

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

OCTOBER 20, 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 - 27)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 28 - 30)**

- 5. REGULAR AGENDA (Pages 31 - 32)**

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** grants in a total amount not to exceed \$30,000 for the Handicapped Accessibility and Awareness Program with the following non-profit agencies, in the amounts and for the services indicated for the period October 1, 2009, through September 30, 2010:

A) Jeff Industries, Inc. funds to purchase a computer, printer and office supplies in an amount not to exceed \$3,000;

B) Palm Beach Chapter of the National Federation of the Blind to purchase a computer, computer accessories, a wireless microphone, a projector and office supplies in an amount not to exceed \$5,000;

C) Florida Outreach Center for the Blind, Inc. to purchase a computer, night vision goggles, instructional materials, office supplies and to cover a portion of cost for a holiday party for blind children and their families in an amount not to exceed \$5,000;

D) Deaf Service Center of Palm Beach County to purchase speech mapping equipment, twelve (12) behind the ear programmable hearing aids and the cost of printing the agency's newsletter in an amount not to exceed \$5,000;

E) Seagull Industries for the Disabled, Inc. to cover a portion of the costs needed to repair and refinish the floors of the vocational workshop in an amount not to exceed \$5,000; and

F) Archer Disability Foundation to cover a portion of the expenses for closed caption television awareness episodes, postage, brochure layout, printing, office supplies, mentors event signage, certificates and career day shirts in an amount not to exceed \$5,000.

SUMMARY: The funds for this grant are derived from funds collected from parking violations in designated parking spaces. County Ordinance No. 92-29 provides that revenue from these fines shall be used to improve accessibility and equal opportunity to qualified physically disabled persons in the County and to provide funds to conduct public awareness programs concerning physically disabled persons. Countywide (TKF)

2. **Staff recommends motion to ratify:** the Chairman's signature on a Cooperative Agreement No. FF204K094023 (Charge Resolution Contract) with the U.S. Department of Housing and Urban Development (HUD) allowing the Office of Equal Opportunity (OEO) to receive revenue for processing and resolving housing discrimination complaints for the period of July 1, 2008, through June 30, 2009 in the total amount of \$152,421. **SUMMARY:** Execution of this Contract was required prior to September 30, 2009 in order for OEO to meet HUD's FY 2009 federal funding deadlines. This Cooperative Agreement is in the amount of \$152,421 (\$130,921 - case processing; \$11,500 - training funds; \$10,000 - administrative costs). Countywide (TKF)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

3. Staff recommends motion to approve:

A) the United States Department of Energy's Energy Efficiency and Conservation Block Grant (EECBG) Program Assistance Agreement totaling \$6,587,600;

B) a Budget Amendment of \$6,587,600 in the Energy Efficiency and Conservation Fund to appropriate the award and recognize the revenue; and

C) a Budget Amendment of \$4,000,000 in the Energy Efficiency and Conservation Capital Fund to recognize the transfer of funds from the Energy Efficiency and Conservation Fund for the capital projects awarded by the grant.

SUMMARY: On June 16, 2009, the Palm Beach County Board of County Commissioners adopted a Resolution (R2009-1038) authorizing the submittal of the EECBG Program application for the formula-based grant totaling \$6,587,600 for the following project activities: Water Utilities Department's Digester Biomass Gasification project at the Southern Region Water Reclamation Facility (\$1.2 million); Facilities Development & Operations (FDO) Department's HVAC for the Emergency Operations Center (\$1.5 million); Parks and Recreation Department's Green Generation Lighting at John Prince, Okeeheele and Lake Lytal Parks (\$1,125,000); Engineering's Traffic Signal Synchronization for four (4) streets (\$200,000); FDO's Solar Power for Agricultural/Mounts Complex (\$175,000); Economic Development Office's Energy Efficiency/Conservation Competitive Grants for Governmental Organizations (\$650,000), and Revolving Loan Fund (\$900,000) and Equity Seed Capital Program (\$400,000) for emerging Green Technology Companies and Energy Efficiency Projects and Administration costs (\$437,600). The period of performance for the project activities is August 31, 2009, through August 30, 2012. **These are Federal funds that require no local matching funds. All documents are subject to modifications by the Department of Energy.** Countywide (DW)

4. Staff recommends motion to approve: an Agreement with the Florida Atlantic University Board of Trustees (FAU) in the amount of \$23,000 to assist with the implementation of the Strategic Economic Development Plan. The term of this Agreement is retroactive from October 1, 2009, through September 30, 2010, with two (2) - one (1) year options for renewal at the sole discretion of the County. **SUMMARY:** The Center for Environmental Studies (CES) at FAU will assist the Office of Economic Development in: a) identifying and applying for federal, state and private/not for profit funding sources to implement the current Strategic Plan; b) producing a televised annual report of the Strategic Plan output, with a public education component to the 2010 Economic Summit. The one half-hour TV report will be created in partnership with Channel 20; c) planning and executing a smaller scale 2010 Economic Summit, which will include all stakeholders and public private partners to provide input and recommendations for the updating of the original 21st Century Economic Strategic Plan; and d) providing an electronic semiannual update on the status of the Strategic Plan projects. Countywide (DW)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

5. Staff recommends motion to:

A) receive and file the U.S. Department of Housing and Urban Development (HUD) Approval Letters for the Brownfield Economic Development Initiative (BEDI) grant funds in the amount of \$1,058,971, for the Pahokee Downtown Revitalization Project;

B) receive and file the HUD Letters of Removal of Environmental Grant Condition and the executed Authority to Use Grant Funds forms for the Brownfield Economic Development Initiative (BEDI) Grant and the Section 108 Loan funds; and

C) approve a Budget Amendment of \$1,058,971 in the Economic Development Fund to appropriate the award and recognize the revenue.

SUMMARY: On June 2, 2009, the Palm Beach County Board of County Commissioners adopted a Resolution (R2009-0902) authorizing the submittal of a BEDI grant application for \$1 million and a Section 108 Loan Program application for \$4 million to fund the Downtown Revitalization Project in Pahokee. On June 11, 2009, the Economic Development Office submitted a revised request of BEDI Grant funds to HUD, in the amount of \$1,058,971. On August 24, 2009, HUD submitted a Letter of Approval for the BEDI Grant in the amount of \$1,058,971. The implementation of the Pahokee Project will start with the execution of both the BEDI and Section 108 Loan contracts. The Approval Letter for the Section 108 Loan is pending receipt. **These are Federal funds that require no local match.** District 6 (DW)

6. Staff recommends motion to approve: a Contract extension for the World Trade

Center Association Palm Beach (WTCPB), from October 1, 2009, to December 15, 2009. **SUMMARY:** A three (3) month contract extension has been requested by the WTCPB. This Contract extension will allow the WTCPB to complete their deliverables specifically with regard to the Memorandum of Understanding's signed between WTCPB and the German Federation of World Trade Centers (WTC). This Memorandum represents a partnership with nine (9) WTC members in the cities of Berlin, Munich, Heidelberg, Cologne, Leipzig, Hamburg, Bremen, Dusseldorf and Frankfurt. The extension will allow the facilitation of four (4) trade meetings in these cities. Over 1,000 businesses from the participating WTCs will be invited to attend, with joint invitations sent from the WTCPB and the Federation of German WTCs in cooperation with the International Science Park Association. German based Max Planck Institutes and their commercial partners are being invited to participate in the trade discussions. In addition, the WTCPB hosted one new consulate global visit to Palm Beach County on October 1, 2009. Countywide (DW)

7. Staff recommends motion to approve: an Agreement with the World Trade Center

Association Palm Beach (WTCPB), Inc. in the amount of \$30,000 from October 1, 2009, to September 30, 2010. **SUMMARY:** This Agreement with the WTCPB will provide funding to assist the Office of Economic Development in promoting Palm Beach County internationally, assisting local businesses to grow internationally, and motivate foreign-based companies to expand into/invest in Palm Beach County. The scope of services outlined in this Agreement include: a) hosting four (4) consulate Global Commerce Tours to Palm Beach County, b) assisting in developing Palm Beach County's international trading relationships targeting World Trade Center locations in Germany where Memoranda of Understanding have been executed with the WTCPB, and c) assisting in strengthening the international financial cluster in Palm Beach County. Funding is included in the 2010 budget. The FY 2010 Grant Agreement of \$30,000 is reduced from last year's level of \$99,000. Countywide (DW)

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings: 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 June 2009. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** a Joint Participation and Project Funding (Agreement) with the City of Riviera Beach Utility Special District (District) in the amount of \$1,077.32 for utility adjustments on Blue Heron Boulevard and Congress Avenue. **SUMMARY:** Approval of this Agreement will allow Palm Beach County (County) and the District to jointly participate in the utility adjustments to the water distribution system and other improvements along the right-of-way. The District agrees to reimburse the County for the cost of these utility adjustments and other improvements. District 7 (MRE)
2. **DELETED**
3. **Staff recommends motion to approve:** a County Deed conveying to the Village of Royal Palm Beach (Village) a parcel of land known as the Persimmon Extension Pond (S.R. 7). **SUMMARY:** Approval of this action will convey to the Village a parcel of land being utilized as a drainage pond in accordance with the previously approved Interlocal Agreement. District 6 (PK)
4. **Staff recommends motion to approve:** acceptance of the Bella Vista Canal that allows drainage from Palm Beach County roads, for aquatic vegetation maintenance for an average of no more than two (2) sprayings per year, for the portion as shown on the Plat of Lake Clarke Manor, Plat Book 24, Page 180 that flows from the West Palm Beach Canal west to Lake Clarke Drive, and south to Carambola Road, and the associated fingers. **SUMMARY:** Approval of this acceptance will provide for permanent maintenance of this portion of Bella Vista Canal. District 3 (MRE)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** Agreements with Children's Services Council of Palm Beach County, for the period of October 1, 2009, through September 30, 2010, pending funding in the following amounts:

A) \$157,413 for Early Head Start services, and

B) \$297,551 for Head Start services

SUMMARY: These Agreements will allow Children's Services Council to provide up to \$157,413 as part of the federal matching funding requirement to provide full day/full year comprehensive Early Head Start services to a total of 180 pregnant mothers, infants/toddlers, and up to \$297,551 as part of the matching funds requirement to provide full day/full year Head Start services to 1,871 3-5-year-old children and their families. Services include comprehensive health, education, parental involvement, nutritional, social and other services. No County funding is required. (Head Start) Countywide (TKF)

2. **Staff recommends motion to approve:** Memorandum of Understanding (MOU) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA). **SUMMARY:** This MOU with the AAA Retired Senior Volunteer Program will enable the Division of Senior Services (DOSS) to perform interviews and/or orientation to make final decisions on a volunteer assignment. DOSS will provide supervision to volunteers on all assignments at all DOSS locations. No County funds are required. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road. (TKF)

3. **Staff recommends motion to approve:** Standard Contract No. Y0119 for the Adult Care Food Program (ACFP) with the Florida Department of Elder Affairs (DoEA) for the period October 1, 2009, through September 30, 2010, for a total not-to-exceed amount of \$66,268. **SUMMARY:** The ACFP is a component of the federally funded, Child and Adult Care Food Program operated nationally by the USDA. The DoEA administers the adult component of the program at the state level. The program provides meal reimbursements to Division of Senior Services for servicing eligible adult day care clients. No County funding is required. (DOSS) Countywide (TKF)

4. **Staff recommends motion to:**

A) receive and file the Community Services Block Grant Contract (CSBG) Modification Agreement with the State of Florida Department of Community Affairs for the period of October 1, 2008, to September 30, 2009; and

B) approve a Budget Amendment of \$48,697 in the Community Action Program Fund to reconcile the 2009 budget to the actual grant award.

SUMMARY: The fully executed document signed by the Board of County Commissioners (R2009-1247) has been returned to Community Action and requires submission to the Clerk's office for filing. This modification incorporates base increase funds of \$46,403 and carryover funds of \$2,294 for a new total CSBG contract amount of \$1,127,369. A Budget Amendment is needed to reconcile the 2009 budget to the actual grant award. (Community Action Program) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. Staff recommends motion to adopt: Resolution delegating authority to the County Administrator, or his designee, to sign the Fiscal Year 2010 HIV Emergency Relief Grant Application and related documents. **SUMMARY:** The County has been notified that it is one of the Eligible Metropolitan Areas (EMAs) which will receive funds under the Ryan White Part A HIV Emergency Relief Grant. Part A funds provide direct financial assistance to EMAs most severely affected by the HIV epidemic. The purpose of the funds is to deliver or enhance HIV related outpatient and ambulatory health and support services, including case management and comprehensive treatment for individuals and families with HIV disease. The grant application for FY 2010 must be submitted to the U.S. Department of Health and Human Services (HHS) by October 30, 2009. The grant application will be completed by October 19, but still must be reviewed by the HIV CARE Council staff and the Community Services Department. To ensure that the deadline is met, the delegation of authority to sign the application is requested. Funding provided through HHS. No County match is required. (Ryan White) Countywide (TKF)

F. AIRPORTS

1. Staff recommends motion to approve: Novation Agreement with United Parcel Service, Inc. (UPSINC) and United Parcel Service Co. (UPSCO), transferring all of UPSINC's rights, duties and obligations under the Airfreight Building Lease, as amended (R-96-2014D) (the Lease), to UPSCO. **SUMMARY:** UPSINC wishes to transfer all of its rights, duties and obligations under the Lease to UPSCO, as the certificated airline. The Department of Airports has no objection to the Novation Agreement. Countywide (HJF)
2. Staff recommends motion to approve: Exhibit 19 to Master Ground Lease No. DTAF06-95-L-15144, with the Federal Aviation Administration (FAA), as amended (R95-1251D) (Master Lease), providing for the lease of cargo space at the Palm Beach International Airport (PBIA) at no cost to the FAA and for the termination of Exhibit 4 to the Master Lease. **SUMMARY:** The Master Lease provides for the lease of property to the FAA in support of its operations at PBIA. Exhibit 19 provides for the lease of Unit 1304 in Cargo Building No. 1300, which will be used by the FAA for storage of materials, supplies and equipment. Exhibit 4 to the Master Lease provides for the FAA's use of a .36 acre parcel of land at PBIA, which is improved with a structure used by the FAA for storage of materials, supplies and equipment and a radar facility (ASR-8). Exhibit 4 will be terminated thirty (30) days following the effective date of Exhibit 19. The return of the ASR-8 site will enable the site to be developed for future airfield improvements. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. Staff recommends motion to:

A) approve a Reimbursable Agreement with the Federal Aviation Administration (FAA) in the amount of \$128,524; and

B) request the Clerk to make an advance payment of \$128,524 to the FAA in accordance with the requirements of the Reimbursable Agreement.

SUMMARY: The Palm Beach County Department of Airports is currently planning the eastward extension of Taxiway Lima at Palm Beach International Airport. As a result, the FAA's Glide Slope and Runway Visual Range systems are impacted by this project and must be relocated. Therefore, the County has requested that the FAA participate in this Agreement to provide engineering support services for the relocation of these facilities. This Agreement provides funds for the FAA to establish and carry-out these essential services. Funding sources for this project consist of Passenger Facility Charge funds and Florida Department of Transportation grants. Countywide (AH)

4. Staff recommends motion to approve:

A) a Contract with Rosso Paving & Drainage, Inc. in the amount of \$1,079,085.70 for the South Taxilane Improvements Project at Palm Beach International Airport (PBIA); and

B) a Budget Amendment of \$924,084 in the Airports Improvement and Development Fund to recognize Federal Aviation Administration grant funding; to establish \$1,342,112 in funding for project expenditures, including design costs and contingency funding; and to decrease Airport Reserves by \$418,028.

SUMMARY: This project was advertised utilizing the County's competitive bid process. On August 6, 2009, nine (9) bids were received for the South Taxilane Improvements Project at PBIA. Of the nine (9) bids, Rosso Paving & Drainage, Inc. has been identified as a responsible/responsive bidder in the amount of \$1,079,085.70. In addition to the construction contract, project expenditures also include design costs, permitting fees and contingency funding. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 15.00%. Rosso Paving & Drainage, Inc. is certified as a DBE and the DBE participation is 44.74%. Matching funds of \$308,028 (25%) are required from Airport Revenues. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

5. Staff recommends motion to approve:

A) a Contract with Davco Electrical Contractors Corporation in the amount of \$995,256.20 for the Terminal Enplane Level and Deplane Level Lighting Improvements Project at Palm Beach International Airport (PBIA); and

B) a Budget Amendment of \$784,148 in the Airports Improvement and Development Fund to recognize Federal Aviation Administration grant funding; to increase project expenditure funding by \$847,806, including design costs and contingency funding; and to decrease Airport Reserves by \$63,658.

SUMMARY: This project was advertised utilizing the County's competitive bid process. On August 6, 2009, five (5) bids were received for the Terminal Enplane and Deplane Level Lighting Improvements Project at PBIA. Of the five (5) bids, Davco Electrical Contractors Corporation has been identified as a responsible/responsive bidder in the amount of \$995,256.20. In addition to the construction contract, project expenditures also include design costs, permitting fees and contingency funding. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 15.00%. Davco Electrical Contractors Corporation DBE participation is 36.93%. Matching funds of \$261,383 (25%) are required from Airport Revenues. Countywide (JCM)

6. Staff recommends motion to approve:

A) a Contract with Ranger Construction Industries, Inc. in the amount of \$1,683,997.10 for the Base Bid only (Taxiway D) for the Exit Taxiways C4 and D Project at Palm Beach International Airport (PBIA); and

B) a Budget Amendment of \$1,790,013 in the Airports Improvement and Development Fund to reduce grant revenues; reduce capital costs by \$2,348,729, including construction, construction management, and contingency; and increase reserves by \$558,716.

SUMMARY: This project was advertised utilizing the County's competitive bid process. On August 6, 2009, three (3) bids were received for the Exit Taxiways C4 and D Project at PBIA. Of the three (3) bids, Ranger Construction Industries, Inc. has been identified as a responsible/responsive bidder in the amount of \$1,683,997.10 for the Base Bid only (Taxiway D). Construction costs decreased due to favorable bids as compared to original cost estimates; grant reimbursements are likewise decreased. In addition to the construction contract, project expenditures also include design costs, permitting fees and contingency funding. Approval of this item reduces capital expenditures by \$2,348,729 to \$2,372,271. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 15.00%. Ranger Construction Industries, Inc. achieved 43.08% DBE participation. Matching funds of \$296,534 (12.5%) are required from Airport Revenues. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

7. Staff recommends motion to adopt: a Resolution approving Supplemental Joint Participation Agreement (SJPA) Number 1 with the Florida Department of Transportation (FDOT) for expansion of aircraft Apron "A" at Palm Beach International Airport (PBIA), revising the total cost of the project and modifying the participation percentages due to Federal participation in the project. **SUMMARY:** On June 6, 2006, the Board of County Commissioners adopted a resolution (R2006-0976) approving a Joint Participation Agreement (JPA) with the FDOT in the amount of \$1,220,000 or 50.00% of the eligible project costs, whichever is less, to expand Apron "A" at PBIA. Per paragraph 3.00 of said JPA, the total estimated cost of the project is \$2,440,000. The FDOT has issued SJPA Number 1 increasing the eligible project cost by \$1,398,345 bringing the revised total cost of the project to \$3,838,345, with no increase in FDOT funding. The FDOT's participation remains \$1,220,000, however, Federal Aviation Administration (FAA) funding in the amount of \$1,897,581 has also been obtained and awarded for this project. Previous expenditures under the original JPA were applied to design fees for this project as well as utility relocation construction work. The FDOT participation on the unencumbered portion of the JPA in the amount of \$725,382 has been converted from 50% to 19% funding to match the FAA allocation. The County's local share will be reduced to 32% of the project cost. Countywide (AH)

8. Staff recommends motion to approve:
 - A)** a Contract with Ranger Construction Industries, Inc. in the amount of \$3,838,345 to construct Apron 'A' project at Palm Beach International Airport (PBIA);

 - B)** a Budget Amendment of \$1,404,581 in the Airports Improvement and Development fund to: establish \$4,045,520 for total project expenditures, including contingency; recognize \$1,897,581 of Federal Aviation Administration grant funding; reduce estimated Passenger Facility Charge (PFC) and State grant funding by \$493,000; and transfer \$486,203 to Airport Reserves; and

 - C)** a Budget Transfer of \$294,000 in the Airport PFC Fund, decreasing transfers and increasing PFC Reserves.

SUMMARY: This project was advertised utilizing the County's competitive bid process. On July 14, 2009, five (5) bids were received to construct Apron 'A' project at PBIA. Of the five (5) bids, Ranger Construction Industries, Inc. has been identified as a responsible/responsive bidder in the amount of \$3,838,345. In addition to the construction contract, project expenditures also include permitting fees and contingency funding for a total project cost of \$4,045,520. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 15.00%. Ranger Construction Industries, Inc. DBE participation is 12.51%. Funding consists of \$2,723,891 in Federal and State grants, \$1,116,560 in PFC revenue, and \$205,069 in Airport revenue. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

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

A) Agreement to Terminate Hangar Lease Agreement with Arthur J. Dreyer, Unit 8, Building 11720 at North County Airport, terminating R2008-1743 on September 30, 2009;

B) Executive Hangar Lease Agreement with Mustang Air, Inc., Unit 6, Building 11250, at North County General Aviation Airport for one (1) year, automatically renewed at one (1) year intervals, commencing September 1, 2009;

C) Agreement for Rental Car Lease and Concession at Palm Beach International Airport with Vanguard Car Rental USA Inc., for two (2) years commencing October 1, 2009, terminating September 30, 2011; and

D) Non-concessionaire Rental Car and Parking Lot Operator Ground Transportation Permit with Fort Lauderdale Auto Leasing Corp. d/b/a Sunshine Rent A Car a/k/a Fox Rent A Car, automatically renewed at one (1) year intervals, commencing October 1, 2009.

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the BCC in R2004-1367, R2009-0974, R2009-1073 and R2009-1267. Countywide (AH)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: a Notice of Termination of Use Agreement (R2007-2084) with the Criminal Conflict and Civil Regional Counsel – Fourth Region (Conflict Counsel) for the Conflict Counsel's use and occupancy of 6,209 square feet in Airport Center, Building 2. **SUMMARY:** During the 2007 legislative session, the Office of Criminal Conflict and Civil Regional Counsel was created by Statute and Palm Beach County was required to provide funding for the Conflict Counsel. The County entered into a Use Agreement with the Conflict Counsel on November 20, 2007, for the Conflict Counsel's use and occupancy of 6,209 square feet of space in Airport Center, Building 2. The initial term of the Agreement extended until June 30, 2008, with an option to renew for three (3) successive periods of one (1) year each. The County provided the space at Airport Center to the Conflict Counsel at no cost commencing on July 1, 2008. Palm Beach County joined other counties in a lawsuit challenging the constitutionality of the law requiring counties to fund the Regional Conflict Counsel Office. Conflict Counsel was advised that it would have to commence payment for its space immediately if the counties prevailed. The counties prevailed at the appellate level in July 2009, and the Conflict Counsel vacated Airport Center. The Conflict Counsel completed its vacation of the space at Airport Center by August 1, 2009, and the County does not have any outstanding issues with the Conflict Counsel. County's Notice of Termination of Use Agreement is being delivered to the Conflict Counsel as a formality. (FDO Admin) Countywide/District 2 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve: a Notice of Cancellation of the Use Agreement (R2009-0091) with the Florida Department of Law Enforcement (FDLE) for FDLE's use and occupancy of 2,683 square feet in Airport Center, Building 2 effective January 12, 2010. **SUMMARY:** During the 2008 legislative session, funding for the lease payments for the West Palm Beach FDLE Field Office were eliminated requiring the agents and support staff to relocate to Broward County. At the Sheriff and FDLE's request, the County identified space that it could make available to FDLE on a short term basis (one (1) year). The County entered into a Use Agreement with FDLE on January 13, 2009, for FDLE's use and occupancy of 2,683 square feet of space in Airport Center, Building 2. The initial term of the Agreement is for a period of one (1) year, with an option to renew for three (3) successive periods of one (1) year each upon consent of both parties. The Agreement allows either party to cancel the Agreement for any reason upon sixty (60) days written notice to the other party. The term of the Agreement expires on January 12, 2010. All County offices have been relocated from Airport Center, Building 2, Conflict Counsel has vacated the space it was occupying, and FDLE is the only tenant remaining in the building. Termination of this Agreement will allow for the building to remain "dark" until sufficient funding is available for the planned renovations prior to re-occupancy. This will save the County approximately \$250,000/year in operating and maintenance costs due to the current condition of the building. These savings were reflected in the budget approved for FY 2010. County Staff and PBSO are working with FDLE to develop a decentralized operating model which will allow the FDLE employees to be placed in various PBSO occupied facilities throughout the County. (FDO Admin) District 2 (HJF)

3. Staff recommends motion to approve: an Interlocal Agreement with the City of Belle Glade (City) providing for the City's donation of an approximate 0.82 acre parcel of real property located in Belle Glade to the County together with an access easement. **SUMMARY:** The County has recently completed renovations to the existing Fire Rescue Station No. 73 located at 525 Southwest 2nd Street in Belle Glade. Fire Rescue requires additional property to build their administrative offices in Belle Glade. This Interlocal Agreement provides for the City's donation of a 0.82 acre parcel of land for fire rescue purposes and the County's donation of \$75,000 to be applied towards the re-configuration of the master plan of their municipal complex. The 0.82 acres is adjacent to the existing Fire Rescue Station No. 73 property and is located within the City's municipal services compound. The Interlocal Agreement requires the City to grant County, at closing, an access easement over a proposed internal roadway area which will service the municipal complex. The easement area is an irregularly shaped parcel that is approximately 30' wide by 142.11' long and contains 3,348 square feet and is located along the northeast side of the site. This is a perpetual, non-exclusive easement for the purposes of ingress and egress to the County property and is being granted to the County at no additional charge. Closing is expected to take place within 75 days of the effective date of this Interlocal Agreement. In the event the County ceases to provide fire rescue services to the City, the City has the option of purchasing the property for the appraised value of any improvements existing on the property. (PREM) District 6 (HJF)

4. **DELETED**

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. Staff recommends motion to approve:

A) Modification No. 1 to Subgrant Agreement (R2008-0048) with Florida Division of Emergency Management; and

B) Amendment No. 3 to the Contract with The Weitz Company (R2007-1105) in the amount of \$10,931,930 for construction management services for the hurricane hardening of the State Attorney/Public Defender (SA/PD) and Main Courthouse buildings.

SUMMARY: Following Hurricane Wilma in 2005, the United States Department of Homeland Security-Federal Emergency Management Agency (FEMA) made available Hazard Mitigation Grant Program funds for projects designed to mitigate the hazards of disaster events relative to critical governmental facilities. A grant was approved for work relating to the purchase and installation of impact resistant glass on all windows and doors for the Governmental Center, SA/PD, and Main Courthouse. At the County's request, the Governmental Center is being removed from the project as the actual cost to complete that sub-project was almost twice the budget due to the related work which would need to be accomplished simultaneously. In addition, there was no practical way to perform the work without major service disruption to all occupants. Modification No. 1 removes the Governmental Center from the grant. With these modifications, the revised total project budget is \$14,935,248, with FEMA funding (via the State of Florida, Division of Emergency Management) \$11,201,436 and the County matching the remainder of the costs in the amount of \$3,733,812 from the Public Building Improvement Fund. In addition, FEMA is also providing administrative costs up to \$110,676. The County portion of the deleted sub-project costs, in the amount of \$832,000, will be returned to the Public Building Improvement Fund.

Amendment No. 3 will provide for a Guaranteed Maximum Price (GMP) for the hurricane hardening of the SA/PD and Main Courthouse buildings comprising of replacing of the existing glazing system, skylights, exterior doors & frames, overhead coiling doors, and caulking to comply with current wind code requirements. The duration of this work is 14 months. The Small Business Enterprise (SBE) participation for this work is 16.1%. When added to the contractor's participation to date, the resulting SBE participation is 16.5%. The contract goal is 15%. (Capital Improvements Division) Countywide/District 7 (JM)

6. Staff recommends motion to approve: a First Amendment to Utility Easement Agreement (R2001-0748) in favor of Florida Power & Light (FPL) for electrical service to the expanded Royal Palm Beach Library. **SUMMARY:** The Royal Palm Beach Library, located near the southwest corner of Royal Palm Beach Boulevard and Okeechobee Boulevard, is currently being expanded from 7,955 to 20,485 square feet. Electrical service from a FPL conduit line is required to be relocated as a result of the library expansion. This First Amendment to Utility Easement Agreement will replace the existing legal description with this new legal description and sketch. All other terms and conditions of the Utility Easement Agreement remain unmodified. The easement area varies from 10' to 15' wide, is approximately 590' long, and covers an area of approximately 6,040 square feet (.14 acre). This is a perpetual non-exclusive easement and is being granted to FPL at no charge, as it will provide electrical services to County facilities. (PREM) District 6 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2008-0970) with the City of Lake Worth, to extend the expiration date from June 30, 2009, to October 30, 2009. **SUMMARY:** This Amendment provides an extension of four (4) months to the term of the existing Agreement with the City of Lake Worth for improvements to the Memorial Park multi-purpose sports field. The work on the project has been completed; however, the City's administrative portion of the project has extended beyond the June 30, 2009, expiration date of the Agreement. This time extension will provide the City sufficient time to complete the grant's administrative work and to process a reimbursement request to the County. **These are Federal Community Development Block Grant funds that require no local match.** District 7 (TKF)

2. Staff recommends motion to receive and file:
 - A) an Agreement in the amount of \$225,000 with the City of Greenacres for the period of August 24, 2009, to April 21, 2010; and
 - B) an Agreement in the amount of \$405,000, with the Boca Raton Housing Authority for the period August 24, 2009, to March 15, 2010.

SUMMARY: On April 23, 2008, Palm Beach County entered into an Agreement with the Florida Department of Community Affairs (DCA) to receive up to \$19,568,569, for various projects to be funded under the 2005 Disaster Recovery Initiative Program - Supplemental Appropriation. The two (2) Agreements provided herein are funded under this Agreement with DCA. The County Administrator executed these two (2) Agreements under the authority provided by the Palm Beach County Board of County Commissioners on September 11, 2007 (R2007-1524). **These are Federal Community Development Block Grant funds which do not require local matching funds.** Districts 2 & 4 (TKF)

3. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2009-0997) with the Village of Palm Springs, to extend the expiration date from August 15, 2009, to January 31, 2010. **SUMMARY:** This Agreement provides the Village of Palm Springs, \$150,000 in 2005 Disaster Recovery Initiative Program funds for the installation of security fencing around its water treatment plant and various sewage lift stations. The Amendment provides an extension of five and a half (5 ½) months to the term of the existing Agreement due to delays associated with obtaining easements and site control documentation of some of the lift station sites. **These are Federal Community Development Block Grant funds that require no local match.** District 3 (TKF)

4. Staff recommends motion to approve: Amendment No. 002 to an Agreement (R2008-0871) with the City of Lake Worth to modify the scope of the project and to extend the expiration date from September 30, 2009, to March 31, 2010. **SUMMARY:** The Agreement for this project included the purchase of a prefabricated restroom building to be delivered to Howard Park and to be assembled by City's workforce on a slab to be constructed by the City. This Amendment provides for the construction of a restroom building in a conventional manner in lieu of the purchase of prefabricated components. The restroom building will be Americans with Disabilities Act compliant. The project also includes access ramps and walkways. The time extension will provide the City time to complete the design, bid the work, construct the improvements and submit the associated grant paperwork. **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)

5. Staff recommends motion to approve: Amendment No. 004 to an Agreement (R2007-1522), with Delray Elderly, L.P., to increase the amount funded under the Agreement from \$150,000 to \$286,547, and to extend the expiration date from August 15, 2009, to January 31, 2010. **SUMMARY:** This Amendment provides Delray Elderly, L.P., an additional \$136,547, in 2005 Disaster Recovery Initiative Program funds for the purchase and installation of five (5) generators for their residential buildings and clubhouse at 600 Lindell Boulevard in the City of Delray Beach. The additional funding will increase the County's contribution towards the project cost in light of the receipt of bids with the lowest bid being at \$293,333. The difference between the amount funded under the Agreement and the project cost will be paid by Delray Elderly, L.P., who is also funding the cost of the project consultant. The agreement extension will provide the time needed to order and install these generators. **These are Federal Community Development Block Grant funds that require no local match.** District 4 (TKF)

K. WATER UTILITIES

1. Staff recommends motion to receive and file: One (1) Standard Development Agreement complete with executed documents received during the month of August 2009:

Standard Development Agreements

- A) Boynton Beach Community Church, Inc. (District 5) 05-01102-000

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

M. PARKS & RECREATION

1. Staff recommends motion to approve: Agreement with Street Beat, Incorporated for the period October 20, 2009, through December 30, 2009, in an amount not-to-exceed \$10,000 for funding of the After School Programs Summer Event. **SUMMARY:** This funding is to help offset the cost of Street Beat Incorporated's After School Summer Programs event, which was held at the Dolly Hand Cultural Center and Pioneer Park on July 29, 2009. Approximately 600 youth participated in the event. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to May 1, 2009. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

2. [Staff recommends motion to receive and file:](#) executed Independent Contractor Agreements received during the months of August and September:
- A) Palm Beach County Officials Association, Inc., Flag Football Referee, Westgate Park & Recreation Center;
 - B) Palm Beach County Officials Association, Inc., Volleyball Official, West Boynton Park & Recreation Center;
 - C) Karen Lindquist, Nature Based Education, Riverbend Park;
 - D) Modern Bujutsu Karate Florida, Inc., Martial Arts, Therapeutic Recreation Complex;
 - E) Cindy Martling, Stroller Power, West Jupiter Recreation Center;
 - F) Michael Alford, Flag Football Referee, Westgate Park & Recreation Center;
 - G) George Tillman, Flag Football Referee, Westgate Park & Recreation Center;
 - H) Kim Moser, Classical Fencing, West Jupiter Recreation Center;
 - I) Dawn Gunduz, Belly Dancing, West Jupiter Recreation Center;
 - J) Teresa Stratton, Water Fitness, Aqua Crest Pool;
 - K) Gold Coast Gymnastics, Inc., West Boynton Park & Recreation Center;
 - L) Stacey Lazos, Yoga, Therapeutic Recreation Complex;
 - M) Frankie Thomas, Dance, Westgate Park and Recreation Center; and
 - N) JKF Goju Kai, Florida, Inc., Martial Arts, West Jupiter Recreation Center.

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

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. Staff recommends motion to:

A) receive and file a fully executed State of Florida Coastal Zone Management Program Grant Agreement for upland improvements at DuBois Park; and

B) approve Budget Amendment of \$50,000 within the Park Improvement Fund to establish budget for the approved grant.

SUMMARY: On December 2, 2008, the Board authorized submission of a Florida Coastal Partnership Initiative grant application (R2008-2237) for upland improvements at the recently acquired Zeke's Marina property. The Board also authorized the County Administrator or his designee to execute the Project Agreement (DEP Agreement No. CM016) and other standard state and/or federal grant forms related to this project if the grant was approved. This grant was approved, the Grant Agreement has been fully executed, and it is being submitted to the Board to receive and file. The Florida Coastal Partnership Initiative makes Federal funds from the National Oceanic and Atmospheric Administration available to local governments for the protection and effective management of Florida's coastal resources. The grant is administered by the Florida Department of Environmental Protection. District 1 (AH)

4. Staff recommends motion to approve: Agreement with Friends of Okeeheelee Nature Center, Inc. defining their role in management, operation and use of the Okeeheelee Nature Center, effective upon execution of this Agreement with automatic yearly renewal of terms. **SUMMARY:** The Okeeheelee Nature Center (Nature Center) is operated by the Board of County Commissioners. The Friends of Okeeheelee Nature Center, Inc. (Corporation) is a private not-for-profit corporation whose purpose is to support and enhance the Nature Center and provide visitors and the surrounding community with educational and programmatic resources that will result in a recreation experience and a deeper understanding of Florida's eco-system. The Agreement outlines the Corporation's role in the management, operation and use of the Nature Center. District 6 (AH)

5. Staff recommends motion to:

A) ratify the signature of the Chairman on a Florida Recreation Development Assistance Program (FRDAP) Grant Application submitted to the State of Florida Department of Environmental Protection (DEP) on September 11, 2009, requesting \$200,000 for the South Bay RV Park Phase I Development Project to be matched with \$200,000 from the 2005 \$25 Million General Obligation Bond;

B) authorize the County Administrator or his designee to execute the grant project Agreement and all future time extensions, task assignments, necessary minor amendments, and any other necessary forms and certifications during the term of the Agreement that do not change the scope of work or terms and conditions of the Agreement if the grant is approved; and

C) authorize the Director of the Parks and Recreation Department to serve as Liaison Agent with DEP for this project.

SUMMARY: The application requests \$200,000 from FRDAP toward the South Bay RV Park Phase I Development Project. The proposed improvements include a new bike trail, new camping sites, new horseshoe pits, new picnic facilities, new landscaping, fencing, site lighting and sidewalks, renovation of the existing playground, renovation of the existing restroom and a new dog exercise area. If the grant is awarded, and once the project is complete, the grant contract requires a Notice of Limitation of Use to be recorded in public records limiting the project site to outdoor recreation for the use and benefit of the public for a period of 25 years as part of the close-out documentation. District 6 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

6. Staff recommends motion to:

A) ratify the signature of the Chairman on a Florida Recreation Development Assistance Program (FRDAP) Grant Application submitted to the State of Florida Department of Environmental Protection (DEP) on September 11, 2009, requesting \$200,000 for the Lake Ida Park West Phase II Development Project to be matched with \$200,000 from the 2003 \$25 Million General Obligation Bond;

B) authorize the County Administrator or his designee to execute the grant project Agreement and all future time extensions, task assignments, necessary minor amendments, and any other necessary forms and certifications during the term of the Agreement that do not change the scope of work or terms and conditions of the Agreement if the grant is approved; and

C) authorize the Director of the Parks and Recreation Department to serve as Liaison Agent with DEP for this project.

SUMMARY: The application requests \$200,000 from FRDAP toward the Lake Ida Park West Phase II Development Project. The proposed improvements include over 1,000 feet of new bike trail, new covered picnic shelters, new staging docks for the existing boat ramps, construction of additional parking, and installation of new landscaping and sod. The renovation portion of the project will include renovating the existing picnic facilities, playground, restroom, parking and fishing pier. If the grant is awarded, and once the project is complete, the grant contract requires a Notice of Limitation of Use to be recorded in public records limiting the project site to outdoor recreation for the use and benefit of the public for a period of 25 years as part of the close-out documentation. District 4 (AH)

7. Staff recommends motion to:

A) receive and file a fully executed National Park Service's American Battlefield Protection Program (ABPP) Grant Agreement for the development of a battlefield site identification plan at Riverbend Park for the period August 1, 2009, through December 31, 2010; and

B) approve Budget Amendment of \$40,790 within the Park Improvement Fund to establish budget for the approved grant.

SUMMARY: On March 17, 2009, the Board authorized submission of a National Park Service American Battlefield Protection Program Grant Application for the development of a battlefield site identification plan at Riverbend Park (R2009-0441). The Board also authorized the County Administrator or his designee to execute the Grant Agreement (United States Department of the Interior National Park Service Grant Agreement No. GA-2255-09-021) and other standard state and/or federal grant forms related to this project if the grant was approved. This grant was approved, the Grant Agreement has been fully executed, and it is being submitted to the Board to receive and file and to establish a project budget. The grant will be matched with \$2,500 of in-kind service of staff time. District 1 (AH)

8. Staff recommends motion to receive and file: fully executed original Agreement for Recreation Assistance Program (RAP) funding as follows: Agreement with the City of Delray Beach for the period September 17, 2009, through November 30, 2009, in an amount not-to-exceed \$5,000 for the 2009 Roots Cultural Festival. **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)

9. Staff recommends motion to:

A) approve South Florida Water Management District (SFWMD) Cooperative Funding Agreement No. 4600001897 for a \$37,119.92 grant for the Water Savings Incentive Program;

B) authorize the County Administrator or his designee to execute any 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 the Agreement;

C) authorize the Director of the Parks and Recreation Department to serve as Liaison Agent with SFWMD for this project; and

D) approve Budget Amendment of \$37,120 within the General Fund to establish budget for the approved grant.

SUMMARY: The SFWMD has developed a cost-sharing program to assist public entities with innovative technology-based water conservation projects that reduce water use. This grant funding will be used to reduce water consumption on athletic fields and other large irrigated areas at South County Regional Park. The estimated cost of irrigation system improvements at South County Regional Park is \$74,240. The SFWMD Agreement will provide fifty percent of the project cost. The County's fifty percent match will be funded from the current Parks Maintenance operating budget. Upon full execution of the Agreement, the Budget Amendment of \$37,120 will be completed administratively to establish the necessary revenue and expenditure budget line items. District 5 (AH)

10. Staff recommends motion to approve: First Amendment to Independent Contractor Agreement (WRI176520309530300E) with David Wright for coaching services for a USA Competitive Swimming Team at Aquacrest Pool for the period March 1, 2009, through February 28, 2010. **SUMMARY:** On February 18, 2009, the Parks and Recreation Department entered into an Independent Contractor Agreement with David Wright to provide coaching services for the USA Competitive Swimming Team at Aquacrest Pool. This First Amendment eliminates the Age Group Program, revises the scope of services, and reduces the not-to-exceed amount from \$60,000 to \$35,000. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

11. Staff recommends motion to:

A) adopt Resolution approving a Locally Funded Agreement with the Florida Department of Transportation for pedestrian improvements under the US-1/SR-5 bridge;

B) execute a State of Florida Department of Transportation Locally Funded Agreement with a total project cost of \$56,000 to construct pedestrian improvements under the southern end of the northern bridge spans adjacent to Burt Reynolds Park;

C) authorize the County Administrator or his designee to execute any certifications, standard forms, or amendments to the Agreement that do not change the scope of work or terms and conditions of the Agreement;

D) authorize the Director of the Parks and Recreation Department to serve as Liaison Agent with the Florida Department of Transportation for this project;

E) request the Clerk of the Court make an advance payment of \$56,000 to State of Florida Department of Transportation in accordance with the requirements of the Locally Funded Agreement; and

F) approve Budget Transfer of \$120,000 within the Park Improvement Fund from the Florida Boating Improvement Program reserve to Burt Reynolds Boat Ramp Improvements.

SUMMARY: The Florida Department of Transportation (FDOT) is finalizing the plans and specifications for the U.S. 1/S.R. 5 Low Level Bridges Replacement project adjacent to Burt Reynolds Park. The County has requested that FDOT incorporate pedestrian facilities underneath the southern end of the north bridge spans as part of the bridge construction project. The requested improvements will connect the east and west sides of Burt Reynolds Park and will provide a pedestrian underpass for boaters to launch and retrieve their vessels without having to cross U.S. 1 at street grade, thereby resulting in more efficient use of the boat ramps and improving boater safety. Other improvements to be completed that are not part of the FDOT project include repairing four boat ramps on the east side of the park, expansion of boat trailer parking areas, sidewalks, and other related improvements. The proposed improvements will be paid for using Palm Beach County Florida Boating Improvement Program (FBIP) funding. A Locally Funded Agreement and advance funding in an amount not-to-exceed \$56,000 is necessary for FDOT to commence construction. Once complete the County will be required to maintain the pedestrian improvements in perpetuity. District 1 (AH)

12. Staff recommends motion to adopt: Resolution amending Resolution R2009-0335 which delegates authority to the County Administrator or designee to execute standard amphitheater rental agreements for use of County amphitheaters. **SUMMARY:** The Palm Beach County Parks and Recreation Department (Department) established a standard amphitheater rental agreement, which allows individuals, promoters, groups and organizations to rent County amphitheater facilities when the amphitheater would otherwise not be programmed or booked by the County. This amendment amends the standard amphitheater rental agreement, which is attached to Resolution No. 2009-0335, and provides staff with the ability to negotiate with well known entertainers and promoters by providing an option for additional language that: 1) releases the renter from liability when damage or injury is caused solely by the County's willful misconduct or negligence; 2) requires the County obtain prior approval to broadcast, record or photograph the renter; and 3) provides for other minor changes that are not material in nature. This added language will only be used when requested by the renter, and approved by the County Administrator or designee. This amendment is necessary to bring well known entertainers and promoters to the County's amphitheaters. Countywide (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

A) receive and file the Department of Justice Office of Justice Programs Bureau of Justice Assistance FY '09 grant for \$249,942 for the Justice and Mental Health Collaboration Program (JMHCP) for the period of October 1, 2009, to March 31, 2012;

B) approve a Budget Amendment of \$302,942 in the Criminal Justice, Mental Health and Substance Abuse Fund to establish funds for this grant project;

C) approve a Budget Transfer of \$7,000 in the Crime Prevention Fund from Operating Reserves to Criminal Justice Transfers; and

D) approve a Budget Transfer of \$46,000 in the Drug Abuse Trust Fund from Operating Reserves to Transfers – Drug Abuse Trust Fund.

SUMMARY: Palm Beach County has received a direct award of \$249,942 for the following proposal: the Criminal Justice Commission jointly with the Oakwood Center of the Palm Beaches Inc., for \$249,942 for the Justice and Mental Health Collaboration Program by the Bureau of Justice Assistance. Match is required in the total amount of \$84,085 over 30 months and will be provided from a combination of the Crime Prevention Fund and the Drug Abuse Trust Fund. Countywide (DW)

2. Staff recommends motion to ratify: the signature of the Chairman on a revision to the submittal of the grant application (R2009-0938; from June 2, 2009) to the Florida Department of Law Enforcement (FDLE) for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The revised application was signed by the Chairman on September 28, 2009 in order to meet the FDLE deadline of September 30, 2009. The revision was needed to change the implementing agency from the City of West Palm Beach to the Criminal Justice Commission (CJC) for the Community Justice Service Center for \$400,000 for the period October 1, 2009, through September 30, 2010. **SUMMARY:** The CJC met on May 11, 2009, and approved the recommendations made by the CJC Finance Committee for FY 2010 funds totaling \$2,471,582. The City of West Palm Beach was approved to accept the \$400,000 Grant for the West Palm Beach Community Justice Service Center (CJSC). The grant application was approved by the Board of County Commissioners on June 2, 2009 as Resolution R2009-0938, but has changed in the interim period and must be brought back to the Board for appropriate action. The City of West Palm Beach is unable to assume responsibility for this grant at this time. We are requesting this revision so that the CJC will continue to be the Implementing Agency for this grant period. Four (4) grant funded positions (senior secretary, court case advisor, community services supervisor, and clinical services program specialist) are approved for the length of the grant and these positions will be eliminated when grant funding is discontinued. **No local match is required for the JAG program.** Countywide (DW)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to approve and ratify: a Side Agreement amending Article 45, Attachment I-Palm Beach County Fire Rescue Drug Testing Article, to the Collective Bargaining Agreement with the Professional Firefighters/Paramedics of Palm Beach County, Local No. 2928, IAFF, Inc. **SUMMARY:** Both parties are requesting a Side Agreement to the current Collective Bargaining Agreement (CBA), October 1, 2008, through September 30, 2011 (R2008-2254). This Side Agreement addresses changes to Attachment I-Palm Beach County Fire Rescue Drug Testing Article, Section G-Laboratories' Procedures, developed jointly by Fire Rescue staff and Union Leadership, as follows: Item 4-Initial Test: the alcohol level to be reported as positive and reported for confirmation testing is being reduced from 0.08g% to 0.04g%. Item 5-Confirmation Test: the confirmation level to determine whether a specimen is positive for alcohol is being reduced from 0.08g% to 0.04g%. Countywide (SB)

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: the original executed contract with the Legal Aid Society of Palm Beach County, Inc. to provide legal services to the indigent citizens of Palm Beach County in the areas of Family Law, Elder Law, Juvenile Advocacy, Education Advocacy, Public Guardianship and Domestic Violence Victim Representation in the amount not to exceed \$1,040,297 from October 1, 2009, to September 30, 2010 as approved in the FY 2010 budget. **SUMMARY:** Resolution R2006-2132 authorizes the County Administrator or his designee to execute contracts with Legal Aid Society of Palm Beach County, Inc. that do not exceed the BCC approved budget for the program. Of the total contract, \$742,954 satisfies the County's local requirement, per Florida Statute 29.008. The Legal Aid Society of Palm Beach County, Inc. has historically provided these services. This Contract will ensure the seamless continuation of legal aid services to indigent citizens of Palm Beach County. Countywide (GB)

2. Staff recommends motion to:

A) approve an Agreement for Partial Payment (Agreement) in the amount of \$51,107 with United Way of Palm Beach County for the period of October 1, 2009, through September 30, 2011, to assist in funding for a new Emergency Management position in order to develop and coordinate the Division of Emergency Management efforts and initiatives in the coordination of volunteers and partnering agencies in Palm Beach County prior to and after a disaster event;

B) authorize the County Administrator or his designee to sign amendments and modifications to this Agreement on behalf of the Board of County Commissioners; and

C) approve a Budget Amendment of \$31,427 in the Emergency Management Preparedness Assistance Grant Fund to establish FY 2010 budget.

SUMMARY: To further strengthen our emergency response plan prior to and after a disaster, the County and United Way have partnered to establish a position to develop a comprehensive plan to coordinate the response of volunteers and partnering agencies and determine what recourses are available in preparation of a pending disaster. This plan will encompass the identification of what resources are available and the efficient utilization of those recourses in order to avoid duplication of services. The plan will also redefine what role the United Way will have in our Comprehensive Disaster Management Plan in the future years. The Agreement reimburses the County 40% the first year (\$31,427) and 25% the second year (\$19,680) for the salary and fringe benefits for this position for two (2) years. The balance of the salary cost will be charged to a federal grant and there will be no County matching funds required. Countywide (GB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

3. Staff recommends motion to:

A) approve acceptance of the Office of Justice Programs FY 2009 Family Drug Courts Program Grant (2009-DC-BX-0115) in the amount of \$484,907 for the period of October 1, 2009, to September 30, 2012;

B) authorize the County Administrator or his designee to execute all related documents and contracts related to this grant on behalf of the Board of County Commissioners;

C) approve a Budget Amendment of \$206,838 in the Family Drug Court Grant Fund to establish FY 2010 grant budget; and

D) approve the addition of a grant funded Family Drug Court Coordinator position pay grade (30) in the complement.

SUMMARY: The Division of Justice Services, in conjunction with the Department of Children and Families (DCF) Substance Abuse and Mental Health Office applied for and was awarded a grant from the Office of Justice Programs in the amount of \$484,907 to develop a Family Drug Court program. The Family Drug Court, which will use the existing network of service providers, will address substance abuse and other issues affecting the parents and their children in new dependency petitions. It will offer a comprehensive and systematic approach to the treatment of substance abuse problems of parents while limiting the risk of physical and emotional harm to children with the ultimate goal of family reunification. Over the three (3) years, grant funds will be used to pay for a Family Drug Court Coordinator position (\$183,547); training expenses (\$36,660); reimburse DCF in the development of the Service Internet Referral Portal (SIRP), a web based service referral system (\$50,000); enhance the Justice Services Information System (JSIS) to link with SIRP (\$10,000); reimburse Drug Abuse Foundation to link with SIRP and JSIS (\$10,000); psychological assessments of participants (\$67,500); random drug testing (\$69,300); incentive for participants (\$36,000); program review and evaluation (\$14,400); and office supplies (\$7,500). The grant funded position will be approved for the length of the grant and will be eliminated when the grant funding is discontinued. **The grant does not require any County cash match; however an in-kind match of 25% is required which will be met by The Center for Family Services, a partner agency.** Countywide (GB)

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

A. **Staff recommends motion to approve:** an Amendment to Palm Beach County Fire Rescue's Certificate of Public Convenience and Necessity (COPCN) to include the Village of Palm Springs in their area of jurisdiction; enabling Palm Beach County Fire Rescue to be the Primary Provider of Advanced Life Support Emergency Medical Services and Transportation in the Village of Palm Springs for the period of October 1, 2009, to December 31, 2010. **SUMMARY:** On August 27, 2009, the Village of Palm Springs entered into an Interlocal Agreement for Fire Protection and Emergency Medical Services with Palm Beach County Fire Rescue. The City of Palm Springs joined the Municipal Service Taxing Unit for services commencing October 1, 2009. The secondary Emergency Medical Services provider, Medics Ambulance Service, will provide Basic Life Support transport. In order for Palm Beach County Fire Rescue to assume this responsibility, their COPCN must be amended to include the Village of Palm Springs in their jurisdiction. District 3 (DW)

B. **Staff recommends motion to approve:** an Amendment to Palm Beach County Fire Rescue's Certificate of Public Convenience and Necessity (COPCN) to include the City of Lake Worth in their area of jurisdiction; enabling Palm Beach County Fire Rescue to be the Primary Provider of Advanced Life Support Emergency Medical Services and Transportation in the City of Lake Worth for the period of October 1, 2009, to December 31, 2010. **SUMMARY:** On April 7, 2009, the City of Lake Worth entered into an Interlocal Agreement for Fire Protection and Emergency Medical Services with Palm Beach County Fire Rescue. The City of Lake Worth joined the Municipal Service Taxing Unit for services commencing October 1, 2009. The secondary Emergency Medical Services provider, Medics Ambulance Service, will provide Basic Life Support transport. In order for Palm Beach County Fire Rescue to assume this responsibility, their COPCN must be amended to include the City of Lake Worth in their jurisdiction. Districts 3 & 7 (DW)

C. **Staff recommends motion to:**

A) adopt a Resolution confirming the special assessment process for Navarre Road Paving and Drainage Improvement (Project), Project No. 2006145;

B) approve a Contract with H & J Contracting, Inc. (Contractor) the lowest, responsive, responsible bidder, in the amount of \$128,226.47 for the Project; and

C) approve a Budget Transfer of \$60,187 in the Municipal Services Taxing Unit (MSTU) Improvement Fund from Reserves to the Project.

SUMMARY: Adoption of the Resolution provides for the collection of \$25 per abutting foot from the property owners, with the MSTU Program matching the property owners' assessment and the Office of Community Revitalization funding the remainder of the Project. Assessments will be payable in 20 equal annual installments. Approval of the construction contract will authorize the Contractor to build the paving and drainage improvements for Navarre Road. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the Project by the Contractor is 16.64% overall. District 2 (MRE)

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

D. Staff recommends motion to approve:

A) an Amendment to Palm Beach County Fire Rescue's Certificate of Public Convenience and Necessity (COPCN) to remove four (4) geographical areas, that are currently covered by PBCFR Station No.11; and

B) transfer such services to Tequesta Fire Rescue's COPCN enabling Tequesta Fire Rescue to be the Primary Provider of Advanced Life Support (ALS) Emergency Medical Services and Transportation in the aforementioned four (4) geographical areas for the period of October 1, 2009, to December 31, 2010.

SUMMARY: On September 22, 2009, Palm Beach County entered into a First Amendment to Emergency Services Agreement with the Village of Tequesta. Effective October 1, 2009, the Village of Tequesta shall respond as the Primary fire rescue and emergency medical services and transport provider within four geographical areas as outlined: **Area 1:** Includes all parcels south of the Village of Tequesta's municipal border, east of Point Drive/Rio Vista Drive along the Loxahatchee River, and back north along Rio Vista Drive to the Tequesta border line. **Area 2:** Includes all parcels not within the Village of Tequesta's municipal boundary: east of Country Club Drive, south to Tequesta Drive, east to the Loxahatchee River, and back north to the Tequesta line. **Area 3:** Includes all parcels not within the Village of Tequesta's municipal boundary, east of the Loxahatchee River, south to the Tequesta line (just north of N. Dover Road), east to the Tequesta line (just west of Gardens Street), and back north to the Tequesta line. **Area 4:** All parcels within the City limits of Jupiter, south of the Village of Tequesta's boundary line, east to the FEC railroad tracks, south to the Loxahatchee River, and back north along the Loxahatchee River to the Tequesta Line. In order for Palm Beach County Fire Rescue to assume this responsibility, their COPCN must be amended to exclude the four geographical areas, and must be added to the Village of Tequesta's COPCN. District 1 (DW)

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

E. Staff recommends motion to:

A) approve the filing of the Federal Transit Administration (FTA) Grant Application Amendment for Public Transportation Capital and Operating Assistance (FL-96-X026-01) funds allocated to Palm Beach County under the American Recovery and Reinvestment Act (ARRA) of 2009;

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

C) approve upward Budget Amendment of \$2,098,050 in the Palm Tran Grants Fund for FY 2009;

D) approve downward Budget Amendment of \$2,098,050 in the Public Building Improvement Fund for FY 2009; and

E) approve one (1) new full-time Bus Operator position.

SUMMARY: Palm Beach County was allocated \$21,235,245 under ARRA for capital expenditures only. On April 21, 2009 (R2009-0692), Palm Tran presented to the Board the breakdown of capital projects to be funded with ARRA funds and submitted a grant application to FTA for the projects that met all federal conditions to obligate the funds, in order to fulfill FTA's requirement to obligate at least 50% of the funds by May 29, 2009. Palm Tran indicated that when all other projects met the federal conditions, the ARRA grant would be amended to include the remaining projects. On June 24, 2009, President Obama signed the Supplemental Appropriations Act for 2009. This new law included a provision allowing up to ten percent of the amount apportioned in the Recovery Act for the urbanized (Section 5307) formula programs to be used for operating assistance. Palm Tran is allocating \$2,123,500 to operating assistance in FY 2010 for the cost of salaries (salaries require Department of Labor approval). ARRA funding is budgeted in salaries for FY 2010. The ARRA funds have provided the opportunity to allow ad valorem dollars to be placed into a reserve for Palm Tran's 2011 budget. This includes funding for the creation of one (1) additional Bus Operator position for additional peak service on Route 44. This position is approved for the length of the grant and will be eliminated when grant funding is discontinued. ARRA operating assistance funding must be spent within a two (2) year timeframe, by the end of County FY 2010.

Palm Tran, following approval of this item, will submit an amendment to the FTA that includes the Operating Assistance; increases the number of hybrid buses from 10 to 16, reduces the amount of diesel buses from 15 to 9 and increases the number of Motor Fans from 25 to 35. The funding for the City of West Palm Beach Trolleys has been deleted, as the City secured other funding for that project. The funding for Park and Ride facilities has been deleted and used for operating assistance. Palm Tran received allocations for Park and Ride lots under Section 5309 and is pursuing additional funding with the Florida Department of Transportation. ARRA capital projects are funded at 100% cost for the federal share, no County funds are required. Countywide (DR)

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5. REGULAR AGENDA

A. COMMUNITY SERVICES

1. Staff recommends motion to:

A) receive and file American Recovery and Reinvestment Act (ARRA) Cost-Of-Living Adjustment (COLA) grant for the period of July 1, 2009, through June 30, 2010, in the amount of \$260,490;

B) receive and file ARRA Quality Improvement (QI) grant for the period of July 1, 2009, through September 30, 2010, in the amount of \$804,378;

C) approve Budget Amendment of \$1,064,868 in the Head Start Fund to establish ARRA grant budget; and

D) approve one (1) new grant funded position for one (1) year.

SUMMARY: Funds have been awarded as a result of the ARRA COLA and QI applications approved by the BCC (R2009-0965) on June 16, 2009. Funding from these grants will be used to pay for higher operating costs for grantee and one (1) delegate agency as well as to increase salaries and fringe benefits for three (3) delegate agencies (Florence Fuller, Hispanic Human Resources, Inc, and the YWCA). One (1) School Bus Rider position Pay Grade 9, is also being funded for a period of one (1) year. A Budget Amendment is needed to establish the ARRA budget. The grant funded position is temporary and will be eliminated effective September 30, 2010, unless other funding is secured. A waiver has been requested for matching funds of \$266,217 and the decision is still pending with the grantor. (Head Start) Countywide (TKF)

B. COUNTY ATTORNEY

1. Staff recommends motion to approve: a Settlement in the amount of \$338,800, including attorney's fees and all reasonable expert fees and costs for Parcel 18 in the eminent domain action styled Palm Beach County v. Michael Martin, et al., Case No. 502005CA006339XXXMB, for the fee simple taking of five (5) acres of vacant land in Indian Lake Estates. **SUMMARY:** The County has negotiated a settlement in the amount of \$338,800, including attorney's fees and reasonable expert fees and costs, subject to the approval of the Board of County Commissioners, for Parcel 18, which is five (5) acres of vacant land in the Indian Lake Estates subdivision. The expert engineers and appraisers for the County and property owner agreed that the land is buildable and suitable for residential use subject to permitting. The experts for both parties agree that the required permits can be obtained upon payment of the necessary and related expenses. The County previously deposited \$190,000 as its initial good faith deposit and estimate of value. In preparation for trial the County's appraisal was updated and the updated value of the subject parcel was \$225,000. The property owner's appraiser opined that the value of the subject property was \$430,000. The settlement in this case, if approved, would compensate the property owners in the total amount of \$290,000, plus \$33,000 in attorney's fees and \$15,800 for all reasonable expert fees and costs. Therefore, payment of an additional \$148,800 would constitute full and final settlement of this case in its entirety, including all fees and costs. District 1 (PM)

5. REGULAR AGENDA

C. PARKS & RECREATION

1. [Staff recommends motion to receive and file:](#) status report of the \$5,000,000 funding agreement with the City of Lake Worth for their Municipal Beach Redevelopment Project. **SUMMARY:** The report provides a brief history and current status of the County's efforts to provide funding assistance to the City of Lake Worth for improvements to the Lake Worth Municipal Beach. The current funding agreement with Lake Worth for \$5,000,000 from the 2002 Recreational and Cultural Facilities General Obligation Bond expires October 16, 2009. The City is now requesting a new agreement for a similar project that excludes the commercial elements of this plan. The County's Economic Development staff is currently evaluating the opportunity to utilize Historic Tax Credits (HTC) and New Market Tax Credits (NMTC) for the commercial elements of the Lake Worth Municipal Beach and Casino project. District 7 (AH)

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6. BOARD APPOINTMENTS

A. **FACILITIES DEVELOPMENT AND OPERATIONS**
(Public Art Committee)

1. **Staff recommends motion to approve:** the appointment of Ignacio Javier Reyes to fill the vacant seat of a Planning/Design Professional on the Public Art Committee for a three (3) year term from October 20, 2009, to October 19, 2012. **SUMMARY:** Palm Beach County Resolution No. 2008-0864 established that two (2) seats on the Public Art Committee be filled by Planning/Design Professionals. Since the inception of this Committee, recommendations for membership have been made by Committee for BCC approval. (FDO Admin) Countywide (MJ)

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

1. **Staff recommends motion to approve:** re-appointment of the following individual to the Building Code Advisory Board (BCAB), for the term indicated below:

<u>Nominee</u>	<u>Seat</u>	<u>Requirement</u>	<u>Term</u>	<u>Nominated By</u>
Kenneth Loihle	7	Building Official	01/02/10 – 01/01/13	BOAPBC

SUMMARY: The Building Code Advisory Board was established by a Special Act of the Florida Legislature in 1974, and amended in 2001. The Board is composed of sixteen members: seven (7) regional Building Officials who must be appointed from nominees submitted by the Building Officials Association of Palm Beach County; seven (7) members who must be appointed from nominees submitted by the Construction Industry Management Council of Palm Beach County; one (1) member who must be a registered Architect appointed from nominees submitted by the Palm Beach County Chapter of the American Institute of Architects; and one (1) member who must be a Professional Engineer appointed from nominees submitted by the Palm Beach County Chapter of the Florida Engineering Society. (Building Division) Countywide (GB)

C. **PUBLIC SAFETY**
(Animal Care & Control Professional Committee)

1. **Staff recommends motion to approve:** appointment of two (2) persons to fill two (2) at-large positions on the Animal Care & Control Professional Committee to serve a two (2) year term from October 20, 2009, to October 19, 2011:

<u>Nominee</u>	<u>Nominated By:</u>
Linda Gore (Reappointment)	Comm. Koons
Sue Drawdy (New Appointment)	Comm. Koons

SUMMARY: Resolution No. R2005-1609, as amended August 16, 2005 restructured the membership and created the Animal Care & Control Professional Committee. The committee is comprised of representatives for the following agencies: Palm Beach County Veterinary Society; United States Department of Agriculture; Palm Beach County Sheriff's Office; Fish and Wildlife Conservation Committee; and the Palm Beach County Health Department. There are also two (2) "At-Large" positions. A memo dated May 6, 2009 was distributed to the Board requesting nominations for the above. Countywide (SF)

6. BOARD APPOINTMENTS

D. **FIRE RESCUE**
(Fire Code Board of Appeals and Adjustments)

1. **Staff recommends motion to approve:** appointment of one (1) member to the Fire Code Board of Appeals and Adjustments to complete the unexpired term of Lorraine Kasper through May 17, 2010:

<u>Appointment</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Recommended By</u>
Kerry B. Koen	9	Citizen	Commissioner Abrams

SUMMARY: The Fire Code Board of Appeals and Adjustments is maintained in accordance with the Palm Beach County Local Amendments to the Florida Fire Prevention Code (Ordinance 2008-045). Lorraine Kasper has held the Citizen position on this Board since 1991. She resigned from the Board on June 26, 2009. On July 1, 2009, a memo was distributed to the Commissioners requesting a nomination to fill the vacant position on this nine (9)-member Board (At-Large). This Board is appointed by the Board of County Commissioners and members serve three (3) year terms, with no limit on the number of terms an individual may serve. Commissioner Abrams nominated Kerry Koen, who is a retired Fire Chief from Boca Raton. No other nominations were received. Countywide (SB)

E. **ENVIRONMENTAL RESOURCES MANAGEMENT**
(Natural Areas Management Advisory Committee)

1. **Staff recommends motion to approve:** the following individuals to the Natural Areas Management Advisory Committee (NAMAC) for a term of three (3) years beginning November 1, 2009, through October 31, 2012. Staff received nominations for:

<u>Reappoint</u>	<u>Representing</u>	<u>Seat No</u>	<u>Nominated by</u>
Steve Bass	Professional Educator	3	Comm. Abrams Comm. Koons Comm. Marcus
Dennis Eshleman	Parks and Recreation	5	Comm. Abrams Comm. Koons Comm. Marcus Comm. Vana Comm. Aaronson

AND EITHER

<u>Reappoint</u>			
Herbert Zebuth	Citizen	6	Comm. Koons Comm. Marcus

OR

<u>Appoint</u>			
Evelyn Parkes-Brier	Citizen	6	Comm. Taylor

SUMMARY: On February 24, 2009, the Board of County Commissioners (BCC) adopted Resolution No. 2009-0319 which established NAMAC with seven (7) at-large members. The composition of the Committee shall be as follows: one (1) member with experience in the management of natural areas, one (1) biological scientist, one (1) professional educator with knowledge of South Florida ecosystems, one (1) representative of a local municipal government public recreation program, one (1) member of the Palm Beach County Parks and Recreation Department staff, two (2) citizens having an interest in preservation and conservation of natural areas. A memorandum from Environmental Resources Management (ERM) was sent to the BCC on May 29, 2009 requesting nominations for Seats 3, 5 and 6. Seat 6 has two (2) nominations. Countywide (SF)

F. **COMMISSION DISTRICT APPOINTMENTS**

OCTOBER 20, 2009

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

OCTOBER 20, 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

OCTOBER 20, 2009

<u>PAGE</u>	<u>ITEM</u>	
25	3Q-1	<u>REVISED SUMMARY:</u> Palm Beach County has received a direct award of \$249,942 <u>under the Justice and Mental Health Collaboration Program</u> for <u>enhanced Crisis Intervention Team training, which shall include juvenile justice correctional officers and a pilot project for intensive case management for treatment-resistant non-violent persons. Programs will be administered the following proposal: the Criminal Justice Commission jointly by the Criminal Justice Commission and with the Oakwood Center of the Palm Beaches Inc. for \$249,942 for the Justice and Mental Health Collaboration Program by the Bureau of Justice Assistance. A mMatch is required in the total amount of \$84,085 is required over 30 months and will be provided from a combination of in-kind services, as well as cash contributions from the Crime Prevention Fund and the Drug Abuse Trust Fund. Countywide (DW) (CJC)</u>
31	5B-1*	<u>DELETED: Staff recommends motion to approve:</u> a Settlement in the amount of \$338,800, including attorney's fees and all reasonable expert fees and costs for Parcel 18 in the eminent domain action styled <u>Palm Beach County v. Michael Martin, et al., Case No. 502005CA006339XXXXMB</u> , for the fee simple taking of five (5) acres of vacant land in Indian Lake Estates. (County Attorney) (Further staff review)
32	5D-1	<u>ADD-ON: Staff recommends motion to receive and file:</u> a status report on the West Palm Beach Transit Oriented Development (TOD) and the development of the Request for Proposal (RFP) for the disposition of the County's Wedge Property. SUMMARY: On March 17, 2009, the Board directed Staff to expedite the development of an RFP for the disposition of the Wedge Property with the West Palm Beach TOD. At the same meeting, the Board requested that Staff ensure that the development of the Wedge, prior to development of the large TOD, would not unduly compromise the development potential of the remainder of the TOD. Since that time, the Florida Department of Transportation with input from the County, City of West Palm Beach and West Palm Beach Community Redevelopment Agency developed a computerized traffic model which would provide the flexibility to analyze various scenarios for development of the TOD, and allow for adjustment based upon different potential development and intensity patterns. The model is in the final re-validating stage and should be completed on October 23, 2009. Assuming that the results of a run of the final model indicates that there is sufficient capacity to support the assumed intensity of the development at full build-out, the RFP should be advertised on December 6, 2009 and December 13, 2009. (FDO Admin) <u>Countywide (HJF) (FDO)</u>

ADD-ON: Staff recommends motion to adopt: a Resolution of the Board of County Commissioners (BCC) of Palm Beach County recognizing the need for affordable housing and the importance of financially supporting the preservation, redevelopment and creation of affordable housing. **SUMMARY:** On August 18, 2009, the BCC directed staff to bring back a resolution to support the preservation, redevelopment and creation of affordable housing. The Board discussed allocating road impact fee interest of \$1,037,000 in Zone 1 to support road impact fee assistance for eligible affordable housing development within that zone. This interest will be accumulated through FY 2010 and available for allocation in FY 2011. During the FY 2011 budget process, the BCC will provide direction regarding the percentage of interest earned on the various impact fee accounts that maybe allocated for impact fee assistance within the appropriate zones for eligible affordable housing development. Upon approval of this Resolution and direction regarding percentage of interest to be allocated for affordable housing, staff will develop the appropriate policies and procedures to govern this new program. Countywide (LB) (Admin)

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 (*).