,734,701. For Fiscal Year 2008-2009, the County was scheduled to receive \$8,600,451, but received an additional \$801,636 for a total allocation of \$9,402,087. **These are State SHIP funds that require no local match.** Countywide (TKF)

3. Staff recommends motion to approve: a Budget Amendment of \$1,846,758 to in the Community Development Block Grant Recovery (CDBG-R) Program to recognize the revenues from the U.S. Department of Housing and Urban Development (HUD) (No. B-09-UY-12-0004) and appropriate the award. **SUMMARY:** Palm Beach County was notified in March 2009 of its eligibility to receive \$1,846,758 under the CDBG-R Program. On June 2, 2009, the Board of County Commissioners (BCC) approved the 11th Amendment to the FY 2008-09 Action Plan constituting the County's CDBG-R application to HUD. BCC Resolution No. R2009-0901 granted the authority for the County Administrator to sign all documents related to application for and implementation of the CDBG-R program. On July 21, 2009, HUD executed the CDBG-R Agreement, and on July 27, 2009, the County Administrator signed the Agreement which provides \$1,846,758 in grant funding for activities assisting in the economic revitalization and growth of communities in Palm Beach County. **These are Federal funds that require no local match.** Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

4. Staff recommends motion to approve: a Budget Amendment of \$2,823,871 in the Community Development Block Grant Homeless Prevention and Rapid Re-Housing Program (HPRP) Fund to recognize the revenues from the U.S. Department of Housing and Urban Development (HUD) (No.S09-UY-12-0016) and appropriate the award. **SUMMARY:** Palm Beach County was allocated \$2,823,871 under the HPRP which was authorized by Title XII American Recovery and Reinvestment Act of 2009. The funds will be utilized to provide homeless prevention assistance to households who would otherwise become homeless and to rapid re-house persons who are homeless as defined by Section 103 of the McKinney-Vento Homeless Assistance Act. Board of County Commissioners Resolution No. R2007-0799 granted the authority for the County Administrator to sign all documents related to application for and implementation of the HPRP program. On July 14, 2009, HUD executed the Agreement between the County and HUD, and on July 27, 2009, the County Administrator signed the Agreement which provided HPRP grant funding to provide homeless assistance to Palm Beach County residents. **These are Federal funds that require no local match.** Countywide (TKF)

5. Staff recommends motion to approve:

A) a Budget Transfer of \$1,786,957 in the State Housing Initiative Partnership (SHIP) FY 2007/2008 Fund to decrease all appropriations and increase the transfer to the Affordable Housing Trust Fund to close out the fund; and

B) a Budget Amendment of \$1,786,957 in the Affordable Housing Trust Fund to increase the transfer from the SHIP FY 2007/2008 Fund and the appropriation to the affordable housing projects.

SUMMARY: In accordance with Palm Beach County PPM No. CW-F-003, the Department of Housing and Community Development uses the Cost Accounting/Grant Method in AMS Advantage to track grant financial activity. Separate funds have been established for annual, recurring grants using unique program code and grant year references to identify each new allocation/entitlement of funding from Grantor Agencies within the applicable fund. Fund 1100 is used to account for and appropriate budget for the annual allocation of SHIP funds. In FY 2007, a new Affordable Housing Trust Fund 1107 was established and budget was appropriated for the FY 2007/2008 allocation of State SHIP funds. A budget transfer and amendment are necessary to transfer the remaining FY2007/2008 budget in Fund 1107 to Fund 1100 to comply with PPM No. CW-F-003. **These are State SHIP funds that require no local match.** Countywide (TKF)

K. WATER UTILITIES

1. Staff recommends motion to approve: an Interlocal Agreement with the City of Pahokee (City) providing for reimbursement to the City in the amount of \$101,000 for new billing software and related hardware. **SUMMARY:** On July 8, 2008, the Board of County Commissioners approved up to \$500,000 in reimbursement to the City in relation to a certain City utility project (County Resolution No. R2008-1151). A portion of this reimbursement was for the update of the City's billing software. As part of this software update, the City was required to update certain computer hardware. The City has requested that the County reimburse the City for a portion of the billing software and hardware from the approved \$500,000 reimbursement. Under the terms of this Agreement, the City is responsible for any billing software or related hardware costs in excess of \$101,000. District 6 (MJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to adopt: a Resolution requesting that the Florida Department of Environmental Protection (FDEP) review a funding application and support funding for shoreline protection projects within its Fiscal Year 2010/2011 Beach Erosion Control Assistance Program. **SUMMARY:** The County is requesting that the State appropriate \$1,991,110 for the Jupiter/Carlin Shore Protection Project, \$550,000 for the Jupiter Beach Erosion Control Project, \$157,750 for the Juno Beach Shore Protection Project, \$3,135,554 for the Singer Island Shore Protection Project, \$4,650,000 for the Central Palm Beach County Comprehensive Erosion Control Project (formerly known as the South Palm Beach Shore Protection Project), \$52,000 for the South Lake Worth Inlet Management Plan, and \$221,490 for the Ocean Ridge Shore Protection Project. Cost share percentages for each project are based on eligibility and public access as stated in Program Rule 62B-36, Florida Administrative Code. If the State Legislature approves the requested \$10,757,904 funding for all of the projects, the County's matching share would be \$12,336,474. There is no fiscal impact until State funding is appropriated and a project agreement is executed. The State and Federal share of each project's costs would be allocated to the County on a reimbursement basis. If State funds were to be appropriated for the projects, and County funding is found to be insufficient to match the State-funded project, other funding sources could be considered, such as short-term borrowing, securing bonds, or delaying the design and construction of other projects already funded. Districts 1 & 4 (SF)

2. Staff recommends motion to approve: an Interlocal Agreement (Agreement) for 50 years with the Florida Turnpike Enterprise (Turnpike Enterprise) that provides the use of the eastern drainage ditch of the Turnpike mainline roadway to reroute water into the Winding Waters Natural Area as part of the hydrologic restoration of that natural area; management of the Turnpike Enterprise property adjacent to the Winding Waters Natural Area as conservation lands until such time as the Turnpike Enterprise determines the land is needed for their requirements; and allows the Turnpike Enterprise to drain stormwater runoff from the Turnpike mainline through the Winding Waters Natural Area. **SUMMARY:** The wetland creation and restoration project at the Winding Waters Natural Area depends on the water sources coming from the eastern drainage ditch of the Turnpike mainline right-of-way. This Agreement provides permission for access to conduct the field work necessary to improve the ditch for the conveyance of water to be rerouted northward from the EPB-10 Canal (located to the south), through the Turnpike ditch and into the northwest corner of the Winding Waters Natural Area. In return for the use of the Turnpike mainline ditch, the County will manage the remaining natural lands on the Turnpike Enterprise property adjacent to the natural area with similar methodologies as used on conservation lands and accept the stormwater runoff from the Turnpike mainline right-of-way between the Bee Line Highway and 45th Street, which will be routed through the created wetlands on the Winding Waters Natural Area. Approval of this Agreement will allow the Department of Environmental Resources Management to proceed expeditiously with the completion of the wetland creation project and the hydrologic restoration of the site. It will allow the use of the eastern ditch of the Turnpike mainline right-of-way as envisioned in the wetland restoration plan for the Winding Waters Natural Area, and will eliminate the need to create a whole new conveyance canal on the Winding Waters Natural Area that would have destroyed approximately eight (8) acres of native habitat. The field work associated with this hydrologic restoration is funded by a \$1.5 million grant from the Natural Resources Conservation Service (NRCS) with a completion deadline of August 2010. The term of this Agreement is 50 years with an opportunity for extension. District 7 (HF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to:

A) approve Agreement (Contract No. 0141972) with the Florida Department of Agriculture and Consumer Services (FDACS) for mosquito control services performed by the Department of Environmental Resources Management, for the period October 1, 2009, through September 30, 2010 for an amount not to exceed \$39,000; and

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

SUMMARY: The Agreement provides Arthropod Control State Aid of \$39,000 with a County match of one hundred percent (100%) for one (1) year beginning October 1, 2009. The match is included in the \$2,228,823 proposed 2010 budget for Mosquito Control. Countywide (SF)

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for Poinciana Math/Science/Technology Elementary School for the period August 1, 2009, through June 30, 2010, in an amount not-to-exceed \$3,385 for funding of after school programs. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747), as amended. Funding is from the Recreation Assistance Program (RAP) District 3 Funds. District 7 (AH)

2. Staff recommends motion to approve: Recreation Assistance Program allocation to the Parks and Recreation Department in an amount not-to-exceed \$4,000 for the Veteran's Park Veterans' Day and Memorial Day events. **SUMMARY:** This allocation provides \$4,000 to fund the Veterans' Day event to be held on November 11, 2009, at Veteran's Park in Boca Raton. The unexpended funding from the Veterans' Day event is to be allocated for the Memorial Day event to be held in May 2010. These events are held in cooperation with the West Boca Veteran's Coalition for an expected audience of 250 people. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 5 (AH)

3. Staff recommends motion to receive and file: fully executed original Agreement for Recreation Assistance Program (RAP) funding as follows: Agreement with Nelson's Outreach Ministries, Inc. for the period July 23, 2009, through October 22, 2010, in an amount not-to-exceed \$7,000 for Youth on the Move After School and Summer Camp programs. **SUMMARY:** Delegation of authority for execution of this standard Recreation Assistance Program (RAP) Agreement was approved by the Board on May 19, 2009 (5F-1). Funding is from RAP District 7 Funds. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

4. **Staff recommends motion to approve:** Consent to Easement Agreement with the United States of America, Department of the Army, for the South Bay Boat Ramps. **SUMMARY:** On April 7, 2009, the Board authorized the Parks and Recreation Department to send a letter to the Army Corps of Engineers (ACOE) requesting that the Consent to Easement Agreement for the South Bay Boat Ramp be reassigned from the City of South Bay to the County (R2009-0606). ACOE provided the County a Consent to Easement Agreement, No. DACW17-9-09-0059, which supersedes the consent granted to the City of South Bay. The Agreement allows the County to operate and maintain the South Bay Boat Ramp Park recreation improvements that are located on the Federal right-of-way of the Okeechobee Waterway. The Agreement states that ACOE is not responsible or liable for damages to the property, improvements or injuries to persons which are caused by their actions. ACOE declined to remove these provisions from the Agreement. The Department has funding in place to renovate this boater access park and will manage it in conjunction with the adjoining South Bay RV Campground. District 6 (AH)

5. **Staff recommends motion to approve:** Budget Transfer of \$75,000 in the Park Improvement Fund from Haverhill Park Basketball Courts to John Prince Park Administration Building Phase II. **SUMMARY:** This Budget Transfer will provide additional funding necessary for the installation of a generator at the Parks and Recreation Administration building. The current project estimate is \$170,000 and includes generator, conduit and wiring, landscaping, fencing and other miscellaneous costs associated with this project. District 3 (AH)

N. LIBRARY

1. **Staff recommends motion to:**
 - A) **approve** an Application to the Florida Department of State, Division of Library and Information Services, for State Aid to Libraries in an estimated amount of \$889,560 for FY 2010;
 - B) **approve** the Agreement for State Aid to Libraries; and
 - C) **authorize** the Chairman of the Board of County Commissioners to execute any other necessary forms and certifications.

SUMMARY: The State provides an annual operating grant to eligible libraries based upon their annual operating expenditures from local funds. Estimated State Aid revenue has been included in the County Library's FY 2010 proposed budget. There is no match requirement for this grant. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

P. COOPERATIVE EXTENSION SERVICE

1. Staff recommends motion to:

A) ratify the Chairman's signature approving a grant application to the United States Department of Education – Early Reading First Grant Program in the amount of \$3,894,367, for the period of September 1, 2009, through August 31, 2012, with no in-kind match requirement;

B) authorize the County Administrator or his designee to execute any certifications, standard forms, or amendments to the grant agreement, if approved, that do not change the scope of work or terms and conditions of the grant; and

C) authorize the Director of Cooperative Extension to serve as the County's Administrator for the purpose of electronically signing and submitting the Grant Application via the Grants.gov website.

SUMMARY: The United States Department of Education – Early Reading First (ERF) grant provides funds for projects improving literacy and language skills for at risk preschool children. The project submitted, entitled "Planting Seeds of Success" is to be conducted in three (3) National Association for Educating Young Children accredited Head Start Centers in Belle Glade, Pahokee and South Bay, involving 661 three (3) and four (4) year olds over a period of three (3) years. It will emphasize and foster the development of phonemic awareness, vocabulary, comprehension and oral language skills based on the agricultural richness of the children's environment. It will embrace early literacy skills including print awareness, story comprehension, oral language and writing. Children will be guided to appreciate and understand cultural diversity of which they are a part, focusing on letter and sound recognition, vocabulary, sequencing, directionality and print awareness. The maximum award for one project application is \$4.5 million. Palm Beach County is requesting \$3,894,367 to fund this educational project, with no in-kind match required. The deadline for electronic submission of this grant application was June 18, 2009. Due to the preparation time submittal deadlines and BCC meeting dates, the grant had to be approved prior to full board approval. Countywide (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve: the First Amendment to the Interlocal Agreement (R2008-1784) with the City of Riviera Beach Justice Service Center for the period from October 1, 2008, to September 30, 2009 to increase the amount by \$8,100, for a total of \$441,412. **SUMMARY:** The Riviera Beach Justice Service Center, which serves as the corrections component of the Youth Violence Prevention Project, has identified a critical need in services to ex-offenders and plans to develop an on-site computer lab for the purposes of job training and job seeking. Unobligated dollars from the City of Lake Worth Youth Empowerment Center will be transferred to fund the project above. The adopted budget for the Lake Worth Youth Empowerment Center was \$326,688; however only \$277,170 was requested as part of the Interlocal Agreement. Countywide (DW)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

2. Staff recommends motion to:

A) receive and file the Quantum Neighborhood Initiative Grant in the amount of \$56,375 for the West Palm Beach Community Justice Service Center for the period of September 1, 2009, to September 1, 2010; and

B) approve a Budget Amendment of \$56,375 in the Quantum Foundation Neighborhood Initiative Grant Fund to establish funds for this grant project.

SUMMARY: This is a Quantum Neighborhood Initiative Fund Grant in the amount of \$56,375 to provide employment readiness skills, job coaching and job development at the West Palm Beach Community Justice Service Center. The goal is to work with 90 clients to prepare them for work and obtain employment. The Grant is to hire a job coach/developer and provide classes in employability skills, develop employers willing to give people a chance, and then provide support to maintain employment. This is a collaborative effort with numerous organizations in the area. The Grant is for one (1) year with the option to apply for a second year if funding is available. There is no match requirement. District 7 (DW)

3. Staff recommends motion to approve: an Amendment to the Agreement (R2009-0456) with the Palm Beach County Sheriff's Office (PBSO) for a no-cost extension from October 1, 2009, to September 30, 2010 to support the Youth Violence Prevention Project (YVPP) Gun Show Initiative as the law enforcement component of the YVPP. **SUMMARY:** The Law Enforcement Planning Council, representing the law enforcement component of the Youth Violence Prevention Project, has approved up to \$49,000 for overtime to support the YVPP Gun Show Initiative. There are unexpended dollars from this initiative due to the scheduling of the gun shows. The additional law enforcement activities at the gun shows will be coordinated by the Violent Crimes Task Force, which is made up of municipal police departments as well as the PBSO. This initiative is focused on stopping the illegal sales and purchases of guns at gun shows which are a major source of firearms for youthful offenders. Countywide (DW)

S. FIRE RESCUE

1. Staff recommends motion to approve: Memorandum of Agreement with the Children's Services Council of Palm Beach County providing the County funding of up to \$50,000 for the Drowning Prevention Coalition for the period October 1, 2009, to September 30, 2010. **SUMMARY:** The Drowning Prevention Coalition Program is managed by Palm Beach County Fire Rescue. However, the Program is funded by multiple sources including the Children's Services Council (CSC) of Palm Beach County and the County's general fund. This Memorandum of Agreement provides the terms and conditions of the Children's Services Council of Palm Beach County's agreement to provide funding to the County of up to \$50,000 for the Drowning Prevention Coalition Program. The additional funding of this Program for FY 2010 is being provided from the County's General Fund in the amount of \$150,000. Countywide (PK)

3. CONSENT AGENDA APPROVAL

T. HEALTH DEPARTMENT

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, adopting the FY 2009/2010 budget for the Air Pollution Control Program. **SUMMARY:** This Resolution is required by the August 21, 1984, Agreement between the Board of County Commissioners and the Palm Beach County Health Department to establish the annual budget for the expenditure of fees deposited into the Air Pollution Control Trust Fund. This program is solely supported by motor vehicle license registration fees. The proposed FY 2009/2010 budget for the Air Pollution Control Program from this funding source is \$964,668 which is a 4.3% increase over the current year. This increase can be accommodated by a large surplus in the Air Pollution Control Trust Fund and will offset reduced funding for the Air Pollution Control Program from other revenue sources. Countywide (GB)

U. INFORMATION SYSTEM SERVICES

1. Staff recommends motion to approve:
 - A) an Agreement with Florida Power & Light (FPL) granting permission to attach wireless antennas on FPL street light poles; and

B) an Interlocal Agreement with the City of West Palm Beach.

SUMMARY: Palm Beach County has negotiated an Agreement with FPL that allows Information System Services (ISS) Department to mount wireless antennas on FPL streetlights. These antennas will provide wireless Internet access in high poverty neighborhoods as part of the "Digital Divide" projects sponsored by the Palm Beach Broadband Coalition. ISS will mount the antennas and provide Internet access through the County broadband network, similar to the service provided to the public at Palm Beach International Airport and other County facilities. Under the Interlocal Agreement, the City of West Palm Beach will be responsible for paying the annual pole attachment fee of \$117 per pole and the associated power costs of \$5 per month per pole. Palm Beach County is not responsible for any costs of this project beyond the in-kind services provided by ISS. The initial term of the Agreement with FPL is for four (4) years and thereafter the Agreement will be automatically renewed for an additional one (1) year term unless either party provides written notice of termination. The Agreement with West Palm Beach is for one (1) year with an automatic renewal for an additional year unless either party provides written notice of termination. District 7 (PFK)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. **Staff recommends motion to receive and file:** the following contract extensions with veterinarians for an additional year to end September 30, 2010 at an additional amount of \$10,000 each:

A) Dr. Byron Reid d/b/a Byron Reid & Associates V.M.D.P.A. for large animal services; and

B) Dr. Xavier Garcia, D.V.M. d/b/a El Cid Animal Clinic, for relief and emergency veterinary services.

SUMMARY: On May 6, 1997, the Board adopted a resolution authorizing the County Administrator, or his designee, to execute standard contracts with various Florida licensed veterinarians to provide needed part-time, relief and emergency “on-call” professional medical services for shelter animals. The renewals have been reviewed by the Department of Public Safety and found to be in compliance with the approved contracts. Countywide (SF)

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4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A.** Proclamation declaring October 2009 as “Domestic Violence Awareness Month” in Palm Beach County. (Sponsored by Commissioner Santamaria)

- B.** Proclamation declaring September 15, to October 15, 2009 as “Hispanic Heritage Month” in Palm Beach County. (Sponsored by Commissioner Koons)

- C.** Presentation of the 2008 Animal Kindness Award Junior Recipient to Hannah McLeod in recognition of her selflessness and charitable giving to animals in Palm Beach County. (Sponsored by Commissioner Santamaria)

- D.** Presentation of the 2008 Animal Kindness Award to Tina Valant-Siebelts in recognition of her dedication and devotion to rescuing and saving the lives of countless animals in need. (Sponsored by Commissioner Abrams)

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

- A. Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, titled Palm Beach County Construction Permit Fee Schedule; repealing Ordinance 2005-018; providing for the construction permit fee schedule as Exhibit "A"; providing for time for assessment of fees; providing for methodology for valuation for primary permitting fees; providing for review; providing reference for administrative details on permits; providing for refunds; providing for fee increases for failure to obtain permits in advance of construction; providing for violations on non-payment of fees; providing for records of fees; providing for repeal of laws and ordinances in conflict; providing for a savings clause; providing for severability; providing for applicability; providing for inclusion in code; and providing for an effective date. **SUMMARY:** On July 12, 2005, the Board of County Commissioners of Palm Beach County adopted Ordinance 2005-018, titled Palm Beach County Construction Permit Fee Schedule, along with Exhibit "A", which was incorporated. That ordinance called for an annual review of building permit fees to determine if fee adjustments are required. Based upon that review it has been determined that a fee increase is necessary to balance revenues and expenditures and to maintain an adequate level of service. Significant fee increases have not occurred since 2003. Thus, Palm Beach County's fees are much lower than most other local jurisdictions. The building industry has been included in the review process. Unincorporated (GB)

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6. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to approve: Amendment No. 18 to the Contract (R91-1876D) with Robert Weisman, County Administrator, extending said Contract for one (1) additional year ending December 31, 2014. **SUMMARY:** This Amendment provides for the County Administrator's services through December 31, 2014. The current Contract expires December 31, 2013. This is a one (1) year extension. This year marks completion of 29 years as a County employee and 18 years as Administrator. No change to the current salary of \$251,592.64 is proposed. Countywide (MC)

2. Staff recommends motion to approve:

A) Trademark/Service Mark Application for the Mark: "America's First Resort Destination" for the County's Tourism Promotion Program; and

B) the authorization for the County Administrator or his/her designee to execute the Application and any future Trade or Service Mark documents required by the U.S. Patent and Trademark Office to establish or maintain the use of trade or service marks for the County's Tourism Promotion Program.

SUMMARY: This Application will be filed with the U.S. Patent and Trademark Office in order to establish and preserve the mark: "America's First Resort Destination" for exclusive use for the County's Tourist Promotion Program. The agenda item also delegates to the County Administrator the authority to execute future documents required by the Patent and Trademark Office in order to establish or maintain the use of trade and service marks that will be used by the County, the Tourist Development Council or the tourism "agencies" in the promotion and marketing of Palm Beach County Tourism. Countywide (MC)

3. Staff recommends motion to adopt: a Resolution approving the application of Oxygen Development, LLC, with respect to Recovery Zone Facility Bonds (RZFB) for a certain project; evidencing "official intent" with respect to the issuance thereof; authorizing certain actions related thereto and as to other related matters; and providing for an effective date. **SUMMARY:** Oxygen Development, LLC (the "Company"), a manufacturer of color cosmetics, skin care, hair care and over-the-counter drug-type products, submitted an application to Palm Beach County for the issuance of RZFB in an amount not to exceed \$24 million (the "Bonds"), for the financing of a manufacturing/global headquarter facility on a site located at 1525 South Congress Avenue in Palm Springs, which is owned by the Company's affiliate Oxygen Holdings, LLC, a real estate alter ego company. The total project investment for facility bond is \$23,110,000. The Company is permitting the bond holders to take a first lien on the above property, which is valued at \$4,000,000, and injecting \$630,000 in cash. The Company will create 800 new full-time equivalent jobs within five (5) years of which 51% will be offered to persons with low to moderate income. The County's fees from bond proceeds would pay the County, through the Economic Development Office \$112,400 and the Attorney's Office \$10,000, totaling to a maximum of \$122,400. If issued, the Bonds will be the sole obligation of the Company or said affiliate. **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 3 (PFK)

6. REGULAR AGENDA

B. COMMUNITY SERVICES

1. Staff recommends motion to:

A) approve an Agreement with the State of Florida, Department of Community Affairs (DCA), for the period of October 1, 2009, through September 30, 2010, in an amount not-to-exceed \$1,461,906, for FY 2010 Community Services Block Grant (CSBG) – American Recovery and Revitalization Act (ARRA);

B) delegate authority to the County Administrator or his designee to sign a sub-grant agreement with Gulfstream Goodwill Industries, Inc. (Goodwill), for the period of October 1, 2009, through September 30, 2010, in an amount not to exceed \$1,086,225, for provision of pre-employment training, job development and job placement services;

C) approve six (6) new one-year grant-funded positions; and

D) approve Budget Amendment of \$1,461,906 in the Community Action Program fund to establish grant budget, contingent upon grant award.

SUMMARY: The FY 2010 CSBG-ARRA funds will provide a range of services to low-income households in Palm Beach County to support job creation and preservation. CSBG - ARRA funds will enable the Palm Beach County Community Action Program to support job creation as well as preparation by low-income people to assume new and existing jobs. Goodwill will partner with the County to train individuals referred for employment as well as create new jobs. The six (6) additional staff consisting of one (1) Grant Manager, two (2) Family Development Specialists and three (3) Community Action Outreach Specialists, will ensure program's capability to carry out the additional responsibilities associated with the program goals. These are one-year positions that will be eliminated upon grant expiration. No match is required. (Community Action Program) Countywide (TKF)

C. COUNTY ATTORNEY

1. Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on September 15, 2009 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing Ordinance No. 04-042, as codified in Sections 2-166 through 2-172 of the Palm Beach County Code; which re-established the administering board of the community action council; 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:** Based on recommendations from a consultant, the Community Action Council will be re-established by resolution. Countywide (TKF)

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7. BOARD APPOINTMENTS

A. ADMINISTRATION
(Small Business Assistance Advisory Committee)

1. Staff recommends motion to approve: appointment of five (5) individuals to the Small Business Assistance (SBA) Advisory Committee, for the terms indicated below:

<u>Nominee</u>	<u>Seat</u>	<u>Designation</u>	<u>Term</u>	<u>Nominated By</u>
Joseph J. Johnson	1	Certified Black Business Owner	9/01/2009 – 7/13/2010	Comm. Marcus Comm. Koons Comm. Taylor Comm. Aaronson
Athena G. Yannitsas	3	Certified Woman Business Owner	9/01/2009 – 8/31/2012	Comm. Marcus Comm. Koons Comm. Taylor Comm. Aaronson
Yvonne Peterman	5	Business Owner Domiciled in PBC	9/01/2009 – 10/15/2010	Comm. Marcus Comm. Koons Comm. Taylor Comm. Aaronson
Jane C. Bloom	9	Women’s Business Organization	9/01/2009 – 8/31/2012	Comm. Marcus Comm. Koons Comm. Taylor Comm. Aaronson
Lynn Solomon	14	Black Chamber of Commerce	9/01/2009 – 12/1/2011	Comm. Marcus Comm. Koons Comm. Taylor Comm. Aaronson

SUMMARY: The SBA Advisory Committee was established by Ordinance 2002-064. The committee consists of fourteen (14) members representing one (1) black business owner certified as a small business by the County; one (1) Hispanic business owner certified as a small business by the County; one (1) woman business owner certified as a small business by the County; one (1) white male business owner certified as a small business by the County; one (1) business owner domiciled in Palm Beach County; one (1) representative of the Palm Beach County Resource Center; one (1) representative of the Hispanic Chamber of Commerce; one (1) representative of the National Organization of Women in Construction; one (1) representative of a Women’s Business Organization; one (1) certified minority contractor; one (1) representative of the Associated General Contractors; one (1) representative of the Small Business Development Center; one (1) representative of the Business Loan Fund of the Palm Beaches; and one (1) representative of The Black Chamber of Commerce. The representatives for Seat Numbers 1, 3, 5, 9, and 14 are new appointments. A memo was sent to the Board of County Commissioners on April 2, 2009 which requested nominations to the committee for Seat No. 3 for a Certified Woman Business Owner and Seat No. 9 for a Women’s Business Organization. No other nominations were received. Subsequently, Seat No. 14 for The Black Chamber of Commerce became available because the incumbent could not attend meetings. Seat No. 1 for a Certified Black Business Owner and Seat No. 5 for a Business Owner Domiciled in Palm Beach County were switched to better comply with the respective seat requirements. Countywide (TKF)

B. COMMISSION DISTRICT APPOINTMENTS

SEPTEMBER 1, 2009

8. MATTERS BY THE PUBLIC – 2:00 P.M.

SEPTEMBER 1, 2009

9. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

10. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS

B. District 2 - COMMISSIONER JEFF KOONS, CHAIRMAN

C. District 3 - COMMISSIONER SHELLEY VANA

D. District 4 – COMMISSIONER 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

11. ADJOURNMENT

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

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

SEPTEMBER 1, 2009

<u>PAGE</u>	<u>ITEM</u>	
7	3B-6	<u>REVISED MOTION:</u> Staff recommends motion to approve, <u>based on certification of the Tax Collector:</u> A) List of errors insolvencies, double assessments, discounts & Value Adjustment Board reductions on the 2007 assessment roll; and...(Clerk & Comptroller)
26	4E	<u>ADD-ON:</u> Proclamation declaring September 20, 2009 as “National Neighborhood Day” in Palm Beach County. (Sponsored by Commissioner Vana)
26	4F	<u>ADD-ON:</u> Proclamation declaring September 2009 as “National Sickle Cell Month” in Palm Beach County. (Sponsored by Commissioner Taylor)
28	6A-4	<u>ADD-ON:</u> Staff requests Board direction: on whether to provide supplemental funding out of general funds to the City of Belle Glade for \$94,453 and the City of Pahokee for \$65,959 to offset their FY 2010 budget deficits resulting from the 10 mill cap on their ad valorem tax levies. SUMMARY: Pursuant to Florida Statute 125.01, taxes levied for municipal purposes by all municipal service taxing units and the municipality may not exceed 10 mills. The Cities of Belle Glade and Pahokee are proposing millage rates, which combined with Fire Rescue’s millage rate of 3.4581, will cause each of them to exceed the 10 mill cap. Supplemental funding from the County would enable each city to adopt a lower millage rate than currently proposed, without having to make further cuts in their budgets or service levels provided to their taxpayers. South Bay has proposed a tax rate within the 10 mill cap. Staff does not support this request due to precedence for these and other cities and that a larger subsidy will be required for FY 2011. <u>Countywide</u> (SB) (Admin)
29	6B-1	<u>REVISED TITLE:</u> Staff recommends motion to: A) approve an Agreement with the State of Florida, Department of Community Affairs (DCA), for the period of October 1, 2009 <u>July 1, 2009</u> , through September 30, 2010, in an amount not-to-exceed \$1,461,906, for FY 2010 Community Services Block Grant (CSBG) – American Recovery and Revitalization Act (ARRA);...(Community Services)
33	10F	<u>ADD-ON:</u> Proclamation declaring September 19, 2009 as “Caribbean-American for Community Involvement Day” in Palm Beach County. (Sponsored by Commissioner Santamaria)

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 (*).