

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

APRIL 6, 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 6-21)**

- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 22)**

- 5. REGULAR AGENDA (Pages 23-27)**
TIME CERTAIN 10:15 A.M. Lease Agreement with Larise Atlantis, Inc. (Page 24)
TIME CERTAIN 10:15 A.M. Lantana Service Center for the Tax Collector (Page 25)
TIME CERTAIN 11:00 A.M. Fire Rescue Sales Surtax (Page 26)

- 6. BOARD APPOINTMENTS (Page 28-29)**

- 7. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 30)**

- 8. STAFF COMMENTS (Page 31)**

- 9. COMMISSIONER COMMENTS (Page 32)**

- 10. ADJOURNMENT (Page 32)**

TABLE OF CONTENTS

CONSENT AGENDA

A. ADMINISTRATION

Page 6

- 3A-1 First Amendment with Country Club Acres Association for office supplies
- 3A-2 Resolution supporting Florida's Qualified Target Industry Tax Refund Incentive Program
- 3A-3 Space Program Resolution

B. CLERK & COMPTROLLER

Page 6

- 3B-1 Warrant list
- 3B-2 Minutes
- 3B-3 Contracts and claims settlements list
- 3B-4 Change orders, work task orders, minor contracts, final payments, etc.

C. ENGINEERING & PUBLIC WORKS

Page 7

- 3C-1 Resolution accepting transfer and maintenance responsibility for Church Street
- 3C-2 Agreement with Wantman Group, Inc. regarding West Atlantic Avenue improvements
- 3C-3 Second Amendment with Northern Palm Beach County Improvement District and Abacoa Development Company regarding impact fees
- 3C-4 Amendment No. 1 with FDOT regarding State Road 710 Interchange w/Turnpike

D. COUNTY ATTORNEY

Page 7

- 3D-1 Settlement in eminent domain proceeding PBC v. Dell's Suburban Market

E. COMMUNITY SERVICES

Page 8

- 3E-1 Six (6) amendments to Ryan White Part A HIV Health Support Services contracts

Page 9

- 3E-2 Two (2) amendments to Ryan White Part A HIV Health Support Services contracts
- 3E-3 Amendment No. 2 with Area Agency on Aging for Older Americans Act Program
- 3E-4 Travel for Head Start/Early Head Start Policy Council member to annual training conference

F. AIRPORTS

Page 10

- 3F-1 Utility Easement Agreement with Florida Power & Light for service to North Palm Beach County General Aviation Airport
- 3F-2 Agreement with Mad Studios Co. for new PBI A website
- 3F-3 Contract with Ranger Construction Industries for misc. airfield pavement repairs/rehabilitation
- 3F-4 Change Order No. 1 with Ranger Construction Industries for air cargo ramp expansion project

Page 11

- 3F-5 Supplemental JPA with FDOT regarding PBI A Runway 14/32 safety areas
- 3F-6 Receive and file forty (40) original Agreements for Airports

Page 12-13

- 3F-6 Receive and file forty (40) original Agreements for Airports

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 14

- 3G-1 Budget Transfers regarding school impact fees

H. FACILITIES DEVELOPMENT & OPERATIONS

Page 14

- 3H-1 Contract with Fastrack Management & Consulting, Inc. for chillers and cooling towers at Emergency Operations Center

Page 15

- 3H-2 Contract with Davco Electrical Contractors Corporation for lighting at Lake Lytal, John Prince and Okeeheelee Parks
- 3H-3 Utility Easement with Florida Power & Light for service at Fire Station No. 24
- 3H-4 Utility Easement with Florida Power & Light for service at the Central Detention Center

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

Page 16

- 3H-5 Exercise of extension under a Lease Agreement with Theodore W. and Gertrude Winsberg
- 3H-6 Agreement with Midway Foundation to acquire land in the City of Pahokee and Memorandum of Agreement for post closing obligations

I. HOUSING & COMMUNITY DEVELOPMENT - None

J. PLANNING, ZONING & BUILDING

Page 17

- 3J-1 Resolution granting a tax exemption and approve restrictive covenant for one historic property in the Town of Palm Beach

K. WATER UTILITIES - None

L. ENVIRONMENTAL RESOURCES MANAGEMENT - None

M. PARKS & RECREATION

Page 17

- 3M-1 Agreement with Young Men's Christian Association for concession building at John Knapp Little League Ballfield
- 3M-2 Agreement with Palm Beach State College for \$2,500 for funding of Project Upward Bound
- 3M-3 Services Agreement with Comcast for service to the South Bay RV Park

Page 18

- 3M-4 Amendment with Palms West Chamber of Commerce for a new facility
- 3M-5 Budget Transfers to Morikami Yamato-Kan Improvements to Morikami Museum and Gardens

Page 19

- 3M-6 Amendment with Palm Beach Metropolitan Planning Organization for a water taxi at Dubois Park

N. LIBRARY - None

P. COOPERATIVE EXTENSION SERVICE

Page 19

- 3P-1 Agreement with the Western Palm Beach County Farm Bureau

Q. CRIMINAL JUSTICE COMMISSION

Page 20

- 3Q-1 Agreements with the City of West Palm Beach, Riviera Beach, Boynton Beach, Lake Worth and Belle Glade for Youth Violence Prevention Project

R. HUMAN RESOURCES - None

S. FIRE RESCUE

Page 20

- 3S-1 Amendment for Fire Protection and Emergency Medical Services with the Town of South Palm Beach

Page 21

- 3S-2 Receive and file an Agreement with the Town of Palm Beach for training at Fire Rescue Regional Training Center

T. HEALTH DEPARTMENT - None

U. INFORMATION SYSTEMS SERVICES - None

V. METROPOLITAN PLANNING ORGANIZATION - None

W. PUBLIC AFFAIRS - None

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

X. PUBLIC SAFETY - None

Y. PURCHASING - None

Z. RISK MANAGEMENT - None

AA. PALM TRAN – None

BB. SHERIFF

Page 21

3BB-1 Transportation Highway Safety Grant in the amount of \$20,000 and Budget Amendment of \$20,000

3BB-2 Grant Modification for the Regional Virtual Fusion Center

SPECIAL PRESENTATIONS - 9:30 A.M.

Page 22

4A Water Conservation Month

4B Drowning Prevention Awareness Month

4C Week of the Young Child

4D Water Reuse Week

4E 50th Anniversary of Pine Jog Environmental Education Center

4F 90th Anniversary of the League of Women Voters of the United States

4G Yom Hashoah Remembrance Day

4H Child Abuse Prevention Month

4I Lake Worth Resource Center's Hire One Worker One Week Month

4J National Volunteer Week

4K National Library Week

4L National TRIO Day

REGULAR AGENDA

ADMINISTRATION

Page 23

5A-1 Health Department Briefing on Recycled Fill Material

5A-2 Agreement with the Lester Family Investments, L.P. to conduct wetland mitigation activities

FACILITIES DEVELOPMENT & OPERATIONS

Page 24

5B-1 Lease Agreement with Larise Atlantis, Inc. **TIME CERTAIN 10:15 A.M.**

Page 25

5B-2 Tax Collector Lantana Service Center **TIME CERTAIN 10:15 A.M.**

ENVIRONMENTAL RESOURCES MANAGEMENT

Page 26

5C-1 Alternatives in East Caloosa for the Equestrians

FIRE RESCUE

Page 26

5D-1 Fire Rescue Sales Surtax **TIME CERTAIN 11:00 A.M.**

HOUSING AND COMMUNITY DEVELOPMENT

Page 27

5E-1 NSP Applications for Tiana Balchan and Eskinder S. Degeffe

APRIL 6, 2010

TABLE OF CONTENTS

BOARD APPOINTMENTS (Page 28-29)

MATTERS BY THE PUBLIC – 2:00 P.M. (Page 30)

STAFF COMMENTS (Page 31)

COMMISSIONER COMMENTS (Page 32)

ADJOURNMENT (Page 32)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** First Amendment to the Agreement (R2009-1446) with Country Club Acres Association, Inc. **SUMMARY:** This First Amendment to the Agreement with Country Club Acres Association, Inc. (R2009-1446) amends the scope of work by adding office supplies as an eligible expense. This amendment reflects the items Country Club Acres Association, Inc. proposed in its grant application. District 5 (AH)
2. **Staff recommends motion to adopt:** a Resolution by the Board of County Commissioners of Palm Beach County, Florida, urging the Florida Legislature to pass SB 1856 or similar legislation extending Florida's Qualified Target Industry (QTI) Tax Refund Incentive Program. **SUMMARY:** In 1994, the Florida Legislature created the Qualified Target Industry Tax Refund Incentive Program as an additional tool for Economic Development. During this Legislative Session, the QTI Program is under sunset review by the Senate Commerce Committee and as a result, SB 1856 (Bill) was filed that recommended the extension of the Program for an additional five (5) years. The Bill as originally filed imposed restrictions on the ability to use the statewide average wage requirement if the County's average wage was higher which would place urban Counties at a disadvantage in attracting new jobs through this Program. An Amendment by Senator Charlie Justice restored the ability to use the State average as the wage requirement. Countywide (DW)
3. **Staff recommends motion to approve:** a Resolution by the Board of County Commissioners of Palm Beach County, Florida, urging the Florida Legislature to support initiatives that would preserve the United States as the leader in space and Florida's continuance as an essential component of the Nation's Space Program. **SUMMARY:** The State of Florida has played a key role in the U.S. National Space Program (Program) from its inception as the premier launch site. The Program had a \$4.1 billion state-wide economic output in 2008 alone including \$103 million in state and local taxes. There are over 100,000 workers in all 67 counties engaged in space related industries, and a statewide economic impact of \$20 billion. Countywide (DW)

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings: 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 January 2010. Countywide

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to adopt:** a Resolution entering into a Roadway Transfer Agreement with the Florida Department of Transportation (FDOT) accepting the transfer and maintenance responsibility of Church Street, from Okeechobee Boulevard to Old Okeechobee Road, a distance of 0.21 miles and Old Okeechobee Road, from Church Street to northwest of Australian Avenue, a distance of 0.46 miles (subject roads). **SUMMARY:** Adoption of this Resolution will authorize Palm Beach County (County) to enter into a Roadway Transfer Agreement with the FDOT, for the County to accept the transfer and maintenance responsibility of the subject roads. District 2 (PK)
2. **Staff recommends motion to approve:** an Agreement in the amount of \$232,369.43 with Wantman Group, Inc. for professional services. **SUMMARY:** Approval of this Agreement will provide the professional services necessary for the preparation of design plans and construction bid documents for West Atlantic Avenue from West of Lyons Road to Starkey Road. Wantman Group, Inc. is a Palm Beach County Company. District 5 (PK)
3. **Staff recommends motion to approve:** a Second Amendment to a Road Impact Fee Agreement (R2000-0155) with Northern Palm Beach County Improvement District and Abacoa Development Company (Abacoa). **SUMMARY:** Approval of this board item will allow Palm Beach County to use the impact fees Abacoa no longer needs and transfers their responsibility to fund future traffic signals to Palm Beach County. District 1 (LB)
4. **Staff recommends motion to adopt:** a Resolution approving Amendment Number One to the Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT), approved on June 21, 2005 (R2005-1145), to extend the agreement expiration date for the State Road 710 Interchange with Florida's Turnpike to be done as part of the Jog Road from Beeline Highway to Northlake Boulevard project. **SUMMARY:** Approval of Amendment Number One to the JPA will extend the allowable time frame for Palm Beach County to submit a final invoice to FDOT from the end of Fiscal Year 2010 to the end of Fiscal Year 2014. District 1 (MRE)

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** a Settlement as to Parcels 26, 802, 902, in the amount of \$332,467.88 inclusive of attorney's fees and experts' fees and costs, in the eminent domain proceeding entitled Palm Beach County v. Dell's Suburban Market, et al, Case No.: 502008 CA033455XXXXMB, for the improvement of West Atlantic Avenue. **SUMMARY:** This action would approve a settlement in an eminent domain proceeding relating to the widening of West Atlantic Avenue from west of Lyons Road to Starkey Road (Project No. 2004602), by paying \$332,467.88 for the property acquired, relocation costs, any and all damages and costs to cure such damages, attorney's fees, experts' fees and costs, and deposit fee of the clerk of the court. Of this sum, \$8,900 would be paid back to Palm Beach County based on a code enforcement lien on the acquired property. District 6 (PM)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: six (6) amendments to the Ryan White Part A HIV Health Support Services Contracts (Formula) for the period March 1, 2009, through February 28, 2010:

A) Amendment No.2 to contract (R2009-0827) with Compass, Inc. to increase funding for Case Management by \$21,000, funding for Mental Health Counseling by \$9,000, and Direct Emergency Assistance by \$2,000, for a new total contract amount not to exceed \$469,257;

B) Amendment No. 2 to contract (R2009-0838) with Palm Beach County Health Department (PBCHD) to increase funding for Laboratory/Diagnostic Testing by \$40,000, for a new total contract amount not to exceed \$835,947;

C) Amendment No. 2 to contract (R2009-0832) with Legal Aid Society of Palm Beach County (LASPBC) to increase funding for Legal Services by \$10,000, for a new total contract amount not to exceed \$253,654;

D) Amendment No. 3 to contract (R2009-0829) with Comprehensive Community Care Network, Inc. (CCCN) to increase funding by \$6,330 and internally reallocate \$36,670 to Outpatient Primary Care, to increase funding by \$13,783 to Medical Transportation, and internally reallocate \$10,000 to Home Health Care, for a new total contract amount not to exceed \$565,215;

E) Amendment No. 2 to contract (R2009-0836) with Treasure Coast Health Council, Inc. to decrease funding for Care Council Support by \$11,000 for a new total contract amount not to exceed \$222,876; and

F) Amendment No.2 to contract (R2009-0834) with Oakwood Center of the Palm Beaches, Inc. to decrease funding for Substance Abuse Residential by \$33,000, for a total contract amount not to exceed \$28,614.

SUMMARY: Ryan White HIV Health Support services dollars are reviewed throughout the contract year and reallocated to best meet the needs of affected clients. CCCN internally reallocated \$49,891 from Laboratory/Diagnostic Testing, Specialty Outpatient, and Mental Health Counseling to meet the budgetary needs of Outpatient Primary Care, Medical Transportation and Home Health Care. Contract terms require that budget changes in excess of ten percent (10%) of the total contract amount be approved by the Board of County Commissioners. Grantee Administration funds of \$27,113 and Quality Management funds of \$31,000 were reallocated to agencies. These reallocations allowed additional clients to be served. No County funds are required. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

2. **Staff recommends motion to approve:** two (2) amendments to the Ryan White Part A HIV Health Support Services Contracts (Supplemental) for the period March 1, 2009, through February 28, 2010:

A) Amendment No. 2 to contract (R2009-1153) with Comprehensive Community Care Network, Inc. (CCCN) to internally reallocate \$52,000 from Outpatient Primary Care to Oral Care, internally reallocate \$36,585 from Laboratory/Diagnostic Testing to Oral Care and decrease funding for Home Health Care by \$26,000 for a new total contract amount not to exceed \$158,594; and

B) Amendment No. 2 to contract (R2009-1262) with Treasure Coast Health Council, Inc. (TCHC) to increase funding for Specialty Outpatient Medical by \$23,000 and Outpatient Primary Medical by \$3,000 for a new total contract amount not to exceed \$344,332.

SUMMARY: Ryan White HIV Health Support service dollars are reviewed throughout the contract year and reallocated to best meet the needs of affected clients. CCCN's Outpatient Primary Care and Laboratory/Diagnostic Testing budgets will be reduced by \$52,000 and \$36,585 respectively and reallocated internally Oral Care. Contract terms require that budget changes in excess of ten percent (10%) of the total contract amount be approved by the Board of County Commissioners. In addition, \$26,000 from CCCN will be reallocated to TCHC's Specialty Medical (\$23,000) and Primary Medical (\$3,000). These reallocations allowed additional clients to be served. No County funds are required. (Ryan White) Countywide (TKF)

3. **Staff recommends motion to approve:** Amendment No. 002 to Standard Agreement No. IA009-9500 (R2009-0405) for the Older Americans Act (OAA) Program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period January 1, 2009, through December 31, 2009, increasing the agreement amount by \$12,395 for a new total not-to-exceed the amount of \$2,080,602 for various supportive services to seniors. **SUMMARY:** This Amendment will increase IIIB Adult Day Care by \$5,327 and IIIE Adult Day Care by \$7,068 and required County funds by \$1,363. This increase was preapproved by AAA and the amendment was pending documentation from the AAA. County funds are currently in the budget. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provides OAA services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

4. **Staff recommends motion to approve:** Travel for Head Start/Early Head Start Policy Council member, Karen Simpson, for the period April 11, 2010, through April 14, 2010, at an estimated cost of \$954, to attend the Florida Head Start Association 13th Annual Training Institute. **SUMMARY:** Travel approval is requested for one (1) Head Start/Early Head Start Policy Council member to attend the Florida Head Start Association 13th Annual Training Institute. The grantor agency requires that Head Start parents and community representatives receive training in order to take an active role in the program. The estimated cost of \$954 provides for conference registration, lodging, mileage reimbursement, and meals for one (1) participant. Funding consists of \$763 in Federal funds and \$191 in County funds. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. **Staff recommends motion to approve:** a Utility Easement Agreement with Florida Power & Light Company (FPL) for utility service to the new Corporate Hangars at North Palm Beach County General Aviation Airport. **SUMMARY:** FPL requires an easement for electric service to the new Corporate Hangars being constructed at North Palm Beach County General Aviation Airport. Countywide (HJF)

2. **Staff recommends motion to approve:** an Agreement with Mad Studios Co. to design and deliver a new website for Palm Beach International Airport (PBIA). **SUMMARY:** The Agreement with Mad Studios Co. will provide an updated website for PBIA which is aesthetically pleasing and user friendly. This service will include all required coding, programming, software development, quality assurance testing and development of integration for maintenance of the site. The new website will allow staff the flexibility of inputting timely and accurate updates from their desktop computer. The term of the agreement is 120 days. Countywide (AH)

3. **Staff recommends motion to approve:**
 - A)** a Contract with Ranger Construction Industries, Inc. in the amount of \$4,260,995 for the Miscellaneous Airfield Pavement Repairs and Rehabilitation Project at Palm Beach International Airport (PBIA);

 - B)** a Budget Amendment of \$2,130,497 in the Airport's Improvement and Development Fund to recognize Passenger Facility Charge (PFC) revenue, and to increase Airport Reserves by \$2,130,497; and

 - C)** a Budget Transfer of \$2,130,497 in the Airport's PFC Fund to transfer PFC funds to the Airport's Improvement and Development Fund, including a transfer from PFC Reserves.

SUMMARY: This project was advertised utilizing the County's competitive bid process. On November 5, 2009, five (5) bids were received for the Miscellaneous Airfield Pavement Repairs and Rehabilitation Project at PBIA. Of the five (5) bids, Ranger Construction Industries, Inc., a Palm Beach County company, has been identified as a responsible/responsive bidder in the amount of \$4,260,995. In addition to the construction contract, project expenditures also include design costs, permitting fees and contingency funding. The Small Business Enterprise (SBE) Goal for this project was established at 15.00%. Ranger Construction Industries, Inc. SBE participation is 15.02%. Florida Department of Transportation (FDOT) grant funding of \$2,130,498 and PFC funds of \$2,130,497 are funding this project. Countywide (JCM)

4. **Staff recommends motion to approve:** Change Order No. 1 to the contract with Ranger Construction Industries, Inc. decreasing the contract in the amount of \$115,402.15 for the Air Cargo Ramp Expansion Project at Palm Beach International Airport (PBIA). **SUMMARY:** On April 21, 2009, the Board approved the contract with Ranger Construction Industries, Inc. for the Air Cargo Ramp Expansion Project in the amount of \$1,753,915.10 with a contract time of 270 calendar days (R2009-0631). Approval of this Change Order will decrease the total contract price by \$115,402.15. There is no change in contract time. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 15%. The DBE participation for this Change Order is being reduced by 3.47%. The total DBE contract participation including all change orders is 16%. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

5. **Staff recommends motion to adopt:** a Resolution approving Supplemental Joint Participation Agreement (SJPA) Number 1 with the Florida Department of Transportation (FDOT) increasing the original FDOT funding share by an additional \$100,000, revising the total cost of the project, and changing the project description to Runway 14/32 Safety Areas at Palm Beach International Airport (PBI). **SUMMARY:** On May 20, 2008, the Board of County Commissioners adopted a resolution (R2008-0851) approving a Joint Participation Agreement (JPA) with the FDOT in the amount of \$437,500 or 12.50% of the eligible project costs, whichever is less, to improve Runway 13/31 Safety Area at PBI. Per paragraph 3.00 of said JPA, the total estimated cost of the project is \$3,500,000. The FDOT has issued SJPA Number 1 increasing the estimated project cost by \$800,000 bringing the revised total cost of the project to \$4,300,000. The FDOT's participation increased from \$437,500 to \$537,500, with additional estimated funding from the Federal Aviation Administration (FAA) in the amount of \$3,225,000 pending final approval. The County's local share will be \$537,500 of the project cost. This SJPA also modifies the project description to refer to Runway 14/32 instead of Runway 13/31, due to the change in runway designations completed in December 2009. Countywide (AH)

6. **Staff recommends motion to receive and file:** forty (40) original Agreements for the Department of Airports:
 - A)** Agreement to Terminate Hangar Lease Agreement with Edward Asplundh, Unit 5, Building 11740 at North County Airport, terminating R2008-0854 on January 31, 2010 (AH);

 - B)** Agreement to Terminate Hangar Lease Agreement with Aviair Corporation, Unit 16, Building 11720 at North County Airport, terminating R2006-2410 on January 31, 2010 (AH);

 - C)** Agreement to Terminate Hangar Lease Agreement with Dan Erneston, Unit 3, Building 11720 at North County Airport, terminating R2003-1138 on February 28, 2010 (AH);

 - D)** Agreement to Terminate Hangar Lease Agreement with Michael Machtinger, Unit 8, Building 11350 at North County Airport, terminating R2008-0351 on March 31, 2010 (AH);

 - E)** Agreement to Terminate Hangar Lease Agreement with Rodmark Aviation, Inc., Unit 6, Building 11740 at North County Airport, terminating R2006-0190 on December 31, 2009 (AH);

 - F)** North County General Aviation Airport Hangar Lease Agreement with Med Alpha, LLC, Unit 11, Building 11740, for one (1) year, automatically renewed at one (1) year intervals, commencing on January 1, 2010 (AH);

 - G)** Hangar Lease Agreement with Icarus Ventures, Inc., Unit 6, Building 11240, at North County General Aviation Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on February 8, 2010; terminating Hangar Lease Agreement with Icarus Ventures, Inc. (R2007-2073) for Unit 5, Building 11730 at North County General Aviation Airport, same date (AH);

 - H)** Hangar Lease Agreement with Oceans Helicopters, Inc., Unit 6, Building 11750, at North County General Aviation Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on December 1, 2009; terminating Hangar Lease Agreement with Paul Robinson (R2003-2013) for Unit 6, Building 11750 at North County General Aviation Airport, same date (JB);

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. MOTION/TITLE CONTINUED

I) General Aeronautical Services Agreement with Aviation Repair Technologies, LLC, commencing November 1, 2009, terminating September 30, 2010, automatically renewed on a yearly basis (10/1 thru 9/30) (AH);

J) Airport Facilities Use Agreement with Aircraft Service International, Inc., commencing November 1, 2009, terminating September 30, 2010, automatically renewed on a yearly basis (10/1 thru 9/30) (AH);

K) Federal Aviation Administration Agreement for Transfer of Entitlements from Palm Beach County Glades Airport to Palm Beach County Park Airport for \$135,308 (AH);

L) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and ACP Jet Charters, Inc., entered into April 18, 2008 (AH);

M) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and Aero Zap III, LLC, entered into August 1, 2007 (AH);

N) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and Air Ghislaine, Inc., entered into September 1, 2008 (AH);

O) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and DeGeorge Management Company, entered into December 1, 2009 (AH);

P) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and Deleware Park, LLC, entered into July 1, 2008 (AH);

Q) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and Flight Options, LLC, entered into July 17, 2003 (AH);

R) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and Flying Fish 369, LLC, entered into January 28, 2009 (AH);

S) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and Foresight Management, LLC, entered into July 14, 2008 (AH);

T) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and Grindstone Aviation, LLC, entered into September 22, 2008 (AH);

U) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and HeliFlite Shares, LLC, entered into November 1, 2009 (AH);

V) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and JEGE, Inc., entered into September 1, 2008 (AH);

W) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and L.P. Hench Company, Inc., entered into June 1, 2007 (AH);

X) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and Mobile Aircraft Services, LLC, entered into November 11, 2008 (AH);

Y) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and QQQ Properties, LLC, entered into January 1, 2009 (AH);

Z) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and RAMO, LLC, entered into July 12, 2009 (AH);

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. MOTION/TITLE CONTINUED

AA) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and Sapphire International Group, Inc., entered into October 8, 2009 (AH);

BB) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and State of Florida Department of Highway Safety and Motor Vehicles, Division of Florida Highway Patrol, entered into July 1, 2008 (AH);

CC) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and Vitreo-Retinal Consultants of the Palm Beaches, P.A., entered into July 21, 2009 (AH);

DD) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and Ziff Brothers Investments, LLC, entered into June 15, 2009 (AH);

EE) Consent to Sublease for a Sublease Agreement between Signature Flight Support Corporation of Palm Beach, Inc. and Acme Aviation LLC, entered into October 1, 2008 (AH);

FF) Consent to Sublease for a Sublease Agreement between Signature Flight Support Corporation of Palm Beach, Inc. and Cheyenne Leasing, LLC, entered into June 1, 2007 (AH);

GG) Consent to Sublease for a Sublease Agreement between Signature Flight Support Corporation of Palm Beach, Inc. and Columbia properties, entered into June 1, 2007 (AH);

HH) Consent to Sublease for a Sublease Agreement between Signature Flight Support Corporation of Palm Beach, Inc. and GM Aviation, Inc., entered into August 1, 2009 (AH);

II) Consent to Sublease for a Sublease Agreement between Signature Flight Support Corporation of Palm Beach, Inc. and Gruss & Co., Inc., entered into February 1, 2008 (AH);

JJ) Consent to Sublease for a Sublease Agreement between Signature Flight Support Corporation of Palm Beach, Inc. and LEV AIR, LTD., entered into June 1, 2007 (AH);

KK) Consent to Sublease for a Sublease Agreement between Signature Flight Support Corporation of Palm Beach, Inc. and Liberty Oil & Refining Association, Inc., entered into February 1, 2008 (AH);

LL) Consent to Sublease for a Sublease Agreement between Signature Flight Support Corporation of Palm Beach, Inc. and SEAMCA, C.A., entered into January 1, 2009 (AH);

MM) Consent to Sublease for a Sublease Agreement between Signature Flight Support Corporation of Palm Beach, Inc. and John Taylor, entered into June 1, 2005 (AH); and

NN) Consent to Sublease for a Sublease Agreement between Signature Flight Support Corporation of Palm Beach, Inc. and The Allen Groupe, entered into April 1, 2006 (AH).

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the Board of County Commissioners in R93-801, R94-1453, R2004-1367, R2006-2086, R2008-1845 and R2009-1961. Countywide

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve:

A) a Budget Transfer from School Impact Fee Zone 1 reserve account to School Impact Fee Zone 1 appropriation account for \$438,000;

B) a Budget Transfer from School Impact Fee Zone 2 reserve account to School Impact Fee Zone 2 appropriation account for \$228,000;

C) a Budget Transfer from School Impact Fee Zone 3 reserve account to School Impact Fee Zone 3 appropriation account for \$390,000; and

D) a Budget Transfer from School Impact Fee Zone 4 reserve account to School Impact Fee Zone 4 appropriation account for \$147,000.

SUMMARY: Impact fees budgeted in reserve accounts cannot be appropriated until funds have been collected. These Budget Transfers recognize current year revenues as of February 2010 and allow for their appropriation so that the County may remit funds to the School District in accordance with Article 13 of the Unified Land Development Code. Countywide (LB)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: a Contract with Fastrack Management & Consulting, Inc., for \$1,197,942 to provide two (2) replacement 200-ton modular chillers and two (2) 200-ton cooling towers at the Emergency Operations Center. **SUMMARY:** The work consists of removing the existing two (2) 100-ton chillers and two (2) 100-ton cooling towers (excluding ductwork) and replacing them with two (2) 200-ton modular chillers, two (2) 200-ton cooling towers in a secured hardened enclosure, and all associated plumbing and electrical made necessary as a result of load increases since occupancy and redundancy is below 100%. At times, some areas with high heat loads are experiencing elevated temperatures. In addition, the new system will benefit the facility by decreasing overall energy costs utilizing variable air volume equipment versus the less efficient constant air volume split system and allowing for additional load controls which will allow for varying the usage. These measures will provide for a reduction in energy and operating costs. This project is funded with Federal Stimulus Grant monies, specifically from the Energy Efficiency and Conservation Block Grants (EECBG). All applicable Federal Certifications and Representations are required to meet grant specifications. General Conditions pertaining to all American Recovery and Reinvestment Act of 2009 (ARRA) grant funded projects are applicable. This project also has a Davis Bacon requirement with a Small Business Enterprise (SBE) goal of 15%. SBE participation for this project is 18.1%. The total construction duration is 180 days. Fastrack Management & Consulting, Inc. is a Palm Beach County company. (FD&O Admin) Countywide/District 2 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

2. **Staff recommends motion to approve:** a Contract with Davco Electrical Contractors Corp. for \$964,000 to provide Green Generation Lighting at Lake Lytal, John Prince, and Okeeheelee Parks. **SUMMARY:** The athletic lighting fixtures at John Prince, Okeeheelee & Lake Lytal Parks are more than twenty-five (25) years old. The optimum operational life of these fixtures has long passed. The current deteriorated condition of these systems has resulted in light lumen level reductions, increased energy consumption and overall poor performance of the systems. The work consists of installing Green Generation Lighting at the ball fields and tennis courts at Lake Lytal, John Prince, and Okeeheelee Parks. The new lighting will reduce energy consumption by half through increased luminaire efficiency, thereby decreasing overall energy costs. These measures will provide for a reduction in energy and operating costs. This project is funded with Federal Stimulus Grant monies, specifically from the Energy Efficiency and Conservation Block Grants. All applicable Federal Certifications and Representations are required to meet grant specifications. General Conditions pertaining to all American Recovery and Reinvestment Act of 2009 (ARRA) grant funded projects are applicable. This project also has a Davis Bacon requirement with a Small Business Enterprise (SBE) goal of 15%. SBE participation for this project is 18.8%. The total construction duration is 300 days. Davco Electrical Contractors is a Palm Beach County company. (FD&O Admin) Countywide/Districts 2, 3 & 6 (JM)

3. **Staff recommends motion to approve:** a Utility Easement Agreement in favor of Florida Power & Light Company (FPL) for electrical service to the County's new Fire Station No. 24 located in unincorporated West Palm Beach. **SUMMARY:** The County will be constructing a new Fire Station on Seminole Boulevard between Saranac Avenue and Oswego Avenue in unincorporated West Palm Beach. The existing fire station will be used as a storage facility upon the completion of the new Fire Station. As a part of the development of the fire station, the County will abandon a portion of the Saranac Avenue 40' right-of-way which is north of and adjacent to the site. The proposed abandonment will impact an existing power pole within the right-of-way, which will be relocated onto the northeast corner of the property. FPL is requiring that the County grant an easement ahead of the abandonment submittal. The easement area is approximately 10' wide by 20' long, and contains 200 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 County facilities and satisfy FPL's requirements for the proposed abandonment. (PREM) District 3 (HJF)

4. **Staff recommends motion to approve:** a Utility Easement Agreement in favor of Florida Power & Light Company (FPL) for underground electrical service to the County's Central Video Visitation Facility at the Central Detention Center (Stockade) in unincorporated West Palm Beach. **SUMMARY:** The County is constructing a Video Visitation Facility as part of the expansion of the Stockade. FPL requires an easement for the installation of underground electrical service and a transformer at this new facility. The easement area is approximately 10' wide and 362.50' long and contains 3,625 square feet (0.08 acres). This non-exclusive easement is being granted at no charge as it will provide electrical service solely for the benefit of the County facility. (PREM) District 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

5. Staff recommends motion to receive and file: notice of exercise of the extension option under the Lease Agreement with Theodore W. Winsberg and Gertrude K. Winsberg (R99-842D) for the Winsbergs' continued agricultural use of approximately 60 acres located on Hagen Ranch Road in Boynton Beach. **SUMMARY:** In 1996, the County purchased 175 acres of property from the Winsbergs for the development of the Water Utilities Department's Green Cay Wetlands Water Reclamation project. The property is located off Hagen Ranch Road between Boynton Beach Boulevard and Atlantic Boulevard. The Board approved the original Lease Agreement in May of 1999 (R99-842D), which allowed the Winsbergs to continue to farm the property. Over time, as Water Utilities Department constructed phases of the Water Reclamation Project, the area leased to the Winsbergs was reduced and the Winsbergs currently lease approximately 60 acres. In April of 2008, the Board approved the Fourth Amendment (R2008-0629) which extended the term of the Lease Agreement through May 1, 2010, and provided the Winsbergs with ten (10) additional one (1) year options to extend the term of the Lease Agreement. Exercising this first option will extend the term of the Lease Agreement through May 1, 2011. Pursuant to the terms of the Fourth Amendment, the Winsbergs have the right to exercise its option and the Board has no discretionary authority to not allow the exercise of the option. The County will continue to have the right to terminate this Lease upon 120 days notice. The annual rental rate for this option period will continue to be \$1/yr. All other terms of the Lease Agreement remain in full force and effect. (PREM) District 5 (HJF)

6. Staff recommends motion to approve:

A) a First Amendment to Agreement for Purchase and Sale (R2009-2133) with Midway Foundation, Inc. (Midway), a Florida corporation, to acquire a 2.53 acre parcel of vacant land in the City of Pahokee (City) for \$134,090; and

B) a Restated Memorandum of Agreement to be recorded in the public records to provide a termination date for post closing obligations.

SUMMARY: On December 15, 2009, the County entered into an Agreement to purchase a 2.53 acre parcel of vacant land located on S. Lake Avenue in Pahokee for the construction of Fire Rescue Station No. 72 which will replace the fire station currently being leased from the City. The Agreement for Purchase and Sale (Agreement) requires Midway to grant a drainage and utility easement to the County across a portion of Midway's adjacent property either at closing or post closing, if needed. The form of the easements were attached to the Agreement. Midway refused to close unless the County agreed to revise the easements to delete certain access language contained in the easement agreements and agreed to decide by May 1, 2011, whether such easements will be required. Staff has no objection to Midway's request to remove the easement language that allows access across their property. Access to the easement area can be obtained from the existing right-of-ways. This First Amendment provides for: (i) modification of the drainage and utility easements by deleting the language granting to County a non-exclusive access easement over and upon Midway's adjoining property; (ii) adding a May 1, 2011 deadline for a decision on the easements; (iii) replacement of the Memorandum of Agreement reflecting the revised terms; and (iv) extending the closing date to April 15, 2010. (PREM) District 6 (HJF)

3. CONSENT AGENDA APPROVAL

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to:

A) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, granting a County tax exemption for one (1) historic property located within the Town of Palm 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 Town of Palm Beach:

Address: 455 North County Road (123 LLC. William Pencer)

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 improvement 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 \$3,263.26 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 1 (RB)

M. PARKS & RECREATION

1. Staff recommends motion to approve: Agreement with Young Men's Christian Association of the Palm Beaches, Inc. for the period April 6, 2010, to April 5, 2012, in an amount not-to-exceed \$125,000 for construction of a concession building at the John Knapp Little League Ballfield Complex. **SUMMARY:** This Agreement provides funding for construction of a concession building by the Young Men's Christian Association of the Palm Beaches, Inc. (YMCA) at the Little League ballfields at the YMCA Brown Branch in Palm Springs. Funding was allocated for this project by the Board on November 18, 2008, from the 2002 Recreational and Cultural Facilities Bond. This 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 Agreement. District 3 (PK)
2. Staff recommends motion to approve: Agreement with Palm Beach State College for the period April 6, 2010, through September 30, 2010, in an amount not-to-exceed \$2,500 for funding of the Project Upward Bound 2010 student trip. **SUMMARY:** This funding is to help offset the cost of a student spring break trip sponsored by the Palm Beach State College Upward Bound program. Approximately 25 youth participated in the trip to visit universities within the State. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to January 1, 2010. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 3 (AH)
3. Staff recommends motion to approve: Services Agreement with Comcast Florida/Georgia, LLC for the period January 1, 2010, through December 31, 2014, in an amount not-to-exceed \$14,163.60 for the first year and \$73,954.86 for the contract period for continued cable television service to the South Bay RV Park. **SUMMARY:** This Agreement provides cable television service to 74 sites plus any sites added or constructed in the future at South Bay RV Park for a bulk rate cost of \$15.95 per month per site. The cost for subsequent years may increase up to a maximum of five percent per year. A previous five (5) year term Agreement with Comcast (formally known as Adelphia Cablevision of West Palm Beach IV, LLC) expired on January 31, 2009, and has been extended on a monthly basis, pending entering into a new Agreement. District 6 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

4. Staff recommends motion to receive and file: First Amendment to Agreement (R2009-1103) with the Palms West Chamber of Commerce, Inc. for construction of a new facility to extend the project completion date from December 31, 2009, to September 30, 2010, and to extend the project term ending date from March 31, 2010, to December 30, 2010. **SUMMARY:** This fully executed First Amendment to Agreement extends the project completion date and project term end dates in order to allow additional time for project completion and submission of project reimbursement documentation. The project is anticipated to be complete sooner than those dates, but the Amendment will allow sufficient time for all reimbursement paperwork to be submitted in a timely fashion. The Amendment is in accordance with Resolution R2005-1738 authorizing the delegation of authority for amending RAP agreements to the County Administrator or his designee. All other terms of the Agreement, including the funding amount of \$46,000, remain the same. Funding for the project is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)

5. Staff recommends motion to approve:

A) Budget Transfer of \$219,237 within the \$25M 1999 Recreation and Cultural Facilities Bond fund from Morikami Yamato-Kan Improvements to Morikami Museum & Gardens Improvements;

B) Budget Transfer of \$98,428 within the \$25M GO Parks and Cultural Improvements Bond Fund – 2005 from Morikami Yamato-Kan Improvements to Morikami Museum & Gardens Improvements; and

C) Budget Transfer of \$37,307 within Park Impact Fees Zone 3 from Morikami Park Entrance Improvements (\$32,665), Morikami Resource Center & Infrastructure Improvements (\$1,310) and Morikami Museum Kiosk (\$3,332) to Morikami Museum & Gardens Improvements.

SUMMARY: These budget transfers will provide additional funding necessary to complete several improvements at the Morikami Museum and Japanese Gardens. These improvements are being completed in order to provide for an enhanced customer experience. The Yamato-Kan improvements project has been completed. Residual funding from the Yamato-Kan project and other Morikami projects will provide necessary funding to complete these improvements. Funding is from the 1999 and 2005 General Obligation bonds and Zone 3 Park Impact Fees. District 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

6. Staff recommends motion to:

A) approve Third Amendment to Grant Agreement with the Palm Beach Metropolitan Planning Organization (MPO) to increase funding from \$100,000 to \$130,000 for funding of the design, permitting, and construction of a water taxi facility at DuBois Park;

B) approve a Budget Transfer of \$30,000 in the Metro Planning Organization Fund for Palm Beach County Water Taxi Facilities from Contributions to Other Governmental Agencies to transfer to Park Improvement Fund 3600; and

C) approve a Budget Amendment of \$30,000 in the Park Improvement Fund to recognize the transfer from the Metro Planning Organization Fund.

SUMMARY: On September 9, 2008, the Board approved a Grant Agreement (R2008-1526) with the MPO for \$100,000 for construction of a water taxi facility at DuBois Park, and authorized the County Administrator or his designee to execute all future time extensions, task assignments, minor amendments, and other necessary forms and certifications during the term of the Grant Agreement that do not change the amount of funding, scope of work, or terms and conditions of the Agreement and for the Director of the Parks and Recreation Department to serve as Liaison Agent with the MPO for this project. Two (2) amendments were subsequently entered into for this Agreement and executed by the Director of the Parks and Recreation Department serving as Project Liaison. These two (2) amendments extended the project completion date to December 31, 2009, and December 31, 2010, respectively, and clarified dates by which grant funds must be expended, invoices must be submitted for reimbursement, and when the water taxi docks must be completed and opened to the public. The Third Amendment is being presented to the Board for signature because it increases the funding amount of the grant from \$100,000 to \$130,000. The estimated project cost for the water taxi facility is \$130,000. No match is required for this grant. Funding is from the U.S. Department of Transportation, Ferry Boat Discretionary Program, through the State of Florida Department of Transportation, and is administered by the Palm Beach MPO. District 1 (AH)

P. COOPERATIVE EXTENSION SERVICES

1. Staff recommends motion to approve: Grant agreement with the Western Palm Beach County Farm Bureau in an amount not to exceed \$24,975 from Agricultural Economic Development Program funds to assist in conducting the 2010 Palm Beach County Sweet Corn Fiesta in West Palm Beach. **SUMMARY:** The 2010 Palm Beach County Sweet Corn Fiesta will be held on April 25, 2010, with expenses incurred after April 1, 2010 being eligible for reimbursement. This event will increase public awareness of local agriculture on a regional and statewide basis. It provides an opportunity for a local agricultural organization, the Western Palm Beach County Farm Bureau, to stage an event that will make our residents more aware of the economic significance of our largest vegetable row crop in our County's billion-dollar agricultural industry while bringing in people from surrounding counties. This is the 10th year for the event. The Palm Beach County Agricultural Enhancement Council has reviewed the request and met with representatives of the Western Palm Beach County Farm Bureau. Countywide (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

A) approve an Interlocal Agreement for \$323,000 with the City of West Palm Beach as a partner to implement the Youth Violence Prevention Project (YVPP) from October 1, 2009, to September 30, 2010;

B) approve an Interlocal Agreement for \$423,512 with the City of Riviera Beach as a partner to implement the YVPP from October 1, 2009, to September 30, 2010;

C) approve an Interlocal Agreement for \$279,900 with the City of Boynton Beach as a partner to implement the YVPP from October 1, 2009, to September 30, 2010;

D) approve an Interlocal Agreement for \$265,170 with the City of Lake Worth as a partner to implement the YVPP from October 1, 2009, to September 30, 2010;

E) approve an Interlocal Agreement for \$250,000 with the City of Belle Glade as a partner to implement the YVPP from October 1, 2009, to September 30, 2010;

F) approve a Budget Amendment for \$1,691,582 in the General Fund to recognize the award amount; and

G) receive and file a Recovery Act Edward Byrne Memorial Justice Assistance Grant of \$1,691,582 for the Palm Beach County Youth Violence Prevention Project.

SUMMARY: The Criminal Justice Commission is requesting the use of \$1,691,582 from the Federal FY '09 Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) for the continuation of the YVPP and its primary partners, the five (5) cities at greatest risk for future violence. The YVPP began the fourth year of implementation and funding on October 1, 2009. To date, the funds have established Youth Empowerment Centers in all five (5) geographic areas (listed above) identified as hot-spots and a Justice Service Center in Riviera Beach. In addition, joint law enforcement operations with multiple revenue sources complete the suppression component of the Project. Remaining grant funds of \$150,000 will be contracted for law enforcement training and technology for the fourth year evaluation. There is no requirement for match with the JAG funds. Countywide (DW)

S. FIRE RESCUE

1. Staff recommends motion to approve: a First Amendment to Interlocal Agreement for Fire Protection and Emergency Medical Services with the Town of South Palm Beach. This First Amendment shall take effect on October 1, 2010. **SUMMARY:** The County currently provides fire protection and emergency medical services to the Town of South Palm Beach (Town) through an Interlocal Agreement (R2004-0363), at a rate established by the Agreement. On October 27, 2009, the Town adopted an Ordinance to include the Town within the County's Fire/Rescue MSTU (Municipal Service Taxing Unit) as a method to receive and pay for fire-rescue services from the County for a ten (10) year period commencing October 1, 2010. On December 15, 2009, the Board approved an Ordinance accepting the Town into the Fire/Rescue MSTU (Ordinance No. 2009-048). This First Amendment reflects the Town's participation in the Fire/Rescue MSTU and shall become a part of the Interlocal Agreement. Countywide (SB)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

2. Staff recommends motion to receive and file: one (1) fully executed License Agreement with the Town of Palm Beach, for training at the Palm Beach County Fire Rescue Regional Training Center, for the period December 28, 2009, through December 27, 2010. **SUMMARY:** On September 15, 2009, the Board adopted Resolution No. R2009-1551 which authorized the County Administrator, or his designee (Fire Rescue Administrator), to execute a one (1) year standard License Agreement with outside fire rescue/public safety agencies and other authorized entities, providing them with access to the Regional Training Center to conduct training activities and events for public safety personnel. Pursuant to Countywide PPM CW-O-051, one fully executed License Agreement that has been executed by the Fire Rescue Administrator and the Town of Palm Beach, is being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (SB)

BB. SHERIFF

1. Staff recommends motion to:
 - A) **accept** on behalf of the Palm Beach County Sheriff's Office a Florida Department of Transportation Highway Safety Grant for the Palm Beach County Safety Belt Enforcement Program, in the amount of \$20,000 for the period of March 5, 2010, through September 30, 2010; and
 - B) **approve** a Budget Amendment of \$20,000 increasing the Sheriff's Grants Fund.

SUMMARY: On March 5, 2010, the Florida Department of Transportation awarded a Highway Safety grant to the Palm Beach County Sheriff's Office (PBSO) in the amount of \$20,000. These funds will be used to reimburse PBSO for overtime costs associated with the Palm Beach County Safety Belt Enforcement Program. There is no match associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)
2. Staff recommends motion to receive and file: on behalf of the Palm Beach County Sheriff's Office, a Grant Modification amending the State of Florida, Division of Emergency Management Grant, for the Regional Virtual Fusion Center, to extend the ending grant period from December 31, 2009, to June 30, 2010. **SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$32,445 on May 1, 2007; the original period for this grant was July 1, 2006, through January 31, 2008 (R2007-0715). On March 11, 2008, the BCC received and filed an agenda item extending the grant period from January 31, 2008, through September 30, 2008 (R2008-0455). On December 16, 2008, the BCC received and filed an agenda item extending the grant period from September 30, 2008, through March 31, 2009 (R2008-2344). On October 6, 2009, the BCC received and filed an agenda item extending the grant period from March 31, 2009, through December 31, 2009 (R2009-1713). This agenda item will extend the grant period from December 31, 2009, to June 30, 2010. The State of Florida, Division of Emergency Management awarded these funds to the Palm Beach County Sheriff's Office (PBSO) for the Regional Virtual Fusion Center under the State Homeland Security Grant Program. This project is an extension of the PBSO's integration of its local applications supporting countywide, regional and statewide data sharing. PBSO will streamline its operational and intelligence focused systems in web-based architectures to be shared and extended as appropriate to users within the Sheriff's office, to municipal agencies, and within the Florida Department of Law Enforcement Region. These funds have been approved by the State of Florida, Division of Emergency Management. The Palm Beach County Sheriff's Office 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 created, and no additional County funds are required in FY 2010. Countywide (DW)

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4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A.** Proclamation declaring April 2010 as “Water Conservation Month” in Palm Beach County. (Sponsored by Commissioner Marcus)
- B.** Proclamation declaring April 2010 as “Drowning Prevention Awareness Month” in Palm Beach County. (Sponsored by Commissioner Koons)
- C.** Proclamation declaring April 11 – 17, 2010 as “Week of the Young Child” in Palm Beach County. (Sponsored by Commissioner Vana)
- D.** Proclamation declaring May 10 – 16, 2010 as “Water Reuse Week” in Palm Beach County. (Sponsored by Commissioner Marcus)
- E.** Proclamation celebrating the 50th Anniversary of Pine Jog Environmental Education Center in Palm Beach County. (Sponsored by Commissioner Koons)
- F.** Proclamation celebrating the 90th Anniversary of the League of Women Voters of the United States in Palm Beach County. (Sponsored by Commissioner Vana)
- G.** Proclamation declaring April 11, 2010 as “Yom Hashoah Remembrance Day” in Palm Beach County. (Sponsored by Commissioner Aaronson)
- H.** Proclamation declaring April 2010 as “Child Abuse Prevention Month” in Palm Beach County. (Sponsored by Commissioner Abrams)
- I.** Proclamation declaring April 2010 as “Lake Worth Resource Center’s Hire One Worker One Week” Month in Palm Beach County. (Sponsored by Commissioner Santamaria)
- J.** Proclamation declaring April 18 – 24, 2010 as “National Volunteer Week” in Palm Beach County. (Sponsored by Commissioner Taylor)
- K.** Proclamation declaring April 11 – 17, 2010 as “National Library Week” in Palm Beach County. (Sponsored by Commissioner Aaronson)
- L.** Proclamation declaring April 9, 2010 as “National TRIO Day” in Palm Beach County. (Sponsored by Commissioner Taylor)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. **Health Department Briefing on Recycled Fill Material**
(Dr. Alina Alonso – Palm Beach County Health Department)

2. [Staff recommends motion to:](#)

A) approve an Agreement with the Lester Family Investments, L. P., a Florida Limited Partnership, (Lester) in which the County agrees to conduct offsite wetland mitigation activities required as part of state and federal permits related to the Scripps Florida Phase II development. In consideration of the County's agreement to conduct these mitigation activities, Lester will pay the County \$1,825,912.50, in three (3) equal instalments;

B) approve Budget Transfer of \$727,950 in the 98M NAV 07 Scripps/Briger Fund from Scripps/Briger Infrastructure to the Pine Glades Natural Area for the County's mitigation costs;

C) approve Budget Amendment of \$1,825,913 in the Natural Areas Fund to recognize the Lester payment of \$1,825,913 for mitigation costs; and

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

SUMMARY: On November 6, 2007, Lester and the County entered into an Agreement (R2007-1888) to jointly fund professional services related to a joint application for a Development of Regional Impact (DRI), Future Land Use Amendment, Concurrency Approval, Planned Community Development District and a Conceptual Environmental Resource Permit for the 863 acre Briger property, including the County's 70 acres for Scripps Florida Phase II. There are approximately 83 acres of wetlands within the 863 acres. The wetlands are generally in poor to moderate quality and dominated by exotic species such as Melaleuca. The proposed development plan will impact approximately 75 acres of these wetlands. The wetland mitigation plan provides for a combination of onsite and offsite mitigation. A portion of the off-site mitigation, 29.61 mitigation units, is being proposed at the County's Pine Glades Mitigation Area. Of this amount, Lester is responsible for 21.17 mitigation units totaling \$1,825,912.50, and the County is responsible for 8.44 mitigation units totaling \$727,950. The Agreement included in this agenda item is required as a condition of approval for the South Florida Water Management District Permit. The specific mitigation area and activities are as described in SFWMD Permit No. 50-00610-P and USACOE Permit No. SAJ-2009-1720. It is anticipated that the funds collected from Lester will fully offset the cost of constructing the mitigation, monitoring the mitigation area for the five (5) years as required by permit and for perpetual management of the mitigation area, which is also a permit requirement. Countywide (SF)

5. REGULAR AGENDA

TIME CERTAIN 10:15 A.M.

B. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff requests Board direction:** regarding a proposed Lease Agreement with Larise Atlantis, Inc. for a new Lantana Service Center for the Tax Collector. **SUMMARY:** Staff issued a Request for Proposals (RFP) to lease space for a new branch office for the Tax Collector (TCO) in the Lake Worth/Lantana area. Only one response to the RFP was received from Larise Atlantis, Inc for space within the Atlantis Plaza on Congress Avenue and was determined to be responsive. The TCO decided to proceed into negotiations with Larise in lieu of continuing with Phase 2 of the process as defined in the RFP and the following terms have been negotiated by the TCO: 1) 32,700 sf with an option to reduce to 20,000 sf within two (2) years; 2) five (5) years, with two (2)-five (5) year options, 3) rent of \$8.00/sf, 4) Common Area Maintenance (CAM) at \$4.00/sf, 5) rent and CAM commencement 90 days after execution of the lease on 20,000 sf, 6) CAM commencing one (1) year after lease with rent commencing two (2) years after lease on 12,700 sf, 7) all tenant improvements being funded by the County/TCO, via a Construction Manager at risk (CM) contract with a guaranteed maximum price (GMP) of \$3,650,000, and 8) a construction duration of 180 days.

Exhibit D of the Lease is the CM contract in the County's standard form, between Larise and Morganti Group Inc (MGI) to undertake the tenant improvements on behalf of Larise. MGI is a Palm Beach County firm. The SBE participation is 9.2%. Participation by locally owned contractors is 70%. The cost of the tenant improvements will be paid, in progress payments, to Larise by the County using funds received from the TCO via an Interlocal Agreement. While the funds for the lease payments (rent and CAM) including the tenant improvements are coming from the TCO's budget; there is an equivalent loss of excess fees returned to the Board to offset ad valorem revenue of approximately \$4,773,260 in FY 11 (expended in FY 10) and approximately \$380,000 annual thereafter, subject to escalation. The Tax Collector is recommending that the Board approve the Lease as presented, and if the Board approves the Lease it would be contingent on the Board also approving: 1) a Resolution designating the various branches as places of business and subsequent approval by the Department of Revenue, 2) an Interlocal Agreement between the TCO and County regarding management and funding of the Lease, and 3) a Budget Amendment recognizing the funding from the TCO for the tenant improvements; all of which are contained in a separate Board item.

It is clear that the TCO intends to utilize the full 32,700 sf (initial and expansion space) and Staff's analysis assumes that will occur. While the terms of the Lease appear to be market oriented, the costs of tenant improvements for this facility are substantial. The initial improvement cost will be \$3,650,000, and the build-out of the expansion space is estimated to be \$1,000,000, for a total of \$4,650,000. Rent for a 10-year term will be roughly \$4,000,000, bringing total expenditures over a 10-year term to close to \$8,700,000. In comparison, the cost to acquire and construct new is estimated to be roughly \$13,000,000. The cost to renovate an existing County facility (Airport Center Building 2) is estimated to be \$6,100,000. The TCO position is that the facility is needed in calendar year 2010 and that the Airport Center facility is outside her identified service area; and therefore is not a solution. Staff has general concerns in siting this facility within a privately owned multi-tenant shopping center, and specific concerns with respect to the location of the proposed branch within the building and the parking availability as well as various other terms that are discussed in detail in the background and policy issues section. (FDO Admin) Countywide (JM)

5. REGULAR AGENDA

TIME CERTAIN 10:15 A.M.

B. FACILITIES DEVELOPMENT & OPERATIONS

2. Staff recommends motion contingent to 5B-1 to:

A) adopt a Resolution authorizing a new Tax Collector Lantana Service Center, replacing the current suburban Lake Worth Branch and ratifying and affirming the Tax Collector's other existing branch offices;

B) approve an Interlocal Agreement with the Tax Collector of Palm Beach County (TCO) regarding the funding, management and administration of the Lease between the County and Larise Atlantic, Inc (Lease) for the Tax Collector Lantana Service Center; and

C) approve a Budget Amendment in the amount of \$3,720,000 in the Public Building Improvement Fund recognizing revenue from the Tax Collector and establishing a project line.

SUMMARY: The Florida Constitution requires the Board of County Commissioners adopt a Resolution approving the location of branch offices for the Tax Collector for the conduct of County business; which also includes the new Lantana Service Center located at 6228 S. Congress Avenue, Lantana, FL 33462. Adoption of this Resolution by the Board and subsequent acceptance by the Department of Revenue will allow the TCO to utilize TCO budget to fund the improvements and lease payments at the new Lantana Service Center. The Interlocal Agreement essentially assigns full financial and physical responsibility for all aspects of the Lease to the TCO except for: 1) actually making rent or additional rent payments, 2) making payments pursuant to the Lease Exhibit D, Landlord's tenant improvement work, 3) approving changes orders to the Lease Exhibit D, or 4) entering into any agreements which would either change the Board's obligations under the Lease or terms of the Lease. The term of the Interlocal Agreement is until the Lease terminates or the County is released from its obligations under the Lease, and the TCO has paid the County all reimbursements due. The budget amendment increases a project line within Fund 3804 entitled Various Facilities Improvements Constitutional Officers providing sufficient funds within the line to fund the work required by Lease Exhibit D and providing for the acceptance of revenue in the same amount from the Tax Collector. Both one-time and recurring expenditures will be reimbursed by the TCO upon receipt of an invoice from the County. (FDO Admin) Countywide (JM)

5. REGULAR AGENDA

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to authorize:** Staff to pursue the following alternatives to provide equestrians in East Caloosa with the ability to cross to the north side of the west leg of the C-18 Canal to access the proposed NENA trail (Pântano Trail): (1) SR 710 Bridge widening, (2) a minimal County construction enhancement of the existing SR 710 Bridge, and (3) construction of a new bridge in Caloosa funded by Caloosa residents through a Municipal Service Taxing Unit (MSTU). **SUMMARY:** At the Board of County Commissioner's (BCC) workshop held on January 26, 2010, the BCC directed staff to investigate the feasibility and costs of alternative measures that may be taken to provide equestrians from the small East Caloosa development a way to cross the west leg of the C-18 Canal to access the proposed NENA trail (Pântano Trail) on the north side of the canal. Staff has identified five (5) alternatives, all but one of which will require the support or approval from other governmental entities. The alternatives provide a range of options including one that requires no outright expenditures by the County, one that requires the County to expend over \$1.3 million, and one that imposes the cost of a new bridge on the East Caloosa community that directly benefits from the bridge. Staff has ranked the five (5) alternatives in order of priority based on what staff believes is both feasible and affordable for the County. Under the first ranked alternative, the County will work with the Florida Department of Transportation (FDOT) to encourage FDOT to enlarge the SR 710 bridge when it undertakes scheduled improvements to SR 710 to accommodate equestrians. Under the second ranked alternative, the County will work with FDOT to obtain permits to place temporary barriers on the existing SR 710 bridge to provide a more protected accessway for equestrians when crossing that bridge. Under the third ranked alternative, the County will oversee the design, permitting, and construction of a new bridge over the C-18 Canal within the Caloosa area, which will be funded by Caloosa residents through a MSTU to be established for Caloosa. Under the fourth ranked alternative, the County will install fencing along the southern borders of the right of way of the west leg of the C-18 Canal in the Loxahatchee Slough Natural Area and restrictive access gates across the South Florida Water Management District right of way on the south bank of the C-18 Canal immediately east of the existing Ocean to Lake Trail pedestrian bridge in order to protect the Loxahatchee Slough Natural Area. Under the fifth alternative, the County will install fencing adjacent to those portions of the Loxahatchee Slough Natural Area bordering the southern and western edges of the west and south legs of the C-18 Canal. The first four (4) alternatives will require approval from a non-County governmental entity, thus making the success of completing these alternatives uncertain. Only the fifth and most expensive alternative will not require such approvals. On February 19, 2010, the five (5) alternatives were presented to the Natural Areas Management Advisory Committee (NAMAC) because some of these alternatives could potentially impact management strategies for the Loxahatchee Slough Natural Area. NAMAC voted unanimously to recommend the first three alternatives for consideration by the BCC. Staff concurs with that recommendation. District 1 (SF)

TIME CERTAIN 11:00 A.M.

D. FIRE RESCUE

1. **Staff requests Board direction:** on the implementation of a 1% discretionary sales surtax to offset ad-valorem levies and non-ad valorem assessments for emergency fire rescue service by the amount of the estimated surtax. **SUMMARY:** Due to legislative changes, effective July 1, 2009, counties are authorized to impose a discretionary sales surtax up to 1% for emergency fire rescue services and facilities under certain circumstances, if approved by referendum. Countywide (SB)

5. REGULAR AGENDA

E. HOUSING AND COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve:

A) a Neighborhood Stabilization Program (NSP) residential first and second mortgage to Tiana Balchan, the daughter of a County employee, in the amount of \$166,790; and

B) a Neighborhood Stabilization Program (NSP) residential first and second mortgage to Eskinder S. Degeffe, a County employee, in the amount of \$158,700.

SUMMARY: Tiana Balchan is a very low income single female and the daughter of Evelyn Henry who has been employed with Palm Beach County's Housing and Community Development, Fiscal Department since September 2008. She is now seeking to purchase a home in the amount of \$143,550, which is one percent (1%) below appraised value. The home is located at 4861 Purdue Drive, Boynton Beach, FL 33436. The home contains 1331 square feet with three (3) bedrooms and three (2) baths. Total cost for this residential purchase and repair is \$168,326.83. This amount includes the purchase price of \$143,550; repair costs of \$16,025; closing costs of \$4,386.26; and prepaids of \$4,365.57. The total applicant contribution is \$1,536.83 which includes a mandatory 1% down payment of \$1,435.50. Palm Beach County will provide a first mortgage loan of \$67,000 for thirty (30) years at four percent (4%) interest, and a thirty (30) year second mortgage of \$100,000. The second mortgage requires no repayment if Ms. Balchan lives in the home as her principal place of residence for thirty (30) years. If Ms. Balchan does not use the property as her principal place of residence for the entire thirty (30) year encumbrance period, she must repay the entire \$100,000 second mortgage.

Eskinder S. Degeffe is a moderate income single male who has been employed with Palm Beach County's Facilities Department as a Security Officer since March of 2004. He is now seeking to purchase a home in the amount of \$220,770, which is one percent (1%) below appraised value. The home is located at 2499 Glendale Drive, Royal Palm Beach, FL 33411. The home contains 2,533 square feet with three (3) bedrooms and two (2) baths. Total cost for this residential purchase is \$236,651.79. This amount includes the purchase price of \$220,770; repair costs of \$2,275; closing costs of \$5,902.81; and prepaids of \$7,703.98. The total applicant contribution is \$45,224.84 which includes a mandatory 2% down payment. Palm Beach County will provide a first mortgage loan of \$158,700 for thirty (30) years at four percent (4%) interest, and a thirty (30) year second mortgage of \$25,000. The second mortgage requires no repayment if Mr. Degeffe lives in the home as his principal place of residence for thirty (30) years. If Mr. Degeffe does not use the property as his principal place of residence for the entire thirty (30) year encumbrance period, he must repay the entire \$25,000 second mortgage. **These are federal funds which require no local match.** District 7 (TKF)

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6. BOARD APPOINTMENTS

A. **ENVIRONMENTAL RESOURCES MANAGEMENT**
(Artificial Reef and Estuarine Enhancement Committee)

1. **Staff recommends motion to approve:** three (3) re-appointments of at-large members to the Artificial Reef and Estuarine Enhancement Committee (AREEC). Seat Nos. 3, 7 and 8 are for a term of three (3) years beginning April 6, 2010, through April 5, 2013.

<u>Nominees</u>	<u>Seat Nos.</u>	<u>Representing</u>	<u>Terms</u>	<u>Nominated By</u>
James J. Barry III	3	Local Government Entity	3	Comm. Marcus Comm. Koons Comm. Vana Comm. Abrams Comm. Aaronson Comm. Santamaria
Tom Twyford	7	Recreational Fishing	3	Comm. Marcus Comm. Koons Comm. Vana Comm. Aaronson Comm. Santamaria
John Hargis	8	Recreational Diving	3	Comm. Marcus Comm. Koons Comm. Vana Comm. Aaronson Comm. Santamaria

SUMMARY: Resolution No. R-08-1511 provides for an eleven-member AREEC. The membership consists of one (1) representative of the County Commission, one (1) representative of commercial SCUBA diving, one (1) representative of recreational SCUBA diving, one (1) representative of marine industry, one (1) representative of recreational fishing, one (1) representative of fisheries, one (1) representative of an environmental organization, two (2) representatives from local government and two (2) general members. A memorandum from Environmental Resources Management (ERM) was sent to the BCC on February 17, 2010 requesting nominations for Seats 3, 7 and 8. There were no other nominations. Countywide (HF)

6. BOARD APPOINTMENTS

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

1. **Staff recommends motion to approve:** a) appointment of one (1) member; and b) reappointment of one (1) member to the Construction Industry Licensing Board (CILB):

<u>Appoint (1)</u>	<u>Seat #</u>	<u>Requirement</u>	<u>Term</u>	<u>Nominated by</u>
Donald Sharkey	2	Electrical Contractor	4/6/10-9/30/12	Comm. Koons Comm. Marcus Comm. Santamaria
OR				

Nelson Dozier	2	Electrical Contractor	4/6/10-9/30/12	Comm. Taylor
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<u>Reappoint</u>	<u>Seat #</u>	<u>Requirement</u>	<u>Term</u>	<u>Nominated by</u>
John Desnoyers	9	Engineer Member	4/6/10-9/30/12	Comm. Koons Comm. Marcus

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 15 members. The above named construction members have been recommended by Contractors Certification Director (Mr. Sharkey), District 7 (Mr. Dozier) and the Florida Engineer Society (FES) (Mr. Desnoyers). Donald Sharkey and Nelson Dozier have been nominated to replace Mr. John Lowen whose term has expired. The Florida Engineering Society recommends Mr. John Desnoyers for a second term and he has indicated a willingness to continue. The nominations represent seats for an Electrical Contractor and an Engineer Member 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 February 16, 2010 advising of the vacant positions; no other nominations were received. Countywide (GB)

C. **ADMINISTRATION**
(Fair Housing/Equal Employment Board)

1. **Staff recommends motion to approve:** appointment of two (2) members to the Fair Housing/Equal Employment Board for a term beginning on April 6, 2010, through January 9, 2011. The appointments are to be made from the following nominees:

<u>Nominee</u>	<u>Nominated By</u>	<u>Seat No.</u>
Carole Kaye	Commissioner Abrams	4
Eric S. Malkin	Commissioner Aaronson	7

SUMMARY: These appointments are to fill two (2) at-large seats created by the resignation of Brenda Montague and the seat formerly held by Keith Spruill resulting from Mr. Spruill's failure to meet the attendance requirements during calendar year 2009. The appointments are at-large and for the remainder of a term ending January 9, 2011. The board is composed of nine (9) members. Seven members are district appointments and two (2) are at-large. The Ordinances require that the appointees should reflect, to the greatest extent possible, representation from the protected groups identified in the Ordinances and who have experience and interest in equal opportunities. The board meets quarterly. A memorandum was sent to the Board of County Commissioners on January 21, 2010 requesting nominations. Chairman Aaronson nominated Mr. Malkin and Commissioner Abrams nominated Ms. Kaye. No other nominations were received. Countywide (TKF)

D. **COMMISSION DISTRICT APPOINTMENTS**

APRIL 6, 2010

7. MATTERS BY THE PUBLIC – 2:00 P.M.

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APRIL 6, 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

Proclamation declaring May 2010 as “Sand Sifters Appreciation Month” in Palm Beach County.

E. District 5 - COMMISSIONER BURT AARONSON, CHAIR

Proclamation declaring April 11 – 25, 2010 as “Days of Remembrance of the Victims of the Nazi Holocaust” in Palm Beach County.

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

APRIL 6, 2010

<u>PAGE</u>	<u>ITEM</u>	
6	3A-1	<u>REVISED SUMMARY:</u> This First Amendment to the Agreement with Country Club Acres Association, Inc. (R2009-1446) amends the scope of work by adding office supplies, <u>postage and printing services</u> as an eligible expense. (Admin/OCR)
6	3A-3	<u>REVISED MOTION:</u> Staff recommends motion to approve adopt: a Resolution by the Board of County Commissioners of Palm Beach County, Florida, urging the Florida Legislature to support initiatives that would preserve the United States as the leader in space and Florida's continuance as an essential component of the Nation's Space Program. (Admin/EDO)
22	4M	<u>ADD-ON:</u> Proclamation declaring May 2010 as "Cancer Research Month" in Palm Beach County. (Sponsored by Commissioner Abrams)
24	5B-1	<u>DELETED:</u> Staff requests Board direction: regarding a proposed Lease Agreement with Larise Atlantis, Inc. for a new Lantana Service Center for the Tax Collector. (FDO) (Being replaced with one (1) new item)
25	5B-2	<u>DELETED:</u> Staff recommends motion contingent to 5B-1 to: A) adopt a Resolution authorizing a new Tax Collector Lantana Service Center;..(FDO) (Being replaced with one (1) new item)
25	5B-3	<u>ADD-ON, TIME CERTAIN 10:15 A.M.:</u> Staff recommends motion to approve: providing the Tax Collector with expanded facilities to support the continued provision of driver's license services in the South County area. SUMMARY: The State Department of Motor Vehicles has indicated it will close its Delray Beach office on July 1, 2010. The Board has expressed a desire to provide for the continuation of such services in the South County area and the Tax Collector is proposing to assume responsibility for such services. Staff has developed a proposed plan for providing the Tax Collector additional space within the South County Administrative Complex in which to perform such services. Essentially, the plan entails relocating the Property Appraiser from the Administrative Complex to the former West Atlantic Library building and renovating the vacated space for use by the Tax Collector. (PREM) <u>Districts 4, 5 & 7/Countywide</u> (HJF) (FDO)
26	5C-1	<u>REVISED TIME CERTAIN 11:00 A.M.:</u> Staff recommends motion to authorize: Staff to pursue the following alternatives to provide equestrians in East Caloosa with the ability to cross to the north side of the west leg of the C-18 Canal to access the proposed NENA trail (Pântano Trail):...(ERM)
26	5D-1	<u>REVISED TIME CERTAIN 10:20 A.M.:</u> Staff requests Board direction: on the implementation of a 1% discretionary sales surtax to offset ad-valorem levies and non-ad valorem assessments for emergency fire rescue service by the amount of the estimated surtax. (Fire Rescue)
27	5E-1	<u>REVISED TITLE:</u> Staff recommends motion to approve: A) a Neighborhood Stabilization Program (NSP) residential first and second mortgage to Tiana Balchan, the daughter of a County employee, in the amount of \$166,790 <u>\$167,000</u> ; and B) a Neighborhood Stabilization Program (NSP) residential first and second mortgage to Eskinder S. Degeffe, a County employee, in the amount of \$158,700 <u>\$183,700</u> . (HCD)

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 (*).