

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

NOVEMBER 17, 2009

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

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance
 - D. Election of Chair
 - E. Election of Vice Chair
 - F. Comments

- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption

- 3. CONSENT AGENDA (Pages 6 - 22)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 23 - 24)**

- 5. REGULAR AGENDA (Pages 25 - 28)**
TIME CERTAIN 11:00 A.M. (Affordable Housing Resolution) (Page 25)

- 6. BOARD APPOINTMENTS (Pages 29 - 30)**

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve:

A) Modification Number Two to a Federally funded grant agreement (FEMA Project No. 1561-076-R) (R2007-0443) with the Florida Division of Emergency Management (FEMA) to increase the amount of the grant for the design of drainage improvements as part of the Hazard Mitigation Grant Program; and

B) a Budget Amendment of \$35,208 in the Capital Outlay Fund to recognize the increase in the grant from FEMA and allocate it to the Grove Street Outfall project.

SUMMARY: FEMA has approved an increase to the Phase I grant resulting in an approved grant amount of \$111,944 for the design of a drainage system serving the Grove Street area located along Military Trail between Southern Boulevard and Belvedere Road. The grant requires a 25% cost share with the County, meaning the total amount granted to the County for the design cost is \$83,958. Additionally, a Phase II grant for construction of the drainage facilities has tentatively been approved. The Phase II approval will be brought back to the Commission at the conclusion of the Phase I contract. As part of the approval for modification of the Phase I project, the grant time frame has been extended to January 31, 2010. District 6 (MJ)

2. Staff recommends motion to approve: Neighborhood Partnership Grant funding agreements for Fiscal Year 2009-2010:

A) an Agreement with Paint Your Heart Out, Inc. in an amount not to exceed \$10,000 to purchase painting and home improvement supplies;

B) an Agreement with Ilene Long in an amount not to exceed \$400 to purchase folding tables for Old Trail Community events;

C) an Agreement with Claudia Williams in an amount not to exceed \$4,400 to purchase supplies to update the inside and outside of the Schall Landing community center for community activities;

D) an Agreement with Country Club Acres HOA, Inc. in an amount not to exceed \$11,400 to install landscaping and an irrigation system in the median;

E) an Agreement with Kimberly Erickson in an amount not to exceed \$13,000 to purchase electronics and other media equipment and supplies for community activities in Canal Point;

F) an Agreement with Sandcastle Community Leadership Organization, Inc. in an amount not to exceed \$13,300 to purchase and install two (2) neighborhood identification signs;

G) an Agreement with Youth Empowerment, Incorporation in an amount not to exceed \$9,700 to purchase computers and printers for the Westgate Community Center;

H) an Agreement with Palm Beach County Housing Development Corporation, Inc. in an amount not to exceed \$20,000 to purchase and install playground equipment in Dyson Circle; and

I) an Agreement with Habitat for Humanity, Inc. in an amount not to exceed \$18,000 to install perimeter fencing around Westgate Village.

SUMMARY: Projects were reviewed by the Neighborhood Partnership Grant Program Review Committee on September 30, 2009, and are now being recommended for funding. Funding was established in FY 2008-2009 budget for the purpose of funding neighborhood projects. Countywide (AH)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

3. Staff recommends motion to approve: First Amendment to the Tri-Party Agreement with the Supervisor of Elections (SOE) and Runbeck Elections Services, Inc. (Runbeck) (R2008-0902) for Sentio ballot printing equipment. **SUMMARY:** As mandated by the Florida Legislature, the SOE converted to optical scan voting equipment in 2008. This conversion included printing ballots on demand for early and absentee voting. The Board entered into a four (4) year Agreement (through May 2012) with Runbeck, an Arizona company, to lease ballot printing equipment and to purchase ballot forms and supplies. The SOE has re-negotiated certain terms in this Agreement to include a fifth year at no charge and to decrease the "per ballot charge." Additionally, Runbeck will provide a credit of \$78,176 to be applied against future payments under this Agreement. The SOE anticipates the savings of this Amendment to be more than \$470,000. Countywide (LSJ)

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 August 2009. Countywide

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to receive and file: a report of plat recordations from July 1, through September 30, 2009. **SUMMARY:** This is a quarterly summary of subdivision plats recorded during the past fiscal quarter as required by the 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)
2. Staff recommends motion to adopt: a Resolution to temporarily designate State Road 7 (SR 7) Extension, Orange Grove Boulevard, and Persimmon Boulevard as No Through Truck routes. **SUMMARY:** The first phase of the SR 7 Extension terminates at Persimmon Boulevard and connects to Orange Grove Boulevard. Orange Grove and Persimmon Boulevards both go through residential neighborhoods that are maintained by the Indian Trail Improvement District and were not built to thoroughfare standards. The restriction on SR 7 Extension will be lifted when SR 7 Extension is built from Persimmon Boulevard to 60th Street North. Districts 2 & 6 (MRE)
3. **DELETED**

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

4. Staff recommends motion to approve:

A) an Agreement with Country Club Maintenance Association of Broken Sound in an amount not to exceed \$6,000 for replacing an irrigation system; and

B) a Budget Transfer of \$6,000 in the Transportation Improvement Fund from Reserve for District 4 to Broken Sound Irrigation System – District 4.

SUMMARY: Approval of the Agreement and Budget Transfer will provide funds to help pay for repairing and replacing the irrigation system due to construction on Jog Road from Yamato Road to Clint Moore Road. District 4 (MRE)

5. Staff recommends motion to:

A) adopt a Resolution authorizing the Subordination of a County Drainage Easement to the Florida Department of Transportation (FDOT); and

B) approve an Agreement for Subordination of County Drainage Easement with FDOT.

SUMMARY: Approval of this item will allow FDOT to complete right-of-way acquisition along State Road 708 (Blue Heron Boulevard) at the Congress Avenue intersection. District 7 (PFK)

6. Staff recommends motion to adopt: a Resolution vacating a portion of a 15 foot wide private drainage easement within a portion of Parcel "A", Oriole Jewish Center, as recorded in Plat Book 46, Page 73, Public Records of Palm Beach County, Florida.

SUMMARY: This petition site is located on the north side of West Atlantic Avenue, east of Hagen Ranch Road, and west of Cumberland Drive. The petitioner is requesting the vacation because the proposed new building will encroach into this drainage easement. District 5 (PK)

E. COMMUNITY SERVICES

1. **Staff recommends motion to:**

A) adopt a Resolution repealing and replacing Resolution R2006-1878 regarding the Head Start/Early Head Start (HS/EHS) Policy Council; and

B) approve Policy Council By-Laws.

SUMMARY: A modified Resolution is necessary to accommodate changes in the Head Start Act of December 2007. The Head Start Act of 2007 also requires that the Policy Council By-Laws are approved by the Board of County Commissioners. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. **Staff recommends motion to approve:** the following Delegate Agency Agreement Amendments to recognize American Recovery and Reinvestment Act (ARRA), Cost of Living Adjustment (COLA), and Quality Improvement (QI) funding for the period July 1, 2009, through September 30, 2010 totaling \$124,277 (\$84,277 COLA and \$40,000 QI):

A) Amendment No. 1 to Florence Fuller Child Development Centers, Inc. (R2009-1481) for \$29,142 (\$19,142 COLA; \$10,000 QI) and a new total not-to-exceed \$1,010,933;

B) Amendment No. 1 to Hispanic Human Resources Council, Inc. (R2009-1483) for \$42,127 (\$32,127 COLA; \$10,000 QI) and a new total not-to-exceed \$1,684,738;

C) Amendment No. 1 to The School Board of Palm Beach County (Delray Full Service Center) (R2009-1246) for \$32,701 (\$22,701 COLA; \$10,000 QI) and a new total not-to-exceed \$1,124,36; and

D) Amendment No. 1 to the YWCA of Palm Beach County, Inc. (R2009-1482) for \$20,307 (\$10,307 COLA; \$10,000 QI) and a new total not-to-exceed \$548,964.

SUMMARY: The Delegates will utilize ARRA COLA and QI awards to increase salary and fringe benefits and/or offset increased operating expenses and quality improvement activities as submitted in the funding application and approved by the Region IV Office of Head Start and the grantee. No new County funding is required (Head Start) Countywide (TKF)

3. **Staff recommends motion to:**

A) approve Application to the Early Learning Coalition of Palm Beach County requesting funding for the period December 1, 2009, through July 30, 2010, in an approximate amount of \$1,434,030 to provide Voluntary Pre-Kindergarten (VPK) services to 536 children for 540 hours per child/per year; and

B) authorize the County Administrator or his designee to sign related documents regarding the VPK program.

SUMMARY: The FY 2010 VPK Program will provide early childhood education services to 536 – four (4) year olds currently enrolled in ten (10) of the County's Head Start centers: Jupiter, Riviera Beach, West Palm Beach, Westgate, Boynton Beach, Delray Beach, Lake Worth, Pahokee, South Bay, and Belle Glade (Palm Glades). Due to the many documents required by the Grantor, the delegation of signing authority by the County Administrator or his designee is being requested to expedite signed documents getting to the Grantor. The VPK reimbursement rate is \$2,675.43 for 540 hours per child/per year. No County match is required. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. Staff recommends motion to approve: Head Start Contracted Services Agreements, for the period of October 1, 2009, through September 30, 2010, in an amount totaling \$422,454, as indicated below:

A) The King's Kids Early Learning Center, Inc., for 18 children for 208 days at a rate of \$22.57 per child/per day equaling \$84,502, with an additional \$7,500 for start-up expenses, for a total contract amount not-to-exceed \$92,002;

B) Tender Love and Care Child Development Center for 32 children for 208 days at a rate of \$22.57 per child/per day equaling \$150,226, with an additional \$15,000 for start-up expenses, for a total contract amount not to exceed \$165,226; and

C) Kid Kaleidoscope Center for Early Learning, Inc. for 32 children for 208 days at a rate of \$22.57 per child/per day equaling \$150,226, with an additional \$15,000 for start-up expenses, for a total contract amount not to exceed \$165,226.

SUMMARY: Head Start has received monies through the American Recovery and Reinvestment Act Head Start Expansion grant which is being used to provide Head Start services to 3 and 4 year old children. Since there are not sufficient County operated Head Start facilities to accommodate all 154 authorized slots for the children, agreements with the above listed child care providers are necessary to provide comprehensive Head Start services. Funding consists of \$337,963 in Federal funds (80%), and \$84,491 in County required match funds (20%). (Head Start) Countywide (TKF)

F. AIRPORTS

1. Staff recommends motion to adopt: a Resolution establishing a standard form Automobile Transport Operator Permit (Permit); authorizing the County Administrator or his designee to execute the standard form Permit; and becoming effective upon adoption. **SUMMARY:** The Resolution establishes a new standard form Permit for use with automobile transport operators at the Palm Beach International Airport (PBIA), and authorizes the County Administrator or his designee to execute the standard form Permit on behalf of the Board. Automobile transport operators engage in the business of transporting privately-owned vehicles to and from out-of-state locations. Because their customers often fly to and from out-of-state, it is convenient for automobile transport operators' customers to park at PBIA. Automobile transport operators will park their transport vehicles in a designated location on PBIA, pick up their customers' vehicles from the Park & Ride Lot and load the vehicles onto the transport vehicles at the designated location. Countywide (AH)
2. Staff recommends motion to adopt: a Resolution authorizing the County Administrator or his designee to execute a standard form Airport Facilities Use Agreement and becoming effective upon adoption. **SUMMARY:** The Resolution authorizes the County Administrator or his designee to execute a new standard form Airport Facilities Use Agreement (Agreement) for use of airline ticket counter and gate locations at the Palm Beach International Airport's (PBIA) passenger terminal on a per use basis. PBIA has charter operators desiring to use airport facilities at PBIA on a per use basis. Charter operators typically have flights at PBIA a few times a month. Charter operators have historically contracted with airlines that lease ticket counter space at PBIA to handle their charter operations. The Agreement will allow the County to grant charter operators and their service providers a license to use certain unoccupied airport facilities on an as-needed basis for individual flights. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. Staff recommends motion to receive and file: seven (7) original Agreements for the Department of Airports:

A) Agreement to Terminate Hangar Lease Agreement with Roger Breton, Unit 12, Building 11740 at North County Airport, terminating R2005-1697 on November 1, 2009;

B) Agreement to Terminate Hangar Lease Agreement with Lighthouse Systems, Inc., Unit 9, Building 11300 at North County Airport, terminating R2003-1637 on September 30, 2009;

C) Hangar Lease Agreement with Johanna Kyrklund, Unit 5, Building 11210, at North County General Aviation Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on October 21, 2009; terminating Hangar Lease Agreement with Robert C. Nevens, III, (R2003-2008) for Unit 14, Building 11220 at North County General Aviation Airport, same date;

D) Hangar Lease Agreement with N919CS, LLC, Unit 3, Building 11230, at North County General Aviation Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on November 1, 2009;

E) Third Amendment to Airlines Operating and Lease Agreement with Air Canada replacing Exhibit "B" showing baggage makeup area, effective October 19, 2009;

F) General Aeronautical Services Agreement with G2 Secure Staff, LLC, commencing October 1, 2009, terminating September 30, 2010, automatically extended on a year-to-year basis (10/1 through 9/30); and

G) Agreement for Rental Car Lease and Concession at Palm Beach International Airport with The Hertz Corporation 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 R93-801, R2004-1367, R2007-1968, R2008-1845 and R2009-0974. Countywide (AH)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve:

A) a FY 2009 Budget Transfer of \$1,339,770 within the General Fund to reallocate budget between departments;

B) a FY 2009 Budget Transfer of \$1,400,060 from the Fire Rescue Impact Fees Fund to the Public Building Improvement Fund; and

C) a FY 2009 Budget Transfer of \$698,104 from the Fire Rescue Improvement Fund to the Public Building Improvement Fund.

SUMMARY: A budget reallocation of \$1,339,770 in the General Fund is necessary to increase budget for electric utility (\$800,000), water utility (\$200,000), and communication costs (\$300,000). Year-end budget adjustments of \$39,770 are being made in Commission District offices to cover employee leave payouts due to staff turnover and health insurance costs. Funds are available from the Parks and Recreation and Facilities department budgets in the General Fund to cover these adjustments. A reallocation of \$2,098,164: \$1,400,060 in the Fire Rescue Impact Fee Fund and \$698,104 in the Fire Rescue Improvement Fund is necessary to cover the accounting entry required to account for the transfer of land from the Public Improvement Fund to Fire Rescue. Funds are available from the Fire Rescue Capital department. Countywide (PK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: an Interlocal Agreement with the Village of

North Palm Beach (Village) for the provision of radio maintenance services. **SUMMARY:** This Agreement provides for the provision of radio equipment (subscriber units and consoles) maintenance services to the Village by FDO/Electronic Services and Security. The services are to be charged on an hourly basis at a cost of \$65/hr/person and \$97.50/hr/person for overtime work. In the event that the County must out-source the labor, a separate labor rate is provided. The maintenance costs for the radio consoles are provided on a lump sum basis pursuant to the County's agreement with Motorola. The rates may be adjusted annually with notification by June 1st (effective that October 1st) at the County' sole discretion, but in no event shall the Village's fee schedule exceed the fee schedule applied to County departments. The term of the Agreement is for three (3) years with one (1) – three (3) year renewal. The Agreement may be terminated by either party, with or without cause with a minimum of three (3) months notice. No additional personnel will be required within FDO/ESS to perform these services. (ESS) District 1 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve: a Second Amendment to the Agreement (R2003-1066) with Columbia JFK Medical Center, L.P. (Hospital) allowing for interoperable communications through the countywide and emergency medical services (EMS) common groups of the County's 800MHz Radio System. **SUMMARY:** The Agreement which provides the terms and conditions under which the Hospital can program into its radios and utilize the countywide and EMS common talk groups for certain types of inter-agency communications expired on July 15, 2009. Due to administrative personnel changes, this Amendment was not processed timely. The Hospital has conducted its operation in accordance with the terms of the Agreement. As such, staff is recommending that the Board proceed with the renewal retroactive to July 15, 2009. The Agreement provided for three (3) – three (3) year renewals but renewals require approval by both parties. The Hospital has approved a renewal to extend the term of the agreement until July 14, 2012. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to hospitals and other EMS providers. There are no charges associated with this Agreement. The Hospital is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. (ESS) Countywide (JM)

3. Staff recommends motion to approve: a Utility Easement Agreement in favor of Florida Power & Light Company (FPL) for electrical service to power street lights along the extension road within South County Regional Park-Parcel A. **SUMMARY:** The County is currently developing Parcel A of South County Regional Park in unincorporated Boca Raton. FPL requires a utility easement for the installation of underground power lines and a pad mounted transformer near the amphitheater located along the Park extension road. The easement area is 10' wide and covers an area of approximately 2,445 square feet. This is a perpetual non-exclusive easement and is being granted to FPL at no charge, as it will provide electrical services to power street lights along the Park extension road. (PREM) District 5 (HJF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2008-1482) with the City of Delray Beach, to extend the expiration date from August 15, 2009, to February 15, 2010. **SUMMARY:** This Amendment provides an extension of six (6) months to the term of the existing Agreement for the implementation of a housing rehabilitation program as funded through the 2005 Disaster Recovery Initiative Program. **These are Federal Community Development Block Grant funds that require no local match.** District 7 (TKF)

2. Staff recommends motion to approve: Amendment No. 002 to an Agreement (R2008 -1483) with the City of West Palm Beach to extend the expiration date from August 15, 2009, to February 15, 2010. **SUMMARY:** This Amendment provides an extension of six (6) months to the term of the existing Agreement for the implementation of a housing rehabilitation program as funded through the 2005 Disaster Recovery Initiative Program. **These are Federal Community Development Block Grant funds that require no local match.** Districts 2 & 7 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

3. **Staff recommends motion to approve:** Amendment No. 002 to an Agreement (R2009-0309) with We Help Community Development Corporation to extend the expiration date from August 15, 2009, to February 15, 2010. **SUMMARY:** This Amendment provides an extension of six (6) months to the term of the existing Agreement for the implementation of a housing rehabilitation program as funded through the 2005 Disaster Recovery Initiative Program. **These are Federal Community Development Block Grant funds that require no local match.** District 6 (TKF)

4. **Staff recommends motion to approve:** Amendment No. 001 to an Agreement (R2009-0998) with NOAH Development Corporation to extend the expiration date from August 15, 2009, to February 15, 2010. **SUMMARY:** This Agreement provides NOAH Development Corporation, \$1,500,000 in 2005 Disaster Recovery Initiative Program funds for hurricane hardening improvements at their Covenant Villas and South Bay Villas properties. The Amendment provides an extension of six (6) months to the term of the existing Agreement due to delays caused by a change in the project location. **These are Federal Community Development Block Grant funds that require no local match.** District 6 (TKF)

K. WATER UTILITIES

1. **Staff recommends motion to approve:** a unit price Contract with Rangeline Tapping Services, Inc. for 24 month term with the option of three (3) - 12 month renewals in a cumulative amount not to exceed \$2,702,279. **SUMMARY:** On September 17, 2009, three (3) bids were received for the Water Utilities Department Pipe Wet Tapping & Line Stopping Continuing Contract. Rangeline Tapping Services, Inc., a Palm Beach County Company, is the lowest responsible and responsive bidder. This Contract will be used to expedite the installation of pipe wet taps and line stops for emergency pipe repairs, pipe and valve replacements and construction projects throughout the County's service area. Contract award is for the base contract only, and the contract by itself does not guarantee nor authorize Rangeline Tapping Services, Inc. to perform any work. Work will be assigned during the 24 month contract period by formal work authorizations drawn against this Contract, with approvals pursuant to Policy & Procedure Manual (PPM) CW-F-050 and requirements for any federally funded projects. The unit prices for labor and materials contained in this Contract will be used in determining the cost of work authorizations. Supplements to work authorizations for changes that occur during construction will be subject to the change order limits for construction contracts as established under PPM No. CW-F-050 with each work authorization considered as an individual construction contract. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. This Contract with Rangeline Tapping Services, Inc. provides for SBE participation of 100% overall. (WUD Project No. 08-019) Districts 1, 2, 3, 5 & 6 (JM)

2. **Staff recommends motion to approve:** a Partial Release of Utility Easement on land owned by New Country Motor Cars of Palm Beach, LLC. **SUMMARY:** This document will release the County's interest in a portion of a utility easement recorded in the Official Records of Palm Beach County in Book 22933, Page 0956 on land owned by New Country Motor Cars of Palm Beach, LLC. During construction of a new building an error occurred and a portion of the building was placed on part of the existing easement. The Water Utilities Department has determined that portion of this easement is no longer needed, and therefore recommends the release. District 2 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. **Staff recommends motion to approve:** Work Authorization No. 20 to the Optimization and Improvements Design/Build Services with Globaltech, Inc. (R2008-2323) for the Water Treatment Plant No. 8 Ferric Chloride System in the amount of \$352,365. **SUMMARY:** On December 16, 2008, the Board of County Commissioners approved the Water Utilities Department Optimization and Improvements Design/Build Services Contract with Globaltech, Inc. for treatment plant and regional pump station projects. This Work Authorization is a guaranteed maximum price for the construction of the Water Treatment Plant No. 8 Ferric Chloride System Project. Ferric chloride improves the lime softening process and was implemented at Water Treatment Plant No. 8 using a temporary leased system. This Work Authorization is for construction of a permanent ferric chloride system. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Globaltech, Inc. provides for SBE participation of 75.00% overall. This authorization includes 79.48% overall participation. The cumulative SBE participation, including this work authorization, is 74.15% overall. (WUD Project No. 07-114) District 2 (JM)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **DELETED**
2. **Staff recommends motion to approve:** Work Supplement No. 1666-03B to Palm Beach County Annual Dune & Wetlands Restoration Project No. 2008ERM02 (R2008-1666) with Eastman Aggregate Enterprises, LLC (Eastman), a Palm Beach County company, in the amount of \$293,725.25 and 35 days to provide additional services and time for the completion of the Ibis Isle Restoration Project (R2009-1005). **SUMMARY:** Work Supplement No. 1666-03B will authorize Eastman to haul and place additional sand to cap muck sediments at the Ibis Isle Restoration Project (R2009-1005). The Work Supplement is funded by the South Florida Water Management District (R2007-1345) and Manatee Protection Program funds. Eastman's Small Business Enterprise (SBE) participation on this Work Supplement is 3.05%. Their SBE contract goal is 16.14%. Eastman's SBE participation to-date is 20.31%. District 7 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to:

A) authorize the Chairman of the Board of County Commissioners to execute a State of Florida Department of Transportation Local Agency Program Agreement (Agreement) in an amount not to exceed \$750,000 for reimbursement of construction costs of Historic Jupiter-Indiantown Trail from Mack Dairy Road to Indiantown Road (FM No. 425259-1-58-01) under terms and conditions that do not substantially deviate from those of the draft document;

B) approve Budget Amendment of \$750,000 in the Environmental Capital Projects Fund to recognize the Agreement funding; and

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

SUMMARY: The Agreement will encumber \$750,000 in Florida Stimulus Scenic Enhancement funds from the American Recovery and Reinvestment Act to reimburse the cost of constructing the bicycle/pedestrian portion of the Northeast Everglades Natural Area Historic Jupiter-Indiantown Trail north of Indiantown Road within the County's Cypress Creek Natural Area. The project includes an approximately 2.3 mile-long, ten-foot wide cemented Coquina path, a chickee shade shelter, wetland overlook, bicycle racks and informational signs. No County match is required. The path provides access to hiking trails within the natural area. The Agreement will expire December 31, 2010. Specific federal requirements for contract bidding and job reporting apply. Authorization for the Chairman to execute the document is being sought due to the time constraints on receipt of the final document and when it must be returned for execution by the State. District 1 (SF)

4. Staff recommends motion to approve:

A) Change Order No. 2 to Winding Waters Natural Area Wetland Creation Contract (R2009-0320) with J.W. Cheatham, LLC (Cheatham), to increase the Contract Amount by \$1,041,338.50;

B) Budget Transfer of \$700,000 from the Natural Areas Fund Reserves to the Capital Outlay Fund; and

C) Budget Amendment of \$700,000 in the Capital Outlay Fund to recognize the transfer from the Natural Areas Fund to provide additional funding for the Contract.

SUMMARY: As a result of recent permit authorization, realignment of local agency canals and construction of water management structures to serve the Winding Waters Natural Area may now commence. Cheatham, a Palm Beach County company, will incorporate the additional work on the site into the existing work schedule. This work is being assigned to Cheatham in order to meet restrictive USDA/Natural Resources Conservation Service (NRCS) grant deadlines. The additional work includes items that were competitively bid in the Contract as alternate bid items and unit prices. Additional Small Business Enterprise participation is anticipated and will remain above 16%. This Change Order will increase the Contract amount to \$6,533,262.10. The work is funded by the Natural Areas Fund and the NRCS Grant (R2007-1221) (Non-Ad Valorem sources). District 7 (JM)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. **Staff recommends motion to approve:** Second Amendment to Agreement (R2007-1152), as amended, with the City of Belle Glade for Airport Park improvements to extend the project completion date from March 30, 2009, to June 30, 2009, and the reimbursement submission date from June 30, 2009, to October 31, 2009. **SUMMARY:** This Amendment extends the project completion and reimbursement submission dates for the Airport Park improvements project in order to accommodate completion of reimbursement paperwork for this completed project. Project funding in an amount not-to-exceed \$200,000 was previously approved for this project from the Recreation Assistance Program - District 6 and the Office of Community Revitalization (OCR) Department's Capital Outlay Fund. District 6 (AH)

2. **Staff recommends motion to receive and file:** executed Independent Contractor Agreements received during the months of September and October:
 - A) Michelle Kirkon, Read a Recipe Instructor, Westgate Recreation Center;
 - B) Michelle Kirkon, Read a Recipe Instructor, West Jupiter Recreation Center; and
 - C) Oswaldo Quevedo, Competitive Head Swim Coach, Aqua Crest Pool.**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 & 7 (AH)

3. **Staff recommends motion to approve:** Use Agreement with South Florida Water Management District for temporary parking at Lake Lytal Park from November 17, 2009, through November 16, 2010. **SUMMARY:** This Agreement will allow South Florida Water Management District (SFWMD) to temporarily utilize up to 75 parking spaces at Lake Lytal Park while construction of a new generator building is taking place at its nearby administrative headquarters complex. Use will be limited to employees and visitors for the parking of personal automobiles between the hours of 7:00 a.m. and 5:00 p.m. excluding weekends and County holidays. It is anticipated that the temporary parking will only be needed by SFWMD for six (6) months or less, however, the Agreement is written for one (1) year in case of construction delays. When construction of the generator building is complete, the Agreement allows for the termination of use. District 2 (AH)

4. **Staff recommends motion to approve:** Budget Transfer of \$200,000 within the \$25M General Obligation Parks and Cultural Improvements Bond Fund - 2005 from John Prince Park Tennis Court Lighting to Recreational Sport Lighting. **SUMMARY:** On October 20, 2009, the Board approved the United States Department of Energy's Energy Efficiency and Conservation Block Grant (EECBG) Program Assistance Agreement totaling \$6,587,600 for nine (9) project activities. One of the project activities includes recreational sports lighting. This specific project activity consists of the installation of green generation lighting systems at John Prince, Okeehelie and Lake Lytal Parks. The estimated cost of the recreational sports lighting project activity is \$1,325,000. The EECBG grant will provide \$1,125,000 of the project cost. This Budget Transfer is necessary to fund the \$200,000 match proposed in the grant application. The period of performance for the project activities is August 31, 2009, through August 30, 2012. Districts 2, 3 & 6 (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. **Staff recommends motion to approve:** the Second Amendment to the Agreement for services with the Office of the Public Defender extending the agreement through September 30, 2010 for the Ex-Offender Re-entry Program not to exceed \$7,000. **SUMMARY:** The funds will be used to extend the agreement (R2008-0444; dated March 11, 2008) for the Ex-Offender Re-entry Program administered by the Public Defender's Office to purchase Florida identification cards and necessary support documentation required by the Department of Highway Safety and Motor Vehicles for inmates about to be released from the county and state correctional facilities. The lack of identification creates a barrier to accessing other services upon release and increases the chances of an individual re-offending and returning to the criminal justice system. Countywide (DW)

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

A) an Interlocal Agreement for \$164,000 with the Palm Beach County Sheriff's Office to implement the Strategically Targeting Online Predators Initiative for the period of October 1, 2009, to September 30, 2010;

B) a Budget Transfer of \$164,000 in the Local Law Enforcement Block Grant – American Recovery and Reinvestment Act Fund from operating reserves to the Sheriff's Grant Fund; and

C) a Budget Amendment of \$164,000 in the Sheriff's Grant Fund to establish budget for the project.

SUMMARY: Palm Beach County has received a direct award of \$1,246,822 as part of the FY 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation application. This award was received and filed by the Board of County Commissioners on October 6, 2009 as R2009-1700. The Palm Beach County Sheriff's Office Strategically Targeting Online Predators Initiative will receive \$164,000. There is no requirement for match with the JAG funds. Countywide (DW)

S. FIRE RESCUE

1. **Staff recommends motion to approve and ratify:** a Side Agreement amending Article 21-Overtime, 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, October 1, 2008, through September 30, 2011 (R2008-2254). This Side Agreement addresses changes to Article 21 regarding special event compensation, developed jointly by Fire Rescue staff and Union leadership. The County will pay the Union two dollars (\$2) for each employee hour billed to the Requesting Agency for permitted special events to compensate them for administrative functions relating to the scheduling and coordination of special event coverage by off-duty Fire Rescue personnel. The additional fee will be added to the hourly rate charged to the agency requesting special fire rescue services. Countywide (SB)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE (Cont'd)

2. Staff recommends motion to approve: an Agreement with Bar Education, Inc., d/b/a Keiser Career College, for clinical field experience for the period November 21, 2009, through September 30, 2012. **SUMMARY:** This Agreement allows Palm Beach County Fire Rescue to provide clinical field experience to Paramedic and EMT students of the Keiser Career College. Paramedic and EMT students will respond with County paramedics to observe and assist in delivering emergency medical care under actual emergency conditions. This clinical field experience is a component of the Paramedic and EMT training required for State certification, and will enhance the available job pool of qualified personnel. Countywide (SB)

U. INFORMATION SYSTEM SERVICES

1. Staff recommends motion to:

A) approve Amendment No. 2 to Contract with Surdex Corporation (R2006-2516) to extend the term of the contract to November 21, 2010;

B) approve Amendment No. 2 to Contract with BAE Systems NSS Inc., (R2006-2517) to extend the term of the contract to November 21, 2010;

C) approve Amendment No. 2 to Contract with Woolpert, Inc. (R2006-2518) to extend the term of the contract to November 21, 2010; and

D) receive and file BAE Systems Task Order No. 3.

SUMMARY: Three (3) firms were selected using the Consultant Competitive Negotiations Act process, contracted on November 21, 2006 to perform digital ortho photography and planimetric mapping for the County (R2006-2516, R2006-2517, and R2006-2518). These Amendments exercise the second of three (3) – one (1) year renewal options set forth in the original contracts. No additional costs are associated with these amendments. BAE Systems Task Order No. 3, which was under \$100,000 and previously executed is submitted for receive and file purposes. Countywide (PK)

2. Staff recommends motion to approve: Eleventh Amendment to Contract with CGI-AMS (formerly named American Management Systems, Inc.) (R2002-1782), to extend the ending date from December 31, 2009, to December 30, 2010, at no additional cost to the County. **SUMMARY:** The Eleventh Amendment is an extension to allow additional time for completion of the deliverables specified in the original contract, including Vendor Self Service and Modification No. 11. GCI-AMS is not a Palm Beach County, nor a Florida-based business. Countywide (PK)

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: an Interlocal Agreement with the Town of Mangonia Park pertaining to the use of the Geographic-based Alert and Notification System (“Dialogic”). **SUMMARY:** On August 16, 2005, the Board of County Commissioners approved Agenda Item 3.X.1. (R2006-0799) which authorizes the County Administrator, or his designee, to sign Dialogic agreements with municipalities on behalf of the Board of County Commissioners utilizing a standard agreement format authorizing municipal access to the County’s Geographic-based Alert and Notification System. Countywide (GB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to:

A) approve the following contracts with agencies to provide drug treatment and testing services to individuals referred by the Drug Court, in a cumulative amount not to exceed \$556,916 for the period October 1, 2009, to September 30, 2010:

- 1) Drug Abuse Foundation of Palm Beach County, in the amount of \$66,140;
- 2) Comprehensive Alcoholism Rehabilitation Programs, Inc. in the amount of \$127,280;
- 3) Counseling Services of Lake Worth, Inc. in the amount of \$106,143.50;
- 4) Drug Testing and Counseling Services in the amount of \$229,102.50;
- 5) South County Mental Health Center in the amount of \$28,250; and

B) authorize the County Administrator or his designee to execute amendments to these contracts on behalf of the Board of County Commissioners to adjust the not to exceed amounts as long as the cumulative total does not exceed \$556,916.

SUMMARY: These contracts with Palm Beach County companies provide continuation of the drug treatment and testing services provided to individuals referred by the Drug Court. Funding for these contracts will be provided by the American Recovery & Reinvestment Act Byrne Grant (\$163,000), Office Justice Programs Grant (\$106,515), Crime Prevention Fund (\$137,401), and user fees collected from the participants (\$150,000). Countywide (GB)

AA. PALM TRAN

1. Staff recommends motion to authorize:

A) the submission of the Trademark/Service Mark Application by the Executive Director of Palm Tran to the State of Florida, Division of Corporations to register the name "Palm Tran", the Palm Tree design, and the Palm Tran Logo with the State; and

B) the Executive Director or his designee to provide such further information, forms, and revisions thereto as may be needed to perfect and maintain the Palm Tran name, Palm Tree design, and Logo as Trade/Service marks.

SUMMARY: The name Palm Tran, the associated Palm Tree design, and combined logo, has been used to identify the County Surface Transportation Division's activities since 1993. This action will re-register the name, palm tree design and logo with the State of Florida, in order to prevent its use by others in the transportation industry. Countywide (DR)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF

1. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office a National Institute of Justice Forensic FY 2009 DNA Backlog Reduction Program grant in the amount of \$427,775 for the period October 1, 2009, through March 31, 2011; and

B) approve a Budget Amendment of \$427,775 in the Sheriff's Grants Fund.

SUMMARY: On September 23, 2009, the Palm Beach County Sheriff's Office (PBSO) received an award for the Forensic DNA Backlog Reduction Program. The Forensic Biology Unit (FBU) of PBSO accepts casework evidence from over 29 law enforcement agencies including the Medical Examiner's Office. These funds will be used to continue to pay the salary and benefits of two (2) 2008 backlog reduction full-time entry level Forensic Scientists and for equipment, supplies, and consulting fees. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

2. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office a Victim of Crime Act (VOCA) Agreement with the State of Florida, Office of the Attorney General in the amount of \$48,939 for the period October 1, 2009, through September 30, 2010; and

B) approve a Budget Amendment of \$48,939 in the Sheriff's Grants Fund.

SUMMARY: On September 11, 2009, the Palm Beach County Sheriff's Office (PBSO) received a VOCA grant. These funds will be used to continue to allow for a victim advocate allocation to concentrate on the victim population in Palm Beach County. This position will continue to coordinate services with PBSO officers and other municipal agencies to offer crisis intervention, lethality assessments and safety plans. The PBSO will be reimbursed for personnel expenses totaling \$48,939. The required match is 20%; the PBSO will provide a match in the amount of \$12,235, through its approved operating budget, in order to cover the remaining entire salary and benefits package of the Domestic Violence Advocate. No additional positions are needed and no additional County funds are required. Countywide (DW)

3. Staff recommends motion to receive and file: Grant Adjustment Notice extending the Florida Department of Law Enforcement's State Homeland Security grant period from November 30, 2009, to December 31, 2009. **SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$42,455 on May 6, 2008; the original period for this grant was January 1, 2008, through September 30, 2008 (R2008-0812). On October 21, 2008, the BCC received and filed an agenda item extending the grant period from September 30, 2008, through March 31, 2009 (R2008-1955). On April 7, 2009, the BCC received and filed an agenda item extending the grant period from March 31, 2009, through November 30, 2009 (R2009-0596). This agenda item will extend the grant period from November 30, 2009, to December 31, 2009. The Palm Beach County Sheriff's Office (PBSO) received this award from the Florida Department of Law Enforcement (FDLE) to purchase equipment and supplies to implement Florida's Domestic Security Strategic Plan. These funds and related equipment, which have been approved by FDLE for purchase, will be used to enhance the region's and the State of Florida's SWAT and EOD capability and capacity to prevent and respond to Weapons of Mass Destruction Chemical, Biological, Radiological/Nuclear, and Explosive threats and attacks through updated technologies and equipment. The PBSO has been given an extension to allow the grant funds to be fully expended. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF (Cont'd)

4. Staff recommends motion to approve: a Budget Transfer of \$201,257 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff's Office (PBSO). **SUMMARY:** Florida Statute 932.7055 requires that no less than 15% of the LETf's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2010 estimated donation requirement will not be finalized until year-end close-out. The funds are requested to aid qualified organizations that meet the requirements set forth in F.S. 932.7055. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The current State LETf balance is \$1,773,661. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,572,404. The year-to-date transfer for all donations after approval of this item is \$201,257. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective agency. No new positions are needed and no additional County funds are required. Countywide (DW)

<u>Organization</u>	<u>Amount</u>
Boys & Girls Club of Palm Beach County, Inc.	\$ 25,412
Crime Stoppers of Palm Beach County, Inc.	\$ 35,000
Girl Scouts of Southeast Florida, Inc.	\$ 10,000
Gratitude House, Inc.	\$ 25,000
Humane Society of Greater Jupiter Tequesta, Inc.	\$ 25,000
Lake Worth High School Criminal Justice Academy	\$ 5,000
Palms West Community Foundation, Inc.	\$ 7,500
Project Lifesaver of Palm Beach County, Inc.	\$ 18,345
Take Stock in Children, Inc.	<u>\$ 50,000</u>
Total Amount of Donations	\$201,257

CC. SUPERVISOR OF ELECTIONS

1. Staff recommends motion to approve: Precinct boundary changes submitted by Susan Bucher, Supervisor of Elections, as required by Section 101.001 (1), Florida Statutes. **SUMMARY:** Precinct boundary changes as indicated. Countywide (LSJ)

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4. 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, amending Ordinance No. 07-003, as amended by Ordinance 09-004, providing a revised schedule of rates and Equivalent Residential Irrigation Connection (ERIC) values for reclaimed water services; providing for repeal of laws in conflict; providing for severability; providing for captions, and providing for an effective date. **SUMMARY:** On March 17, 2009, the Board of County Commissioners approved an ordinance (Ordinance No. 2009-004) which revised potable water, wastewater, and reclaimed water rates and charges effective May 1, 2009, including a new rate structure for reclaimed water service. Previously, reclaimed water customers paid no connection fees. Under the revised rates, new reclaimed water customers are required to pay connection fees, but pay lower monthly base facility fees than the existing customer who has not paid connection fees. Base facility fees are established by meter size and have historically been based on 750 gallons of usage per day for each ERIC. The increased emphasis on monthly base facility charges and water restrictions imposed by the South Florida Water Management District have caused significant changes in reclaimed water usage patterns. It has also resulted in much larger than expected increases in reclaimed water charges to large reclaimed water users. The Water Utilities Department (Department) has asked its rate consultants to review the rates and usage patterns, and the consultants' recommendation is to reduce the non-residential monthly base facility fees for reclaimed water by approximately 29% due to a revision in the ERIC value from 750 gallons per day to 1,050 gallons per day. The Department is recommending that the rates be revised and that the revised ERIC values and associated rates be retroactive to May 1, 2009, based on the updated information. The commodity rate will remain the same at \$0.21 per 1,000 gallons. Countywide (MJ)

B. **Staff recommends motion to:**

A) adopt a Resolution confirming the special assessment process for the Evergreen Drive Water Main Extension; and

B) approve a Work Authorization No. 1 to Sheltra & Son Construction Co., Inc., under the Water Utilities Department (WUD) Continuing Construction Contract (R2009-0944) in the amount of \$32,698.25

SUMMARY: Petitions in favor of the installation of a potable water main have been provided by 100% of the westerly three (3) affected property owners on Evergreen Drive located in The Town of Lake Clarke Shores. The project will serve three (3) residential properties currently on private wells. Individual assessments of \$90.35 per front foot are based on 100% of the assessable cost and may be paid over 20 years with equal annual payments of principal and 6½% interest. The total project cost is \$35,372.03 and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration and construction contingency. The project will be constructed utilizing a Work Authorization under the WUD Continuing Construction Contract with Sheltra & Son Construction Co., Inc. (R2009-0944). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. The contract with Sheltra & Son Construction Co., Inc. provides for SBE participation of 15.62%. This Authorization includes 15.96% overall participation. The cumulative SBE participation is 15.96% overall. (WUD Project No. 06-011) District 3 (MJ)

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

C. Staff recommends motion to:

A) determine that Palm Beach County (County) has adhered to and implemented its Five Year Road Program based on substantial evidence that the funding for the current fiscal year and the addition of the new fifth year are as contemplated in the Comprehensive Plan and that fewer than 20% of the FY 2008 construction projects are more than 12 months behind schedule as defined in Attachment "1" of the Agenda Item;

B) approve delaying construction of Jog Road (Roebuck Road to south of 45th Street); Okeechobee Boulevard (Australian Avenue to Tamarind Avenue/Parker Avenue); Roebuck Road (State Road 7 to Jog Road); and Silver Beach Road (east of Congress Avenue to Old Dixie Highway) based on the Findings of Fact presented by staff, as defined in Attachment "2" of the Agenda Item; and

C) adopt an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five Year Road Program; providing for title; purpose; adoption of revised Five Year Road Plan and revised list of projects contained in Exhibit "A"; implementation of the plan; modification of plan; funding of other roadway improvements, interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date.

SUMMARY: In accordance with Traffic Performance Standards, Article 12, Chapter N, Section 5 of the present Unified Land Development Code requires that concurrent with the adoption of the annual Five Year Road Program, the Board of County Commissioners (Board) must determine that the Findings of Fact have been made. The Findings of Fact have been made and are defined in Attachment "1" of the Agenda Item.

In accordance with Article 12.N.4.B of the Unified Land Development Code, and prior to the deletion/delay of any construction project from the County's Five Year Road Program, the Board must determine that the Findings of Fact have been made. The Findings of Fact have been made and are defined in Attachment "2" of the Agenda Item.

This is the annual update of the County's Five Year Road Plan which is required to be considered each year by the Five Year Road Program Ordinance. On November 3, 2009, the Board approved this Ordinance on preliminary reading. Exhibit "A" to the Ordinance contains the road projects to be undertaken by the County in the next five (5) years. Countywide (MRE)

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5. REGULAR AGENDA

A. ADMINISTRATION

TIME CERTAIN 11:00 A.M.

1. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners 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 Board of County Commissioners (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 may be 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)

B. COMMUNITY SERVICES

1. **Staff recommends motion to:**
 - A) receive and file** American Recovery and Reinvestment Act (ARRA) Head Start Expansion grant for the period of September 30, 2009, through September 29, 2010, in the amount of \$924,226;
 - B) approve** Budget Amendment of \$924,226 in the Head Start Fund to establish grant budget; and
 - C) approve** eight (8) new grant-funded positions.

SUMMARY: The ARRA Head Start Expansion grant application approved by the Board of County Commissioners on September 15, 2009 (R2009-1494) was submitted to the Department of Health and Human Services. The grant has been awarded to serve 154 additional 3 and 4 year old children and their families for the project period of September 30, 2009, through September 29, 2011. The eight (8) additional positions consisting of four (4) Family Services Specialist I positions Pay Grade 18 (4 FTE), one (1) Curriculum Specialist Pay Grade 24 (1 FTE), one (1) Fiscal Specialist I position Pay Grade 15 (.5 FTE), one (1) Clerical Specialist position Pay Grade 12 (.5 FTE) and one (1) Head Start Training Specialist position Pay Grade 26 (.5 FTE) will ensure Head Start's capability to carry out the additional responsibilities associated with the program goals. Contracts and services to the 154 children to be served under this grant will be discontinued and grant funded positions will be eliminated September 29, 2011, unless other sources of funding are received. A Budget Amendment is needed to establish the ARRA Head Start Expansion budget. Non- federal match of \$231,057 will be provided as follows: \$28,610 in in-kind by the Children's Services Council and the Cooperative Extension Service, and \$202,447 in County cash match from present overmatch; thus requiring no new County dollars. Services will be provided through child care provider agreements with community child care agencies. (Head Start) Countywide (TKF)

5. REGULAR AGENDA

C. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** a Settlement in the amount of \$339,365, including attorney's fees and all reasonable expert fees and costs for Parcel 15 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 \$339,365, including attorney's fees and reasonable expert fees and costs, subject to the approval of the Board of County Commissioners, for Parcel 15, which is five (5) acres of vacant land in the Indian Lake Estates subdivision. The experts for the County and property owner agree 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 \$225,000 as its initial good faith deposit and estimate of value. The property owner's appraiser opined that the value of the subject property was \$400,000. 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 \$16,365 for all reasonable expert fees and costs. Therefore, payment of an additional \$114,365 would constitute full and final settlement of this case in its entirety, including all fees and costs. District 1 (PM)

2. **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 through the date of deposit 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. COUNTY ATTORNEY (Cont'd)

3. **Staff recommends motion to approve:** Stipulated Settlement Agreement with the Department of Community Affairs (DCA), the City of West Palm Beach, and the Village of Royal Palm Beach in the case of Village of Royal Palm Beach et. al. v. City of West Palm Beach, Case Nos.: 09-1605 GM and 09-1606 GM (Roebuck Road Amendment). **SUMMARY:** The City of West Palm Beach adopted Ordinance 4179-08, as part of its 08-2.01 Round of Comprehensive Plan Amendments on December 15, 2008, which provided for a notation to the City's Appendix A "List of Required Thoroughfare Right-of-Way Setbacks and Required Street Widths (number of lanes)" to its Transportation Element. The notation stated that the City included the Roebuck Road extension, the S.R. 7 extension, and the Jog Road extension in the Appendix solely for the purpose of consistency with Palm Beach County's Comprehensive Plan, and stated that the City intends to challenge the roads on environmental grounds. The DCA filed a Notice of Intent to find the Comprehensive Plan Amendment "in compliance" on March 5, 2008. The Village of Royal Palm Beach and the County initiated the above-styled formal administrative proceeding challenging the Amendment as unsupported by data and analysis and contrary to development already approved by the City. Staff engaged in tentative settlement negotiations with the DCA and the parties have drafted a Stipulated Settlement Agreement, which provides for amendment to the notation acknowledging that the identified roads cannot be removed from the City's Plan without a comprehensive plan amendment and committing to the removal of the notation once environmental challenges over the roads are resolved. District 2 (ATP)

D. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve and authorize:** a License Agreement on with Whipoorwill Homeowners Association on Dillman Road to allow a card reader to remain within the public right-of-way, until such time as that portion of Dillman Road is abandoned. **SUMMARY:** The card reader for the gate that was constructed on Dillman Road was incorrectly placed on that portion of Dillman Road maintained by Palm Beach County. Until such time as that portion of Dillman Road is made private, staff is recommending that a License Agreement be executed so the homeowners can utilize the gate. District 6 (PK)

5. REGULAR AGENDA

E. PARKS AND RECREATION

1. Staff recommends motion to:

A) reallocate \$250,000 in project funding within the 2002 \$50 Million Recreational and Cultural Facilities Bond referendum from South Florida Science Museum, Inc. for the DeKelbourn Science Center project to Palm Beach County for Okeehetee South Park improvements; and

B) approve Budget Transfer of \$250,000 within the \$25M General Obligation Parks and Cultural Improvements Bond Fund - 2005 from Reserves for South Florida Science Museum to Okeehetee South Park Development Phase III.

SUMMARY: The County has not entered into a Bond funding Agreement with South Florida Science Museum, Inc. for the proposed DeKelbourn Science Center due to the lack of a viable project to date. Out of the original \$4,000,000 from the Bond originally allocated to this project, \$1,000,000 was previously reallocated by the Board to a future County park project at Gramercy Park. The District 2 Commissioner has now requested that \$250,000 of the remaining \$3,000,000 be redirected to the County for Okeehetee South Park improvements. District 2 (PK)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to adopt: Resolution approving a revised Schedule of Fees for the Department of Environmental Resources Management (ERM), modifying and eliminating fees to be charged for permit and approval applications and related services provided for by the Unified Land Development Code and the Palm Beach County Code, modifying the environmental plan review fee established by R1994-1052 and incorporating the fee into the Resolution. **SUMMARY:** The Resolution is a five (5) year update of the existing Schedule of Fees (last adopted on November 16, 2004) to more closely reflect the costs of services provided by ERM. The fees are modified to partially offset administrative costs, to reflect code changes to the Unified Land Development Code, Article 14.C.: Vegetation Protection and Preservation, and to incorporate and increase ERM's fee for building permit plan review. The Resolution does not create any new fees and eliminates seven (7) fees. The fees provided for in the Resolution are expected to generate an additional \$23,441 in revenue annually to offset the cost of services. Countywide (SF)

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6. BOARD APPOINTMENTS

A. **PLANNING, ZONING AND BUILDING**
(Construction Industry Licensing Board)

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

A) appointment of three (3) new members to the Construction Industry Licensing Board:

<u>Appoint</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Term</u>	<u>Nominated by</u>
Susan Stokes	1	HARV Contractor	11/17/09-9/30/12	Comm. Marcus Comm. Koons Comm. Taylor
Stanley Goodman	14	Consumer Member	11/17/09-9/30/12	Comm. Abrams
Christine Hoke	15	Consumer Member	11/17/09-9/30/11	Comm. Marcus Comm. Koons

B) reappointment of two (2) members to the Construction Industry Licensing Board:

<u>Reappoint</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Term</u>	<u>Nominated by</u>
Bruce Malasky	6	Residential Contractor	11/17/09-9/30/12	Comm. Marcus Comm. Koons
Alvin Cohen	13	Consumer Member	11/17/09-9/30/12	Comm. Marcus Comm. Koons

SUMMARY: The Construction Industry Licensing Board was established by Special Act, Chapter 67-1876, Laws of Florida as amended. The Special Act sets forth the membership of the Board, which consists of two (2) general contractors, one (1) member of the following categories; building; residential; electrical; plumbing; HARV, roofing; swimming pool; architect; engineer; and a building official. In addition, F.S. § 489.131 requires that we have three (3) consumer representatives. The above named construction members have been recommended by the Construction Industry Management Council as the HARV and Residential contractor. Ms. Susan Stokes has been recommended by her respective organization and is replacing Mr. Steven Smyth whose term has since expired. Mr. Stanley Goodman has been nominated to replace Mr. Lee Feely who is no longer eligible for another term. Ms. Christine Hoke has been recommended to complete the term for Ms. Mary Hinton who has resigned. The Gold Coast Builders Association recommends Mr. Bruce Malasky for a second term; Mr. Alvin Cohen is also eligible for a second term, both members have indicated a willingness to continue. The nominations represent seats for a HARV, Residential, and three Consumer Members as cited in the Special Act and F.S. § 489.131 establishing the Construction Industry Licensing Board. Memorandums were sent to the Board of County Commissioners on October 2, 2009 advising of the vacant positions; no other nominations were received. Countywide (GB)

6. BOARD APPOINTMENTS

B. ADMINISTRATION
(Overall Economic Development Program Committee)

1. Staff recommends motion to approve: the appointment of the following representative to the Overall Economic Development Program (OEDP) Committee for a term of four (4) years beginning on December 3, 2009, through December 2, 2013:

<u>Nominee</u>	<u>Seat</u>	<u>Seat Requirement</u>
Roger Amidon	29	A Cluster Industry Representative

SUMMARY: On March 11, 2008, the Board of County Commissioners approved the Resolution No. R2008-0280 providing for the creation of the OEDP Committee. The OEDP Committee consists of 31 members made up of local government officials, together with representatives of business, industry, finance, agriculture, the professions, organized labor, education, public health agencies, racial/ethnic minorities, and the unemployed and underemployed. The new appointment, Roger Amidon, Executive Director, Tourist Development Council, was recommended by the OEDP Committee on October 1, 2009. Countywide (DW)

C. COMMISSION DISTRICT APPOINTMENTS

NOVEMBER 17, 2009

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

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

NOVEMBER 17, 2009

<u>PAGE</u>	<u>ITEM</u>	
7	3A-3	<u>DELETED:</u> Staff recommends motion to approve: First Amendment to the Tri-Party Agreement with the Supervisor of Elections (SOE) and Runbeck Elections Services, Inc. (Runbeck) (R2008-0902) for Sentio ballot printing equipment. (Admin) (Moved to December 1, 2009)
8	3E-1	<u>DELETED:</u> Staff recommends motion to: A) adopt a Resolution repealing and replacing Resolution R2006-1878 regarding the Head Start/Early Head Start (HS/EHS) Policy Council; and...(Community Services) (Further staff review)
24	4C	<u>REVISED TITLE:</u> Staff recommends motion to: A)...B) approve delaying construction of Jog Rd., (Roebuck Rd. to S. of 45 th St.); Okeechobee Blvd., (Australian Ave. to Tamarind Ave./Parker Ave); Roebuck Rd., (S.R. 7 to Jog Rd); <u>Boca Rio Rd., Palmetto Park Rd. to Boca Lago Blvd</u> , and Silver Beach Rd. (East of Congress Ave. to Old Dixie Hwy.) based on the Findings of Fact presented by staff ; as defined in Attachment "2"; and C)... (Engineering)
25	5A-1	<u>REVISED MOTION/TITLE & SUMMARY:</u> Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County recognizing the need for Affordable Housing and the importance of financially supporting the preservation, redevelopment and creation of affordable housing. <u>SUMMARY:</u> On August 18, 2009, the Board of County Commissioners 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 \$1,037,000.00 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. <u>Staff request board direction:</u> <u>regarding the adoption of one (1) of four (4) resolutions of the Board of County Commissioners of Palm Beach County recognizing the need for Affordable Housing and the importance of financially supporting the preservation, redevelopment and creation of affordable housing.</u> <u>SUMMARY:</u> <u>Since the October 20, 2009 BCC meeting, staff has been working with PEACE, Commission on Affordable Housing (CAH) and Housing Leadership Council (HLC) to craft an Affordable Housing Resolution dedicating a percentage of unallocated investment earnings on roads, parks and public building impact fees to support an affordable housing assistance program. The following are four (4) options for BCC consideration regarding a dedicated funding source for affordable housing: (1) Option "A" was the original resolution submitted by staff to the BCC for consideration, with minor modifications. This option provides the BCC with maximum flexibility on whether to allocate anticipated investment earnings of \$1.037 million in road impact fee zone 1 to support road impact fee assistance for an eligible affordable housing development in zone 1. During each budget development process, beginning FY 2011, the BCC may determine the percentage of projected unallocated investment earnings on applicable impact fees fund balances for affordable housing assistance program; (2) Option "B" is recommended by CAH; (3) Option "C" is staff's recommended compromise on this issue; and (4) Option "D" is recommended by PEACE and HOUSING LEADERSHIP COUNCIL(HLC).</u>

REVISED MOTION/TITLE & SUMMARY CONTINUED:

Options “B,” “C,” and “D” allocate the anticipated investment earnings of \$1.037 million in road impact fee zone 1 to support the affordable housing road impact fee assistance program. Options “B, C and D” anticipate designating 50% of projected investment earnings on roads, parks, and public building impact fee fund balances for the impact fee assistance program during the FY 2011 budget process for FY 2014 of the CIP/CIE. These funds will be allocated at the beginning of FY 2015. All options recognize that the CAH will recommend eligible projects to the BCC for approval of funding. In addition, all options require the transferred funds for affordable housing be contracted within two (2) years and fully expended within four (4) years of being transferred, otherwise the funds revert back to the original impact fee type and benefit zone. **The outstanding issue between Options “B, C and D” is that Option “C” (staff’s option) does not recommend a funding source until FY-2014. Option “B” (CAH) request the BCC strongly consider reallocating investment earnings from any project planned in the adopted CIP/CIE (FY 2010-FY-2013) that is unable to move forward to the affordable housing assistance program. Option “D” (PEACE and HLC) specifically request the BCC allocate \$500,000 in FY 2012, \$750,000 in FY 2013, and \$1,000,000 in FY 2014.** Upon approval of a resolution, staff will develop the appropriate policies and procedures with the assistance of the CAH that will govern the affordable housing impact fee assistance program. Countywide (TKF) (Admin)

ADD-ON, TIME CERTAIN 11:30 A.M.: Staff recommends motion to approve: filing of an Administrative Challenge to the South Florida Water Management District’s (SFWMD) proposed “Year-Round Landscape Irrigation Rule”. **SUMMARY:** On November 7, 2008, SFWMD published a notice of intent to adopt the Year Round Landscape Irrigation Rule (Rule). Due to concerns raised by local utilities, SFWMD subsequently scheduled the proposed Rule for a public hearing on January 12, 2009. On November 13, 2009, the SFWMD Governing Board concluded that Public Hearing by taking final action on the Rule. Since the original publication of the notice of intent, Palm Beach County Water Utilities Department (PBCWUD) has participated in the Rule’s development. Although SFWMD has in good faith made some changes to the original published version of the Rule to address our concerns, staff believes the final version could create substantial problems for our water utility and its customers. Water Conservation is important to PBCWUD. The Board of County Commissioners has been diligent in supporting conservation by approving more than \$175 Million in alternative water supply projects. Staff believes that an unintended consequence of Rule implementation could result in a permanent reduction to the County’s permitted potable water allocation, which could result in the stranding of constructed capacity and force the County to meet future demands for water supply through the development of costly alternative water supplies. This unintended consequence could significantly increase water utility rates to our customers, increase our carbon footprint due to alternative technologies being much more energy intensive, and potentially shift the allocation to utilities that do not have the demonstrated track record of low water consumption. Additionally, the Rule includes the issuance of “no-notice” general permits to all non-utility owners of individual wells. This could limit PBCWUD’s ability to require mandatory hook-up for special assessment areas or to impose reasonable restrictions for protection of the potable water system, such as the installation of cross connection control devices. This could also become a vehicle for non-utility users to bring legal challenge against the County, which currently does not exist. Countywide (MJ) (Admin)

- 28 5G-1 **ADD-ON, TIME CERTAIN 10:30 A.M.: Staff requests Board direction:** on the minimum requirements of the Request for Proposal (RFP) for the disposal of certain real estate interests on the Wedge property within the West Palm Beach Transit Oriented Development (TOD). **SUMMARY:** On October 20, 2009, staff provided the Board with an update on the development of the RFP for the Wedge. That update indicated that an RFP would be ready for advertisement on December 6 and 13, 2009, contingent upon the pending traffic model progressing in a manner which did not require policy discussions by the Board or City Council. As of November 1, 2009, the preliminary traffic model did not reveal any such issues and staff is proceeding with the development of the RFP. In order to complete the RFP preparation, staff now requires Board direction on two (2) specific issues: 1) the incorporation of a requirement for workforce and/or affordable housing; and 2) the weighting of selection criteria. Staff will also provide preliminary information on the key proposal requirements. (Admin) Countywide (HF) (FDO)
- 28 5G-2 **ADD-ON, TIME CERTAIN 10:45 A.M.: Staff recommends motion to approve:** Amendment Number 1 to Interlocal Agreement with the City of Riviera Beach for renovations and improvements to the City's Marina (R2007-0349). **SUMMARY:** The County and City entered into an Interlocal Agreement on February 27, 2007, which provided the City a \$5 million grant for renovations to the City's Marina. The Interlocal Agreement required the City to complete the project within two (2) years. The City has faced several obstacles in redeveloping the area surrounding the Marina, including failure to reach agreement with Viking Developers, the selected Master Developer of the project. The City has recently down-scaled its program for the redevelopment, and is now focusing its efforts on the marina itself. To date, the County has funded \$170,000 which was used for forklift stops and concrete repair. Due to the delay in performing renovations and maintenance, the Marina has continued to deteriorate and is in need of significant repairs. The City's revised program for the \$4,830,000 balance of the grant includes: replacement of the fuel tanks, demolition of the existing dry storage building and replacement with ground stands and temporary rack systems, repair and replacement of fire/water lines under the existing docks, repair of electric service to the docks, repairs to finger piers and replacement of pilings, stormwater repairs, and renovation of restroom and shower facilities as part of Phase I. Future phases will include design, engineering, permitting and replacement of the main bulkhead and existing finger piers with floating docks. The total estimated cost of all repairs/improvements is estimated to be \$7,650,000 and will require additional grant funding from Florida Inland Navigation District and other sources. The City will be making a presentation on the overall scope of proposed improvements. This Amendment will extend the time frame for completing the project until October 11, 2011, and redefines the scope of the project as described above. (PREM) District 7 (HJF) (FDO)

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 (*).