

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

**FEBRUARY 2, 2010**

**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 5 - 18)**
- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 19)**
- 5. REGULAR AGENDA (Pages 20 - 21)**
- 6. BOARD APPOINTMENTS (Page 22)**
- 7. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 23)**
- 8. STAFF COMMENTS (Page 24)**
- 9. COMMISSIONER COMMENTS (Page 25)**
- 10. ADJOURNMENT (Page 25)**

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TABLE OF CONTENTS

CONSENT AGENDA

**A. ADMINISTRATION**

Page 5

- 3A-1 Amendment No. 1 with Palm Beach County Cultural Council regarding cultural grant program
- 3A-2 Agreement with City of South Bay for street repairs to S.W. 12<sup>th</sup> Avenue

**B. CLERK & COMPTROLLER**

Page 5

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

**C. ENGINEERING & PUBLIC WORKS**

Page 6

- 3C-1 Agreement with Seasons Homeowners Association for buffer, landscaping and irrigation
- 3C-2 Tri-Partite Agreement with FEC and FDOT regarding FEC crossing on Miner Road
- 3C-3 Tri-Partite Agreement with FEC and FDOT regarding FEC crossing on Northlake Blvd.

**D. COUNTY ATTORNEY** - None

**E. COMMUNITY SERVICES**

Page 7

- 3E-1 Amendment No. 1 with Area Agency on Aging for elderly related services
- 3E-2 Amendment No. 1 with Area Agency on Aging for ARRA Senior Nutrition Services
- 3E-3 Deleted
- 3E-4 Use of Facility Agreement with McCurdy Senior Housing Corp. for congregate meal site

Page 8

- 3E-5 Standard Agreement with Area Agency on Aging for Older Americans Act funds

**F. AIRPORTS**

Page 8

- 3F-1 General Aviation Airport Aeronautical Activities Permit with The Lightship Group for mooring of blimp airship

**G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET** - None

**H. FACILITIES DEVELOPMENT & OPERATIONS**

Page 8

- 3H-1 CSA No. 5 with MPA Architects, Inc. regarding Fire Station 72 in Pahokee

Page 9

- 3H-2 CSA No. 10 with Colome & Associates regarding renovations to West Boynton Library
- 3H-3 Second Amendment with Columbia Hospital regarding 800MHz radio system
- 3H-4 Second Amendment with Jupiter Medical Center regarding 800MHz radio system

Page 10

- 3H-5 Second Amendment with Delray Medical Center regarding 800MHz radio system
- 3H-6 JOC Work Order No. 10-047 with HA Contracting Corp regarding Coconut Cove Waterpark improvements

**I. HOUSING & COMMUNITY DEVELOPMENT**

Page 10

- 3I-1 Amendment No. 1 with Renaissance Village regarding rehabilitation of 8 multi-family units

Page 11

- 3I-2 Two (2) agreements regarding Community Development Block Grant funds

**J. PLANNING, ZONING & BUILDING**

Page 11

- 3J-1 Resolution granting County tax exemption for one (1) historic property in City of Delray Beach

Page 12

- 3J-2 Resolutions granting County tax exemption for two (2) historic properties in City of West Palm Beach

TABLE OF CONTENTS

**CONSENT AGENDA CONTINUED**

**K. WATER UTILITIES**

Page 12

3K-1 Receive and file two (2) standard development agreements

Page 13

3K-2 Interlocal Agreement with Town of Lake Clarke Shores for purchase and sale of bulk potable water

**L. ENVIRONMENTAL RESOURCES MANAGEMENT**

Page 13

3L-1 License Agreement with Northern Palm Beach County Improvement District regarding berm maintenance

**M. PARKS & RECREATION**

Page 14

3M-1 First Amendment with GL Homes regarding Canyon Town Center civic site

3M-2 FL Division of Historical Resources Small Matching Historic Preservation Grant-in-Aid Grant Application regarding DuBois Pioneer Home

Page 15

3M-3 Amendment No. 1 for SFWMD Water Savings Incentive Program grant

3M-4 Non-standard Amphitheater Rental Agreements with AEG Live for three (3) upcoming concerts

**N. LIBRARY** - None

**P. COOPERATIVE EXTENSION SERVICE** - None

**Q. CRIMINAL JUSTICE COMMISSION** - None

**R. HUMAN RESOURCES** - None

**S. FIRE RESCUE**

Page 16

3S-1 Affiliate Agreement with 211 Palm Beach/Treasure Coast to add the Drowning Prevention Coalition to the 211 referral database

3S-2 Interlocal Agreement Renewing Pension Agreement relating to Firefighters' pension with Town of Lantana

3S-3 Receive and file three (3) standard agreements

**T. HEALTH DEPARTMENT** - None

**U. INFORMATION SYSTEMS SERVICES**

Page 17

3U-1 Agreement with The Raymond F. Kravis Center to connect to the PBC Wide Area Network

**V. METROPOLITAN PLANNING ORGANIZATION** - None

**W. PUBLIC AFFAIRS** - None

**X. PUBLIC SAFETY** - None

**Y. PURCHASING** - None

**Z. RISK MANAGEMENT** - None

**AA. PALM TRAN** - None

TABLE OF CONTENTS

**CONSENT AGENDA CONTINUED**

**BB. MEDICAL EXAMINER**

Page 17

3BB-1 Paul Coverdell National Forensic Sciences Improvement Grant for books, forensic photography, and other related subjects

**CC. SHERIFF**

Page 18

3CC-1 Grant Adjustment Notice amending the Office of Justice Programs Grant for the Gramercy Village Weed and Seed

**SPECIAL PRESENTATIONS - 9:30 A.M.**

Page 19

- 4A Palm Beach County Saves Week
- 4B National Black HIV/AIDS Awareness Day

**REGULAR AGENDA**

**COUNTY ATTORNEY**

Page 20

5A-1 Resolution approving issuance of Housing Finance Authority of Manatee County, Florida, Single Family Mortgage Revenue Bonds

**COMMUNITY SERVICES**

Page 20

5B-1 Grant Award Letters regarding funds to support the implementation of the Ten-Year Plan to End Homelessness

**PARKS & RECREATION**

Page 21

5C-1 Interlocal Agreement with City of Lake Worth regarding Lake Worth Redevelopment project

**OFFICE OF FINANCIAL MANAGEMENT & BUDGET**

Page 21

5D-1 Resolution establishing budgetary policy and expenditure controls for operation of Commission District offices

**BOARD APPOINTMENTS** (Page 22)

**MATTERS BY THE PUBLIC – 2:00 P.M.** (Page 23)

**STAFF COMMENTS** (Page 24)

**COMMISSIONER COMMENTS** (Page 25)

**ADJOURNMENT** (Page 25)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** Amendment No. 1 to the Agreement (R2009-0023) with Palm Beach County Cultural Council in the amount of \$275,055 for the funding and administration of a cultural grant program for community-based non-profit organizations for FY 2009-2010. **SUMMARY:** This Amendment, in the total amount of \$275,055, provides for the Cultural Council to administer a grant program which will fund the activities of non-profit organizations (Category C-I: small and emerging, children's and multicultural programs/projects). The total contract amount represents \$262,000 in County funding for FY 2009-10, and \$13,055 in rollover dollars from the balance remaining in the FY 2008/09 contract. These dollars will fund Category C-I grants, with up to 10% of the total amount to be used by the Council to administer the program. In the event any funds are unspent, the Council may reallocate those funds to support cultural programs in the underserved areas of the County with prior approval of the County. Countywide (MC)
  
2. **Staff recommends motion to approve:** Agreement with the City of South Bay in an amount not-to-exceed Four Hundred Thousand Dollars (\$400,000) for street repairs to Southwest 12th Avenue. **SUMMARY:** This is new project being requested for funding by the City of South Bay. The funding agreement provides for the City of South Bay (City) to conduct street repairs to Southwest 12<sup>th</sup> Avenue (from Southwest 1<sup>st</sup> Street to Martin Luther King, Jr. Blvd). District 6 (AH)

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 November 2009. Countywide

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

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

**A)** an Agreement with the Seasons Homeowners Association in an amount not to exceed \$34,400 for a buffer, landscaping and irrigation; and

**B)** a Budget Transfer of \$34,400 in the Transportation Improvement Fund from Reserve for District 4 (\$8,000) and Sweep Reserves (26,400) to Seasons Homeowners Association for a buffer, landscaping and irrigation – District 4.

**SUMMARY:** Approval of the Agreement and Budget Transfer will provide funds to help pay for a buffer, landscaping and irrigation along Jog Road from Canal L-41 to Northwest 64<sup>th</sup> Avenue. District 4 (MRE)

2. **Staff recommends motion to adopt:** a Resolution authorizing execution of a Tri-Partite Agreement with the Florida East Coast Railway (FEC) and the Florida Department of Transportation for the installation and maintenance of grade crossing traffic control devices at the FEC crossing on Miner Road, Milepost 310+943.

**SUMMARY:** Adoption of this Resolution will approve an agreement for installation and maintenance of grade crossing traffic control devices at the FEC crossing on Miner Road, Milepost 310+943. The Florida Department of Transportation (FDOT) has set aside Federal Rail Title II Signal Safety Funding for safety improvements to this crossing. The FEC will install or have installed these improvements and the FDOT will reimburse the FEC for all construction costs. Palm Beach County holds the license agreement for this crossing and in conjunction with this agreement will pay 50 percent of the annual signal maintenance fee which is currently \$1,573 for this Type IV, Class III crossing. District 7 (MRE)

3. **Staff recommends motion to adopt:** a Resolution authorizing execution of a Tri-Partite Agreement with the Florida East Coast Railway (FEC) and the Florida Department of Transportation for the installation and maintenance of grade crossing traffic control devices at the FEC crossing on Northlake Boulevard, Milepost 292+3058.

**SUMMARY:** Adoption of this Resolution will approve an agreement for installation and maintenance of grade crossing traffic control devices at the FEC crossing on Northlake Boulevard, Milepost 292+3058. The Florida Department of Transportation (FDOT) has set aside Federal Rail Title II Signal Safety Funding for safety improvements to this crossing. The FEC will install or have installed these improvements and the FDOT will reimburse the FEC for all construction costs. Palm Beach County holds the license agreement for this crossing and will continue to pay 50 percent of the annual signal maintenance fee which is currently \$1,573 for this Type IV, Class III crossing. District 1 (MRE)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** Amendment No. 1 to the Contract with Area Agency on Aging of Palm Beach/Treasure Coast, Inc., (AAA), (R2009-0404) for the period October 1, 2009, through September 30, 2010, in the amount of \$206,910, for various elderly related services. **SUMMARY:** This Amendment will continue to allow AAA to subcontract with a network of provider agencies that will offer various services to the senior population of Palm Beach County. The AAA staff engage in monitoring, technical assistance and training to ensure that provider agencies provide high quality service, and comply with all contract terms, as well as applicable state and federal laws. Countywide (TKF)

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

**A)** Amendment No. 001 to Standard Agreement No. IA109-9500 (R2009-1479) for the American Recovery and Reinvestment Act Senior Nutrition Services (ARRA C1) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period May 1, 2009, through November 1, 2010, increasing the agreement amount by \$195,000 for a new total not-to-exceed amount of \$474,499 for congregate meals; and

**B)** Budget Amendment of \$195,000 in the DOSS Administration Fund to reconcile the budget to the actual grant award.

**SUMMARY:** This Amendment will increase the ARRA C1 Congregate Meals by \$195,000. The required County match of \$21,667 is included in the FY 2010 budget. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. **DELETED**

4. **Staff recommends motion to approve:** Use of Facility Agreement with McCurdy Senior Housing Corporation, with no fixed expiration date, to utilize facility for operating a congregate meal site for the elderly. **SUMMARY:** This Agreement will enable the Division of Senior Services (DOSS) to operate a congregate dining site for the elderly in Belle Glade at Quiet Waters located at 306 Southwest 10<sup>th</sup> Street. Quiet Waters will recruit volunteers to operate the site. All meals and necessary food related services, supplies, including food containers, utensils, paper products, etc., shall be furnished by the County or through its designated food service vendor, subject to the availability of funds. DOSS shall provide training for volunteers recruited to work at the meal site in site management, sanitation, food portioning, and required paperwork. The volunteers shall distribute the meals to participants. Funding to operate this congregate dining site is through the American Recovery and Reinvestment Act (ARRA) allocated by the State of Florida Department of Elder Affairs and the Area Agency on Aging, Palm Beach/Treasure Coast, Inc. (R2009-1479). A required 10% County match of \$31,272 was obligated in the funding Agreement and is included in FY 2010 budget. (DOSS) District 6 (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. Staff recommends motion to approve: Standard Agreement No. IA010-9500 for the Older Americans Act (OAA) Federal grant funds totaling \$2,068,206 with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period January 1, 2010, through December 31, 2010, for nutritional and in-home services to the elderly, with two (2) one-year renewal options. **SUMMARY:** This is the resulting Agreement of the Service Provider Application (SPA) to the Request for Proposal (RFP) approved by the Board of County Commissioners on December 1, 2009 (R2009-2054) and allows the Division of Senior Services (DOSS), as an AAA Lead Agency, to provide direct services to seniors. Services are funded with \$2,068,206 in Federal funds, \$229,801 in County required funds, and \$847,922 in additional County funds, \$252,974 in Nutrition Services Incentive Program (NSIP) and \$69,962 in program income. This Agreement spans two (2) County fiscal years. Funding is included in the FY 2010 budget to meet County obligations. The County match required to meet FY 2011 obligations will be requested in the FY 2011 budget process. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provides OAA services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

F. AIRPORTS

1. Staff recommends motion to approve: General Aviation Airport Aeronautical Activities Permit (Permit) with The Lightship Group, a Florida general partnership, (Lightship) for the mooring of one (1) blimp airship and the parking of not more than three (3) Airport-approved trailers and associated tow vehicles in support of Lightship's operations at the Palm Beach County Park Airport, for the term commencing January 1, 2010, through September 30, 2010. **SUMMARY:** Lightship conducts blimp operations for outdoor sporting events and will be in Miami covering events surrounding the Super Bowl. Lightship stages its operations at the Palm Beach County Park Airport, and requires an area for blimp mooring and parking of associated vehicles and equipment. The Permit will commence January 1, 2010 and expire September 30, 2010. Unless terminated, the Permit shall be automatically renewed at one (1) year intervals. Countywide (AH)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Consultant Services Authorization No. 5 to Architectural Continuing Services Contract with MPA Architects, Inc. (R2007-0394) in the amount of \$169,714 for architectural, engineering and construction administration services for Fire Station No. 72 in Pahokee. **SUMMARY:** The project involves architectural, engineering, landscape and irrigation design, and construction administration services for a new fire station on South Lake Avenue. The estimated construction cost is \$2,200,000. Design of this project is being funded from ad valorem taxes through the Fire Rescue MSTU. The consultant is a local firm and is using all Palm Beach County subconsultants. The Small Business Enterprise (SBE) participation for this work is 84%. When added to the Consultant's participation to date, the resulting SBE participation is 75%. The consultant's goal is 80%. (Capital Improvements Division) District 6 (JM)



3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve:

**A)** a Budget Transfer of \$209,053 from Contingency Reserves from the 2003 General Obligation Bond to the West Boynton Library project; and

**B)** Consultant Services Authorization (CSA) No. 10 to the contract with Colome & Associates, Inc. (R2007-0392) in the amount of \$174,053 to provide architectural/engineering services for renovations to the West Boynton Library.

**SUMMARY:** CSA No. 10 will provide architectural and engineering services for permitting, design and construction phase services for the renovation of the West Boynton Library which includes mechanical, plumbing, electrical and interior design upgrades. The project is funded from the General Obligation Bonds issued in 2003 for \$30.5 million. This consultant is a Palm Beach County firm using all Palm Beach County subconsultants. Colome & Associates, Inc. has an annual contract for architectural services which provides for a Small Business Enterprise (SBE) participation goal of 70%. The SBE participation for this CSA is 71.1%. When added to the consultant's participation to date, the SBE participation is 74.2%. (Capital Improvements Division) District 5 (JM)

3. Staff recommends motion to approve: a Second Amendment to the Agreement (R2004-0456) with Columbia Hospital (Hospital) allowing for interoperable communications through the Countywide and 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 expires on March 16, 2010. 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. The Agreement provides for three (3) – three (3) year renewals but renewals require approval by both parties. The Hospital has approved a renewal to extend the term of the Agreement until March 15, 2013. 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)

4. Staff recommends motion to approve: a Second Amendment to the Agreement (R2007-0278) with Jupiter Medical Center, Inc., (Hospital) allowing for interoperable communications through the Countywide and 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 expires on March 16, 2010. 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. The Agreement provides for three (3) – three (3) year renewals but renewals require approval by both parties. The Hospital has approved a renewal to extend the term of the Agreement until March 15, 2013. 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. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. Staff recommends motion to approve: a Second Amendment to the Agreement (R2004-0457) with Delray Medical Center (Hospital) allowing for interoperable communications through the Countywide and 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 expires on March 16, 2010. 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. The Agreement provides for three (3) – three (3) year renewals but renewals require approval by both parties. The Hospital has approved a renewal to extend the term of the Agreement until March 15, 2013. 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)

6. Staff recommends motion to approve:

**A)** JOC Work Order No. 10-047 with HA Contracting Corp. (R2007-0944) in the amount of \$331,913.64 to resurface and renovate the River Ride and Monster Walk area at Coconut Cove Waterpark; and

**B)** a Budget Transfer of \$149,000 within the \$25 Million GO Parks and Cultural Improvements Bond Fund - 2005 from Calypso Bay Waterpark Play Pool Resurfacing to Coconut Cove Waterpark River Ride Resurfacing.

**SUMMARY:** The work consists of resurfacing the River Ride and Monster Walk area, replace cotton cargo net on Monster Walk, replace pads on each end of the Monster Walk, and bring all drains in the River Ride and Monster Walk into compliance with the Virginia Graeme Baker Act. The Small Business Enterprise (SBE) goal is 15%. The SBE participation in this Work Order is 1.21%. When the participation for this Work Order is added to HA Contracting Corp.'s total participation-to-date, the resulting values are 34.43%. The total construction duration is 50 days. HA Contracting Corp. is a Miami-Dade County company. The additional funding needed for this project is being transferred from the Calypso Bay Play Pool resurfacing project which can be postponed for a year. (FD&O Admin) District 5 (JM)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2009-0655) with the Renaissance Village, Inc., to extend the expiration date from December 31, 2009, to April 30, 2010. **SUMMARY:** This Amendment provides an extension of four (4) months to the term of the existing Agreement. The project entails the rehabilitation of eight (8) multi-family rental dwelling units located at 1320 and 1324 Alpha Street, in the City of West Palm Beach. The construction contract has been awarded and the work has begun. The time extension will allow the completion of the project and provide time to process the reimbursement of funds to the agency. **These are Federal Community Development Block Grant funds that require no local match.** District 7 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to approve:

A) an Agreement with the Town of Jupiter in the amount of \$85,000; and

B) an Agreement with Aid to Victims of Domestic Violence in the amount of \$47,500.

**SUMMARY:** The Fiscal Year 2009-2010 Action Plan approved by the Board of County Commissioners on July 21, 2009 (R2009-1207) allocated \$85,000 of Community Development Block Grant funds to the Town of Jupiter for public service activities associated with a Community Resource Coordinator to provide housing, credit and foreclosure counseling to residents of the Town. The FY 2009-2010 Action Plan also allocated \$47,500 to Aid to Victims of Domestic Violence for the operation of a transitional housing facility for the STEPS Program and the Health and Wellness Program. These Agreements are retroactive to October 1, 2009, the start of Federal Fiscal Year 2009-2010. **These are Federal Community Development Block Grant funds that require no local match.** District 1/Countywide (TKF)

3. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2009-0649) with the City of Lake Worth, to extend the expiration date from November 30, 2009, to September 30, 2010. **SUMMARY:** This Amendment provides an extension of ten (10) months to the term of the existing Agreement for the park improvements at the Sunset Ridge Park located at 1415 North "D" Street in the City of Lake Worth. The time extension will provide the City time to complete the engineering design, bid the work, and construct the improvements. **These are Federal Community Development Block Grant funds that require no local match.** District 3 (TKF)

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to:

A) **adopt** a resolution of the Board of County Commissioners (BCC) of Palm Beach County, Florida, granting County tax exemption for one (1) historic property located within the City of Delray Beach; and

B) **approve** restrictive covenant for the historic property, requiring the qualifying improvements be maintained during the period that the tax exemption is granted.

**SUMMARY:** The resolution will authorize a County tax exemption for the following historic property located within the City of Delray Beach:

Address 212 Seabreeze Ave

If granted the tax exemption shall take effect January 1, 2010, and shall remain in effect for ten (10) years, or until December 31, 2019. The exemption shall apply to 100 percent of the assessed value of the improvements to the historic property, which resulted from restoration, renovation, or rehabilitation of the property. Based on the 2010 Countywide Operating Millage rate, it is estimated that approximately \$2,172 (tax dollars) will be exempted annually. Accompanying the resolution is a restrictive covenant, which requires the qualifying improvements be maintained during the period that each tax exemption is granted. District 4 (RB)

3. CONSENT AGENDA APPROVAL

J. PLANNING, ZONING & BUILDING (Cont'd)

2. Staff recommends motion to:

**A) adopt** resolutions of the Board of County Commissioners (BCC) of Palm Beach County, Florida, granting County tax exemptions for a total of two (2) historic properties located within the City of West Palm Beach; and

**B) approve** restrictive covenants for each historic property, requiring the qualifying improvements be maintained during the period that the tax exemption is granted.

**SUMMARY:** The resolutions will authorize a County tax exemption for the following historic properties located within the City of West Palm Beach:

Address: 296 Barcelona Road

Address: 190 Sunset Road

If granted the tax exemption will take effect January 1, 2010, and remain in effect for ten (10) years, or until December 31, 2020. The exemption will apply to 100 percent of the assessed value of all improvements to each historic property, which resulted from restoration, renovation, or rehabilitation of the property. Based on the 2009 Countywide Operating Millage rate, it is estimated that approximately \$3,127.68 (tax dollars) will be exempted annually. Accompanying each resolution is a restrictive covenant, which requires the qualifying improvements be maintained during the period that each tax exemption is granted. Districts 2 & 7 (RB)

K. WATER UTILITIES

1. Staff recommends motion to receive and file: two (2) Standard Development Agreements complete with executed documents received during the month of November 2009:

Standard Development Agreements

- |                                    |              |              |
|------------------------------------|--------------|--------------|
| <b>A)</b> Oxygen Holdings, LLC     | (District 2) | 01-01216-000 |
| <b>B)</b> Florida Made Homes, Inc. | (District 2) | 01-01217-000 |

**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)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. **Staff recommends motion to approve:** an Interlocal Agreement with the Town of Lake Clarke Shores for the purchase and sale of bulk potable water. **SUMMARY:** In order to ensure the most efficient delivery of potable water service, the County has encouraged the use of cooperative agreements with other utility systems. This Agreement provides for the Town of Lake Clarke Shores (Town) to purchase up to 400,000 gallons per day (GPD) of potable water from the County. The Town will pay a Full Cost Recovery Fee of \$2.43 per 1,000 gallons of potable water delivered to the Point of Connection. The Full Cost Recovery Fee is an alternative billing mechanism which includes both the commodity fee and the capacity fee. This rate will be adjusted annually on October 1 each year based on three-fourths of the change in the Consumer Price Index, Water and Sewer Maintenance, during the previous year. The term of the Agreement is thirty (30) years and may be extended for successive periods of five (5) years each. The Agreement also has a take-or-pay provision, whereby the Town is required to purchase at least three-fourths of the capacity reserved. The cost of connecting the County's system with the Town's system is estimated to be \$51,502, with the cost being shared equally by the Town and the County. District 3 (MJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to:**
  - A) approve** a License Agreement with the Northern Palm Beach County Improvement District (NPBCID) which allows NPBCID to use certain County land for the purposes of water management. Upon conclusion of that use, NPBCID will have rights and responsibilities to restore the County-owned land to its natural condition; and
  - B) authorize** the County Administrator, or his designee, to sign all future time extensions, task assignments, certifications, statements and other forms associated with this document, and necessary minor amendments that do not change the scope of work or terms and conditions of this document.

**SUMMARY:** The License Agreement is a continuation of a Temporary Water Management Easement (R2002-0583) and a Construction Agreement (R2002-0584) provided by the Board of County Commissioners to NPBCID and Taylor Woodrow Communities at Mirasol. The subject Old Marsh Berm has been constructed. However, the Easement has expired prior to the planned removal of the berm. The proposed License Agreement allows NPBCID to continue to maintain the berm and requires that NPBCID remove and restore the 0.52-acre area of berm when it is no longer needed. District 1 (SF)



3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. **Staff recommends motion to approve:** First Amendment to Construction, Joint Use and Easement Agreement (R2008-1863) with developer GL Homes, d/b/a Boynton Beach Associates X, LLP and Boynton Beach Associates XVIII, LLP (GL Homes). **SUMMARY:** On October 21, 2008, the County and GL Homes entered into a Construction, Joint Use and Easement Agreement which set forth the requirements and obligations of each party for the construction and maintenance of the recreational elements located on the 10.8 acre Canyon Town Center civic site. The current Agreement requires the County to maintain the bathrooms and for GL Homes to reimburse the County approximately 50% of the cost for this service. The County is now seeking approval of a First Amendment to the Agreement which requires GL Homes to maintain the bathrooms and the County to reimburse GL Homes 50% of the cost. GL Homes is able to provide amphitheater bathroom maintenance as part of a larger shopping center contract for substantially less than the County can contract out for similar services. First Amendment also requires GL Homes to assume responsibility for the fire alarm monitoring for the amphitheater and the County will reimburse GL Homes 100% of the cost. GL Homes has secured fire alarm monitoring for a term of one year at the cost of \$40 per month, which is substantially less than the County can contract out for similar services. The cost of this Amendment to the agreement is \$2,805 for 2010. District 5 (HJF)

2. **Staff recommends motion to:**

**A) ratify** the Chair's signature on a Florida Department of State – Division of Historical Resources Small Matching Historic Preservation Grant-in-Aid Grant Application requesting \$50,000 for renovation of the windows at the DuBois Pioneer Home in DuBois Park;

**B) authorize** the County Administrator or his designee to execute the funding agreement, as well as task assignments, certifications, standard forms, or amendments to 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 the Florida Department of State for this project.

**SUMMARY:** This Grant Application requests \$50,000 to replace/restore windows at the DuBois Pioneer Home. In the spring of 2009, the County began approximately \$450,000 in exterior renovations to the home including a new wood shake roof, repair and replacement of the wood shake siding, removal of the breezeway which connected the chauffeur's quarters to the main house, renovation of the front porch and replacement of some of the windows. This requested grant is for \$50,000 and will be matched with \$50,000 from the Park Improvement Fund. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. Staff recommends motion to receive and file: fully executed Amendment No. 1 to Agreement No. 4600001897 (R2009-1804) for the South Florida Water Management District (SFWMD) Water Savings Incentive Program grant to provide additional clarification/information. **SUMMARY:** SFWMD issued Amendment No. 1 to Agreement No. 4600001897 to provide for revisions to the Statement of Work (Exhibit A) to include more detailed information, not to change the intent or tasks associated with the Agreement. The Amendment also provides for revisions to the Summary Schedule of Tasks and Deliverables, Quarterly Progress Report Form, and Project Summary Report. The revisions to these exhibits provide additional clarification/information, are insignificant in nature, and do not alter the intent of the Agreement. This Amendment was executed by the Director of Parks and Recreation as the County Administrator's designee in accordance with the authority granted to the Administrator at the time of Agreement approval. 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 is being 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 provides fifty percent of the project cost. The County's fifty percent match is being funded from the current Parks Maintenance operating budget. District 5 (AH)

4. Staff recommends motion to approve:

**A)** a non-standard Amphitheater Rental Agreement with promoter AEG Live SE, LLC for the presentation of a Willie Nelson concert on February 13, 2010;

**B)** a non-standard Amphitheater Rental Agreement with promoter AEG Live SE, LLC for the presentation of a Tegan and Sara concert on February 21, 2010; and

**C)** a non-standard Amphitheater Rental Agreement with promoter AEG Live SE, LLC for the presentation of a Yes Band concert on February 28, 2010, at Sunset Cove Amphitheater.

**SUMMARY:** The Parks and Recreation Department (Department) utilizes a standard Amphitheater Rental Agreement which is executed at the Department level. However, non-standard Amphitheater Rental Agreements are sometimes required to satisfy the complexity of specific entertainment terms of a given promoter. Promoter, AEG Live, has requested modifications to the approved standard agreement language. The modifications clarify the responsibilities and expectations of both the County and AEG Live for damages, personal injury, and indemnification. The standard Amphitheater Rental Agreement holds the County potentially liable in the event damage or injury is caused solely by the County's willful misconduct or negligence. These non-standard Amphitheater Rental Agreements hold the County potentially liable in the event damage or injury is caused by the County. District 5 (AH)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. **Staff recommends motion to approve:** an Affiliate Agreement with 211 Palm Beach/Treasure Coast to remain in force until terminated by either party. **SUMMARY:** In July 2000, the Federal Communications Commission designated the three (3) digit number, 2-1-1, nationally to serve as the abbreviated dialing code for access to community information and referral services. Fire-Rescue is requesting the Drowning Prevention Coalition (DPC) be added to the 211 referral database. 211 Palm Beach/Treasure Coast requires an Affiliate Agreement for each organization wishing to be listed as a referral or a resource to its callers. The DPC agrees to receive clients meeting eligibility criteria set forth in the Resource Information Survey. The 211 Palm Beach/Treasure Coast agrees to be available as a resource to its affiliate's clients 24-hours a day for telephone counseling and information and/or referral to community resources, such as the DPC. Countywide (PK)
  
2. **Staff recommends motion to approve:** an Interlocal Agreement Renewing Pension Agreement Relating to Firefighters' Pension with the Town of Lantana. **SUMMARY:** In 1997, the County and the Town of Lantana entered into Interlocal Agreement No. R97-1073D relating to the provision of fire-rescue services to the Town by the County. At that time, the employees of Lantana's Fire Department became County employees, but remained in the Town's Firefighters' Pension Fund. The County and the Town entered into Interlocal Agreement No. R97-1252D (the "Pension Agreement") to address certain responsibilities relating to said Pension Fund. In 2004, the parties entered into a new Service Agreement (R2004-0364) which renewed and continued the Pension Agreement until September 30, 2009. Effective October 1, 2008, the Town was included within the County's Fire/Rescue Municipal Services Taxing Unit as a mechanism to provide and fund County fire rescue services within the Town. The parties now wish to further renew the Pension Agreement, effective retroactively to September 30, 2009, to continue until such time that the final benefit payment has been made to the last Plan participant or beneficiary, and the Plan is terminated. Countywide (SB)
  
3. **Staff recommends motion to receive and file:** three (3) original standard Agreements for the Fire Rescue Department:
  - A) Interlocal Agreement for Swimming Lessons with the City of Delray Beach;
  - B) Interlocal Agreement for Swimming Lessons with the City of Boynton Beach; and
  - C) Independent Contractor Agreement for Swimming Lessons with the Young Men's Christian Association of the Palm Beaches, Inc.**SUMMARY:** On September 27, 2005, the Board adopted Resolution No. R2005-1906 authorizing the County Administrator, or his designee (the Fire Rescue Administrator) to execute standard agreements with municipalities and independent contractors to provide swimming lessons to members of the public through the Palm Beach County Drowning Prevention Coalition's Learn to Swim Program. Pursuant to Countywide PPM CW-O-051, three (3) standard County Agreements that have been executed by the County Administrator, or his designee (the Fire Rescue Administrator) are being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (PK)



3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEM SERVICES

1. **Staff recommends motion to approve:** an Agreement with The Raymond F. Kravis Center of the Performing Arts, Inc. to connect to the Palm Beach County Wide Area Network at an annual cost of \$8,400 for the initial point of connection, for an initial term of one (1) year, with automatic one (1) year renewals thereafter unless notice is given by either party. **SUMMARY:** The Information Systems Services (ISS) Department has negotiated the proposed Agreement with The Raymond F. Kravis Center, a registered non-profit organization. This interconnection will enable the Kravis Center to connect to the County's Network and thereby also gain access to the Florida Lambda Rail network. This will provide greater bandwidth for Internet access and disaster recovery programs while reducing the Kravis Center's overall network costs. The Kravis Center agrees to pay the County \$8,400 annually as the initial connection fee to access the Palm Beach County network. Per Exhibit A of the Agreement, fees for additional connections are set at \$6,000 annually per connection. District 2 (PK)

BB. MEDICAL EXAMINER

1. [Staff recommends motion to:](#)
  - A) receive and file** the Paul Coverdell National Forensic Sciences Improvement Grant for \$2,675.54, through the Florida Department of Law Enforcement, for the period of November 10, 2009, through September 30, 2010; and
  - B) approve** a Budget Amendment of \$ 2,676 in the General Fund to establish revenue and grant expenditure budget.

**SUMMARY:** The Department of Justice has awarded a Paul Coverdell Forensic Sciences Improvement Grant to the Palm Beach County Medical Examiner's Office, through the Florida Department of Law Enforcement, for books on medicolegal death investigations, forensic photography, forensic pathology and other related subjects to enhance the operations of the Medical Examiner's Office. This is a 100% grant funded award and no County match is required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF

1. Staff recommends motion to:

**A) receive and file** Grant Adjustment Notice amending the United States Department of Justice Office of Justice Programs Grant to extend the ending grant period from September 30, 2009, through January 31, 2010; and

**B) approve** a Budget Amendment of \$1,816 in the Sheriff's Grant Fund.

**SUMMARY:** The Board of County Commissioners accepted this grant for \$19,074 on January 13, 2009; the original period for this grant was October 1, 2008, through September 30, 2009 (R2009-0138). This agenda item will extend the grant period from September 30, 2009, through January 31, 2010. The City of West Palm Beach, received an award from the United States Department of Justice Office of Justice Programs for the Gramercy Village Weed and Seed. On November 19, 2008, the Palm Beach County Sheriff's Office (PBSO) and the City of West Palm Beach entered into an agreement to continue the Gramercy Village Community Area Multi-Agency Law Enforcement Unit (MALEU). The objective of the MALEU is to prevent, control, and reduce violent crime, drug abuse, and gang activity in the Gramercy Village Community Area. Under this agreement, the PBSO will receive reimbursable funds for overtime costs associated with the program. The PBSO has been given an extension to allow the grant funds to be fully expended. The award was not fully expended in FY 2009. The balance of the award being carried forward into FY 2010 is \$1,816. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. District 7 (DW)

\* \* \* \* \*

**4. SPECIAL PRESENTATIONS – 9:30 A.M.**

- A.** Proclamation declaring February 21 – 28, 2010 as “Palm Beach County Saves Week” in Palm Beach County. (Sponsored by Commissioner Taylor)
  
- B.** Proclamation declaring February 6, 2010 as “National Black HIV/AIDS Awareness Day” in Palm Beach County. (Sponsored by Commissioner Taylor)

\* \* \* \* \*

5. REGULAR AGENDA

A. COUNTY ATTORNEY

1. **Staff recommends motion to adopt:** a Resolution approving the issuance of not to exceed \$16,610,000 Housing Finance Authority of Manatee County, Florida, Single Family Mortgage Revenue Bonds, Series 2009 (New Issue Bond Program - Small Issue) (the "Bonds") within the meaning of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and providing an effective date. **SUMMARY:** The Bonds are being issued by the Housing Finance Authority of Manatee County, Florida (the "Manatee Authority") to implement its Single Family Mortgage Revenue Bond Program (the "Program"). The purpose of the Program is to provide to qualified mortgagors affordable mortgage financing for owner-occupied, single family residential housing facilities. Pursuant to an Interlocal Agreement between the Manatee Authority and the Housing Finance Authority of Palm Beach County, Florida, a portion of the proceeds of the Bonds will be used to implement the Program within Palm Beach County (the "County") to provide for the origination of mortgage loans for residents of Palm Beach County, Florida. Section 147(f) of the Code requires the approval by the Board of County Commissioners. The Manatee Authority will bear all responsibility and cost for the issuance of the Bonds. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** Countywide (PFK)

B. COMMUNITY SERVICES

1. **Staff recommends motion to approve:**
  - A) Grant Award Letter from Quantum Foundation, Inc., for the period November 1, 2009, through November 1, 2010, in the amount of \$50,000;
  - B) Grant Award Letter from The John D. and Catherine T. MacArthur Foundation to Community Foundation for Palm Beach and Martin Counties awarding matching funds for the period of one-year from the date that the agreement is executed, in the amount of \$50,000;
  - C) the County Administrator or his designee to sign a Memorandum of Agreement with the Governor's Council for Community Health Partnerships, Inc.;
  - D) a one (1) year grant funded position; and
  - E) a Budget Amendment in the amount of \$100,000 in the General Fund to reconcile the Human Services budget to the grant award contingent upon the match.

**SUMMARY:** On December 2, 2009, the Quantum Foundation approved a \$50,000 grant to support a Human Services Planner II position, pay grade 34, to include salary, benefits, mileage and other personnel related costs. On November 10, 2009, the John D. and Catherine T. MacArthur Foundation awarded the Community Foundation for Palm Beach and Martin Counties funds in support of the implementation of the Ten-Year Plan to End Homelessness in Palm Beach County. These funds will be awarded to the Governor's Council for Community Health Partnerships, Inc. as the non-profit recipient, and will be given to the County under a Memorandum of Agreement, and includes \$50,000 in matching funds committed to the Planner II position. The total amount of \$100,000 is for a one (1) year period and is non-recurring. No County funds are required. (Human Services) Countywide (TKF)

5. REGULAR AGENDA

C. PARKS & RECREATION

1. **Staff recommends motion to approve:** Interlocal Agreement with the City of Lake Worth for the period February 2, 2010, through February 1, 2013, in an amount not-to-exceed \$5,000,000 for funding of the Lake Worth Beach Redevelopment Project. **SUMMARY:** This Interlocal Agreement provides one hundred percent funding for the design and construction of extensive improvements to the public elements of Lake Worth's beach redevelopment project. Funding was designated for the Project by the District 3 Commissioner from the 2002 \$50 Million Recreation and Cultural Facilities Bond. This Interlocal Agreement differs from standard Bond Agreements in that it contains specific terms and conditions designed to ensure timely project progression and ongoing compliance with the terms of the Interlocal Agreement. District 7 (PK)

D. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff recommends motion to adopt:** a Resolution establishing budgetary policy and expenditure controls for the operation of Commission District offices, and rescinding Resolution Nos. R88-822, R93-282, R93-829, R95-1405, and R04-0136. **SUMMARY:** This Resolution amends the Commission District office policy to align the personnel and operating expense budgets with the budget reduction strategies implemented over the last several years. Reductions include the elimination of part-time secretaries, elimination of the separate position and operating budget allocated to the Chair, and elimination of individual office budgets for equipment. The revised Resolution also limits the ability to increase staff salaries above the standard increases due to the impact on subsequent years' budgets. Countywide (EC)

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6. BOARD APPOINTMENTS

A. PLANNING, ZONING AND BUILDING  
(Land Development Regulation Advisory Board)

1. Staff recommends motion to approve: Appointment/reappointment of the following individuals to the Land Development Regulation Advisory Board (LDRAB):

**A) appoint** one (1) new member, for the term from February 2, 2010, to February 5, 2013.

<u>Nominee</u>	<u>Seat #</u>	<u>Seat Requirement</u>	<u>Nominated By</u>
Gary M. Rayman	14	Surveyor Mapping Society	Fla Surveying & Palm Beach

**B) reappoint** three (3) members for the term from February 7, 2010, to February 5, 2013.

<u>Nominee</u>	<u>Seat #</u>	<u>Requirement</u>	<u>Nominated By</u>
Raymond J. Puzzitiello	08	Residential Builder	Gold Coast Builders Association
Ron Last	10	Engineer	Florida Engineering Society
Rosa Durando	12	Environmentalist	Audubon Society of the Everglades

**SUMMARY:** The ULDC provides for seven (7) members appointed by the BCC (one from each PBC Commissioner as a district appointment) with consideration of expertise in Art. 17.C.1.C.2, Qualifications; ten members that are appointed by a majority of the BCC upon a recommendation by specific organizations: Residential Builder: Gold Coast Builders; Municipal Representative: PBC League of Cities; Engineer: Florida Engineering Society; Architect: American Institute of Architects; Environmentalist: Environmental Organization; Realtor: The PBC Board of Realtors; Surveyor: Florida Society of Professional Surveyors; Citizen Representative: Condominium/HOA Association; Commercial Builder: Association General Contractors of America; and ACP Planner: PBC Planning Congress; and two (2) members appointed at-large, as alternates, by majority vote of the BCC, with consideration of the expertise in Art.17.C.1.C.2, Qualifications. These appointments/reappointments are consistent with the Unified Land Development Code (ULDC) requirements. Unincorporated (LB)

B. COMMISSION DISTRICT APPOINTMENTS

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FEBRUARY 2, 2010

7. MATTERS BY THE PUBLIC – 2:00 P.M.

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**FEBRUARY 2, 2010**

**8. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**



**9. COMMISSIONER COMMENTS**

**A. District 1 - COMMISSIONER KAREN T. MARCUS, VICE CHAIR**

**B. District 2 - COMMISSIONER JEFF KOONS**

**C. District 3 - COMMISSIONER SHELLEY VANA**

**D. District 4 – COMMISSIONER STEVEN L. ABRAMS**

**E. District 5 - COMMISSIONER BURT AARONSON, CHAIR**

**F. District 6 - COMMISSIONER JESS R. SANTAMARIA**

**G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR**

**10. ADJOURNMENT**

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

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**FEBRUARY 2, 2010**

<u>PAGE</u>	<u>ITEM</u>	
		<b><u>ADD-ON, TIME CERTAIN 1:30 P.M.:</u></b> (CLOSED SESSION) Executive Session to be held at 1:30 p.m. in the McEaddy Conference Room to discuss collective bargaining with Communication Workers of America (CWA) Local 3181, and Amalgamated Transit Union (ATU) Local 1577. (Administration)
5	3A-2	<b><u>DELETED:</u></b> Staff recommends motion to approve: Agreement with the City of South Bay in an amount not-to-exceed \$400,000 for street repairs to Southwest 12th Avenue. (OCR) (Further evaluation)
6	3C-1	<b><u>DELETED:</u></b> Staff recommends motion to approve: <b>A)</b> an Agreement with the Seasons Homeowners Association in an amount not to exceed \$34,400 for a buffer, landscaping and irrigation; and...(Engineering) (Further staff review)
12	3J-2	<b><u>REVISED SUMMARY:</u></b> Staff recommends motion to: <b>A) adopt</b> resolutions of the Board of County Commissioners (BCC) of Palm Beach County, Florida, granting County tax exemptions for a total of two (2) historic properties located within the City of West Palm Beach; and... <b>B).. SUMMARY:</b> ...If granted the tax exemption will take effect January 1, 2010, and remain in effect for ten (10) years, or until December 31, 2020. The exemption will apply to 100 percent of the assessed value of all improvements to each historic property, which resulted from restoration, renovation, or rehabilitation of the property. Based on the <del>2009</del> <u>2010</u> Countywide Operating Millage rate, it is estimated that approximately \$3,127.68 (tax dollars) will be exempted annually....(PZB)
17	3U-1	<b><u>DELETED:</u></b> Staff recommends motion to approve: an Agreement with The Raymond F. Kravis Center of the Performing Arts, Inc. to connect to the Palm Beach County Wide Area Network...(ISS) (Signed document from Kravis Center not received)
18	3CC-1	<b><u>DELETED:</u></b> Staff recommends motion to: <b>A) receive and file</b> Grant Adjustment Notice amending the United States Department of Justice Office of Justice Programs Grant...(PBSO) (Moved to February 23, 2010 meeting)
19	4C	<b><u>ADD-ON:</u></b> Proclamation declaring February 27, 2010 as “A Celebration of 100 Years of Scouting” in Palm Beach County. (Sponsored by Commissioner Marcus)
20	5B-1	<b><u>REVISED TITLE:</u></b> Staff recommends motion to approve: <b>A)..</b>  <del><b>B)</b> Grant Award Letter from The John D. and Catherine T. MacArthur Foundation to Community Foundation for Palm Beach and Martin Counties awarding matching funds for the period of one year from the date that the agreement is executed, in the amount of \$50,000;</del>  <del><b>C)B)</b> the County Administrator or his designee to sign a Memorandum of Agreement with the Governor’s Council for Community Health Partnerships, Inc.;</del>  <del><b>D)C)</b> a one (1) year grant funded position; and</del>  <del><b>E)D)</b> a Budget Amendment in the amount of \$100,000 in the General Fund to reconcile the Human Services budget to the grant award contingent upon the match. (Community Services)</del>

**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 (\*).