

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

**AUGUST 15, 2006**

**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
  
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- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 57)**
  
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**3. CONSENT AGENDA APPROVAL**

**A. ADMINISTRATION**

1. **Staff recommends motion to approve:** Reimbursement of attorney's fees and costs in the amount of \$2,121.81, incurred by Commissioner Greene in successfully defending charges filed against her before the Florida Commission on Ethics. **SUMMARY:** Charges were filed against Commissioner Greene in connection with her vote to relocate Scripps from the Mecca site to the Florida Atlantic University campus in Jupiter. The Ethics Commission dismissed the complaint on April 26, 2006. This motion is consistent with County Policy, PPM CW-F-057, which authorizes the County Administrator to request reimbursement on behalf of present and former County Officials who prevail in actions brought before the Florida Commission on Ethics, provided the matter was connected to an official County function and in furtherance of a public purpose. District 7 (LB)

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

**A)** expenditure in the amount of \$48,000 from the Office of Community Revitalization Neighborhood Street Lighting Program to assist in the installation and 20 years maintenance of eight (8) "cobra head" streetlights within the Limestone Creek CCRT area;

**B)** Budget Transfer from the OCR Street Lighting Program to the Limestone Creek Street Lighting Project for implementation in the amount of \$16,000;

**C)** Budget Transfer from the OCR Street Lighting Program to the CCRT Street Lighting Maintenance Fund in the amount of \$32,000; and

**D)** Budget Amendment of \$32,000 in the CCRT Street Lighting Maintenance Fund to recognize and appropriate the transfer of \$32,000 from the Capital Outlay Fund.

**SUMMARY:** This street lighting project was initiated by members of the Limestone Creek Neighborhood Association and the total amount of funding provided for this project is \$48,000. Based on OCR staff review, it was determined that the installation of these street lights would help reduce area crime as well as enhance pedestrian safety and facilitate safer vehicular movement. District 1 (AH)

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

**A)** expenditure in the amount of \$28,203 from the Capital Outlay Fund CCRT Recouped Funding reserves to expand the Ranch House Road Area CCRT Special Assessment Project;

**B)** expenditure in the amount of \$4,000 to increase funding for the Kenwood Neighborhood Park project to conduct site lighting and electric improvements;

**C)** Budget Transfer of \$32,203 within the Capital Outlay Fund from the CCRT Recouped Funding reserves to the Ranch House/Homewood project for \$28,203 and to the Park Improvement Fund for \$4,000; and

**D)** Budget Amendment in the Park Improvement Fund to recognize and appropriate the transfer in the amount of \$4,000 from the Capital Outlay Fund.

**SUMMARY:** The Ranch House/Homewood area water improvement project was approved by the Board of County Commissioners (BCC) on October 18, 2005. The \$28,203 being requested is needed to provide water to four (4) additional residential properties. The \$4,000 is requested to install a light and make electrical improvements at the Kenwood CCRT Park. Districts 2 & 3 (AH)

**AUGUST 15, 2006**

3. **CONSENT AGENDA APPROVAL**

**A. ADMINISTRATION (Cont'd)**

4. **Staff recommends motion to approve:** Payment to Lake Okeechobee Redevelopment d/b/a Superior Park Model Homes in the amount of \$105,000 for hauling and set-up of twenty-one (21) FEMA mobile homes provided to the City of Pahokee. The trailers provided temporary housing to victims of Hurricane Wilma. **SUMMARY:** As a result of Hurricane Wilma, FEMA donated twenty-one (21) mobile homes for temporary disaster housing to the City of Pahokee. The City appealed to the County for the needed funds to set-up these units. The vendor has presented an invoice for \$105,000 and the City is requesting the County make the payment. There is sufficient budget in the General Government appropriation unit to cover this cost. District 6 (PFK)

**B. CLERK AND 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:

<b>Meeting Type</b>	<b>Meeting Date</b>
Comprehensive Plan	April 4, 2006
Regular	May 2, 2006
Environmental Control Board	May 2, 2006
Zoning	May 25, 2006
Regular	June 6, 2006
Regular	June 20, 2006
Zoning	June 22, 2006

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
  
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during June 2006. Countywide
  
5. **Staff recommends motion to receive and file:** List of errors insolvencies, double assessments, discounts & value adjustment board reductions on the 2005 Assessment Roll. **SUMMARY:** Chapter 197.492, F.S. requires that on or before the 60th day after the tax certificate sale, the Tax Collector shall make out a report to the Board of County Commissioners, separately showing the discounts, errors and double assessments and insolvency's for which credit is to be given..." Countywide (PFK)

**AUGUST 15, 2006**

### **3. CONSENT AGENDA APPROVAL**

#### **C. ENGINEERING & PUBLIC WORKS**

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

**A) an Interlocal Agreement in the amount of \$30,000 with the City of West Palm Beach (City) to partially fund the Okeechobee Boulevard Corridor Study being done by the City; and**

**B)** a Budget Transfer of \$30,000 in the Transportation Improvement Fund from Reserve for District 2 to Okeechobee Boulevard Corridor Study - District 2.

**SUMMARY:** This Interlocal Agreement and Budget Transfer will reimburse the City the amount of \$30,000 towards the cost of the Okeechobee Boulevard Corridor Study being conducted by the City. Districts 2 & 7 (MRE)

2. [Staff recommends motion to approve: a Budget Transfer of \\$25,000 in the Transportation Improvement Fund from Reserve for District 6 to the Ibis/FPL Easement Clearing and Stabilization Project.](#) **SUMMARY:** The Budget Transfer of \$25,000 will pay for the clearing and stabilization of 1.5 miles of Ibis/FPL Transmission Line Maintenance Easement. District 6 (MRE)

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

**A)** a \$6,274,889.65 Contract with Bergeron Land Development, Inc. (BLD), lowest responsive, responsible bidder, for the construction of Jog Road from West Atlantic Avenue to South of Lake Ida Road (Project);

**B)** a Budget Transfer of \$2,699,129 in the Road Impact Fee Fund - Zone 5 from Reserves to Jog Road from West Atlantic to South of Lake Ida Road; and

**C)** a Budget Amendment of \$52,622 in the Road Impact Fee Fund - Zone 5 to recognize a Utility Reimbursement from BellSouth Telecommunications and appropriate it to Jog Road from West Atlantic to South of Lake Ida Road.

**SUMMARY:** This Contract will provide all the work necessary to construct the Project. The Small Business Enterprise (SBE) goal for the Project is 15% overall. The SBE participation committed for the Project by BLD is 14.86% overall and does not meet the SBE requirement for this project. The remaining bidders, however, fall outside the range for ranking of responsive bidder's consideration. District 5 (MRE)

4. [Staff recommends motion to approve:](#)

[A\) release of an existing drainage easement in the Paloma Subdivision \(Palm Beach Gardens\).](#)

**B)** acceptance of a new drainage easement; and

**C)** acceptance of a Performance Bond.

**SUMMARY:** This action will release an existing County drainage easement. As a condition of this release, the developer, M/I Homes of West Palm Beach, LLC (Developer) has executed a new drainage easement in favor of the County. The Developer will also show this drainage easement as existing in the plat of Paloma, a new subdivision at the southwest corner of Military Trail and Hood Road, within the City of Palm Beach Gardens. In addition, the Developer has provided a Performance Bond to the County to guarantee construction of the new drainage system and to further

guarantee that the existing drainage system will continue to function until the new drainage system is functioning and accepted by the County. District 1 (PFK)

**AUGUST 15, 2006**

**3. CONSENT AGENDA APPROVAL**

**C. ENGINEERING & PUBLIC WORKS (Cont'd)**

5. [Staff recommends motion to approve: the renewal of the Testing Lab Services Annual Agreement with the following firm:](#)

**Original**

**Firm Name Agreement Date Resolution No.**

Dunkelberger Engineering &  
Testing, Inc.

June 21, 2005

R2005-1144

**SUMMARY:** This Agreement is being considered for renewal for required professional services, on a task order basis. Countywide (PFK)

6. [Staff recommends motion to adopt: a Resolution re-designating a parcel of County-owned land at Lawrence Road and Lantana Road as County right-of-way.](#) **SUMMARY:** As a condition of zoning approval for the Lawrence Road Branch Library property (R2006-0005), the County's Property and Real Estate Management Division (PREM) is required to re-designate a parcel of County-owned land as right-of-way along Lawrence Road and Lantana Road, respectively. District 3 (PFK)
7. [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 \(FDOT\) for installation and maintenance of grade crossing traffic control devices at the FEC crossing on 6<sup>th</sup> Avenue South, Milepost 306.2867, at an annual cost of \\$3,146.](#) **SUMMARY:** The FDOT has set aside Federal Rail Title II Signal Safety funding for safety improvements to this crossing. The FEC will install these improvements and the FDOT will reimburse the FEC for all construction costs. Palm Beach County will pay 100 percent (increased from 50%) of the annual maintenance fees (\$3,146) for this Type IV, Class III crossing. District 7 (MRE)
8. [Staff recommends motion to approve: a Release of a Removal Agreement for a fence, as recorded in Official Record Book 4608, Page 1338, Public Records of Palm Beach County, Florida.](#) **SUMMARY:** This action will authorize the release of a Removal Agreement for a fence located on the southeast corner of Donald Ross Road and Prosperity Farms Road. District 1 (PFK)

9. [Staff recommends motion to approve: an Amendment to the Financial Assistance Agreement \(R2004-1531\) with the City of West Palm Beach \(City\) for an extension of the completion date for the installation of improvements.](#) **SUMMARY:** The original Agreement provides for a reimbursement, in an amount not-to-exceed a maximum of \$52,701, to the City for the City's effort to install improvements on Palm Beach Lakes Boulevard from Australian Avenue to west of Golf Drive. This Amendment with the City will extend the completion date from September 30, 2005 to March 31, 2007, as requested by the City. The completion of the improvements has been slowed due to delays encountered by the City in its efforts to accomplish the improvements. District 7 (MRE)

**AUGUST 15, 2006**

### **3. CONSENT AGENDA APPROVAL**

#### **C. ENGINEERING & PUBLIC WORKS (Cont'd)**

10. [Staff recommends motion to approve: an Amendment to the Financial Assistance Agreement \(R2004-1530\) with the City of West Palm Beach \(City\), for an extension of the completion date for the installation of the improvements.](#) **SUMMARY:** The original Agreement provides for a reimbursement, in an amount not-to-exceed a maximum of \$150,000, to the City for the City's effort to install improvements on Palm Beach Lakes Boulevard from Hank Aaron Drive to 360 feet west of Golf Drive. This Amendment between the City and County will extend the completion date from September 30, 2005, to March 31, 2007, due to delays encountered by the City in its efforts to accomplish the improvements. District 7 (MRE)
11. [Staff recommends motion to approve: a Financial Assistance Agreement with the City of West Palm Beach \(City\) to provide a reimbursement contribution not-to-exceed \\$75,000.](#) **SUMMARY:** This Agreement provides funding to reimburse the City up to 41% of the cost of the installation of beautification within the medians of Palm Beach Lakes Boulevard from Executive Center Drive to Hank Aaron Drive, with contributions not-to-exceed a maximum of \$75,000. The City will be responsible for the perpetual maintenance of these improvements. District 7 (MRE)
12. [Staff recommends motion to approve:](#)

[A\) a Reimbursement Agreement in the amount of \\$25,000 with Santa Barbara Property](#)

[Owners Association, Inc. \(Association\) for installation of landscaping along Glades Road adjacent to the Development; and](#)

**B)** a Budget Transfer of \$25,000 in the Transportation Improvement Fund from Reserve for District 4 to Santa Barbara Landscape Project – District 4.

**SUMMARY:** This Reimbursement Agreement and Budget Transfer will reimburse the Association the amount of \$25,000 for its Santa Barbara Landscape Project adjacent to Glades Road. District 4 (MRE)

### 13. DELETED

14. [Staff recommends motion to approve: a Contract with Johnson-Davis, Inc., in the amount of \\$504,509 for construction of the Ixora Park drainage improvements.](#)  
**SUMMARY:** The plans consist of all the work necessary to replace the existing culverts in the Lake Worth Drainage District (LWDD) L-13 Canal at Stevens Road and Davis Road. In addition, construction plans consist of all the work necessary to place a concrete pathway across LWDD L-13 at Davis Road. The Small Business Enterprise (SBE) goal for the project is 15%. The SBE participation committed for the project by Johnson-Davis, Inc. is 25% overall. District 3 (MRE)

15. [Staff recommends motion to approve: an Amendment to the Financial Assistance Agreement \(R2005-0439\) with Boca Del Mar Improvement Association, Inc. \(Association\) for an extension of the completion date for improvements in the County's right-of-way for Palmetto Park Road.](#) **SUMMARY:** The original Agreement provides for a reimbursement, in an amount not-to-exceed a maximum of \$150,000, to the Association for the planned improvements in the County's right-of-way for Palmetto Park Road from the Florida's Turnpike to Military Trail. This Amendment between the Association and County will extend the completion date from December 31, 2006, to December 31, 2007. The completion of the improvements has been delayed due to hurricane related problems. District 4 (MRE)

**AUGUST 15, 2006**

### 3. CONSENT AGENDA APPROVAL

#### C. ENGINEERING & PUBLIC WORKS (Cont'd)

16. [Staff recommends motion to approve:](#)

[A\) a Budget Transfer of \\$98,886 in the Municipal Service Taxing Unit \(MSTU\) District "B" Fund from Reserves to Dillman Road from Lyons Road west to the end \(Project\); and](#)

**B)** a \$62,624 Task to the Annual MSTU Districts A through E Agreement with



Keshavarz & Associates, Inc. (KAI) for engineering, surveying, and permitting services for design and construction plans for the Project.

**SUMMARY:** The Budget Transfer will provide funds for the engineering services required for the preparation of plans and specifications for the Dillman Road Improvements (Project). The Task Agreement will allow KAI to provide the engineering, surveying, and permitting services for preparation of design and construction plans for the Project. District 6 (MSTU "B") (MRE)

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

**A) a Financial Assistance Agreement with Country Lakes West Property Owners Association, Inc. (Association), to provide reimbursement funding not-to-exceed \$40,000; and**

**B) a Budget Transfer of \$40,000 in the Transportation Improvement Fund from Reserve for District 2 to Bentbrook Boulevard, for beautification and irrigation in the County's right-of-way of Bentbrook Boulevard.**

**SUMMARY:** This Agreement provides funding to reimburse the Association up to a maximum of \$40,000 of the cost to install beautification and irrigation within the County's right-of-way for Bentbrook Boulevard from Lantana Road to south of Ridgewood Drive. The Association will be responsible for the perpetual maintenance of these improvements. District 2 (MRE)

18. **DELETED**

19. **Staff recommends motion to approve: a Budget Transfer of \$250,000 in the Transportation Improvement Fund from Reserve for District 6 to Northlake Boulevard from State Road 7 right-of-way to Beeline Highway for roadway beautification.**

**SUMMARY:** This item provides funding for the design and installation of roadway beautification for Northlake Boulevard from State Road 7 right-of-way to Beeline Highway. The design by a County consultant is currently underway. A future Agreement with the City of West Palm Beach, which will provide for their perpetual maintenance, is pending. The beautification will not be installed until the Maintenance Agreement with the City is fully executed. District 6 (MRE)

20. **Staff recommends motion to approve: a Budget Transfer of \$2,500 in the Transportation Improvement Fund from the Reserves for District 1 to Donald Ross Road/Elison Wilson Road Memorial Plaque – District 1.** **SUMMARY:** This Budget Transfer will fund the installation of a memorial plaque at the intersection of Donald Ross Road and Ellison Wilson Road to identify who the above roads were named to commemorate. District 1 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

21. Staff recommends motion to approve: Supplemental Agreement No. 1 to Project Agreement (R2004-2323) in the amount of \$139,259.49 with Kimley-Horn and Associates, Inc. (KHA) for professional services. **SUMMARY:** This Supplemental Agreement will provide the services necessary for the redesign of the drainage system and intersection for Hypoluxo Road from west of Lyons Road to west of Hagen Ranch Road (Project). District 3 (PFK)

22. Staff recommends motion to approve:

A) an Interlocal Agreement in the amount of \$400,000 with the Village of Royal Palm Beach (Village) for improvements to Royal Palm Beach Boulevard within the Village limits; and

**B)** a Budget Transfer of \$400,000 in the Transportation Improvement Fund from Reserve for District 6 to Village of Royal Palm Beach Street Improvements – District 6.

**SUMMARY:** This Interlocal Agreement and Budget Transfer will reimburse the Village the amount of \$400,000 for street improvements to Royal Palm Beach Boulevard within the Village limits. District 6 (MRE)

23. Staff recommends motion to approve:

A) an Interlocal Agreement in the amount of \$400,000 with the Village of Wellington (Village) for improvements to Pierson Road within the Village limits; and

**B)** a Budget Transfer of \$400,000 in the Transportation Improvement Fund from Reserve for District 6 to Village of Wellington Street Improvements – District 6.

**SUMMARY:** This Interlocal Agreement and Budget Transfer will reimburse the Village the amount of \$400,000 for street improvements to Pierson Road within the Village limits. District 6 (MRE)

24. Staff recommends motion to approve:

A) an Interlocal Agreement in the amount of \$200,000 with the Town of Haverhill (Town) for street improvements to Town roads within the Town limits; and

**B)** a Budget Transfer of \$200,000 in the Transportation Improvement Fund from Reserve for District 6 to Town of Haverhill Street Improvements – District 6.

**SUMMARY:** This Interlocal Agreement and Budget Transfer will reimburse the Town the amount of \$200,000 for street improvements to Town roads within the Town limits. District 6 (MRE)

**AUGUST 15, 2006**

**3. CONSENT AGENDA APPROVAL**

**C. ENGINEERING & PUBLIC WORKS (Cont'd)**

25. Staff recommends motion to approve:

**A)** an Interlocal Agreement in the amount of \$500,000 with the City of Pahokee (City) for street improvements to twenty five (25) roads within the City limits; and

**B)** a Budget Transfer of \$500,000 in the Transportation Improvement Fund from Reserve for District 6 to City of Pahokee Street Improvements – District 6.

**SUMMARY:** This Interlocal Agreement and Budget Transfer will reimburse the City the amount of \$500,000 for street improvements to City roads within the City limits. District 6 (MRE)

26. Staff recommends motion to approve:

**A)** an Interlocal Agreement in the amount of \$200,000 with the City of South Bay (City) for street improvements to City roads within City limits; and

**B)** a Budget Transfer of \$200,000 in the Transportation Improvement Fund from Reserve for District 6 to the City of South Bay Street Improvements - District 6.

**SUMMARY:** This Interlocal Agreement and Budget Transfer will reimburse the City of South Bay the amount of \$200,000 for street improvements to City roads within City limits. District 6 (MRE)

27. [Staff recommends motion to approve: a Facilities Relocation Agreement with the Florida Power & Light Company \(FPL\) \(Agreement\), for the relocation of existing overhead transmission electric power lines as required for the construction of Persimmon Boulevard - South Extension from 110th Avenue to Okeechobee Boulevard, hereinafter referred to as the \(Project\).](#) **SUMMARY:** This Agreement with FPL is required for the relocation of its existing overhead transmission electric facilities, to allow for the construction of the Project. The Agreement with FPL is required because the facilities are covered by an existing recorded utility easement. District 6 (MRE)
28. [Staff recommends motion to approve: an Amendment to Joint Participation Agreement, ANW 73, \(R2005-0529\), dated April 19, 2005, amended January 10, 2006 \(R2006-0053\) with the Florida Department of Transportation \(FDOT\) to reimburse Palm Beach County \(County\) and the local municipalities for damage to Federal Highway Administration \(FHWA\) Federal Aid System roads, traffic signs and signals caused by Hurricane Frances.](#) **SUMMARY:** This Amendment will extend the completion date of the Agreement until November 22, 2006, at the request of the FDOT. Countywide (MRE)
29. [Staff recommends motion to approve: an Amendment to Joint Participation Agreement, ANW 74, \(R2005-0531\), dated April 19, 2005, amended January 10, 2006 \(R2006-0054\) with the Florida Department of Transportation \(FDOT\) to reimburse Palm Beach County \(County\) and local municipalities for damage to Federal Highway Administration \(FHWA\) Federal Aid System roads, traffic signs and signals caused by Hurricane Jeanne.](#) **SUMMARY:** This Amendment will extend the completion date of the Agreement until November 22, 2006 at the request of the FDOT. Countywide (MRE)

**AUGUST 15, 2006**

**3. CONSENT AGENDA APPROVAL**

**C. ENGINEERING & PUBLIC WORKS (Cont'd)**

30. [Staff recommends motion to approve: an Agreement with the Florida Department of Environmental Protection \(FDEP\), for Palm Beach County \(PBC\) to maintain direction signs to the Everglades Driving Trail.](#) **SUMMARY:** The FDEP is installing a series of informational kiosks and roadway direction signs for the Everglades Driving Trail. The FDEP is required by the Florida Department of Transportation (FDOT) to enter into Agreements with the local governments for the local government to maintain the signs. District 5 (MRE)

**D. COUNTY ATTORNEY**

1. **Staff recommends motion to approve:** Settlement in the amount of \$81,406, including

attorney's fees, but excluding costs, in the eminent domain action styled Palm Beach County v. John E. Morris, et al., Case No. 502004CA005399XXXMB, parcel 7120, for the taking of 3.36 acres in Unit 11. **SUMMARY:** The County has negotiated a settlement, including attorney fees, but excluding costs, in the amount of \$81,406, subject to the approval of the Board of County Commissioners. This settlement is based upon the amount of \$20,000 per acre for parcel 7120 in Unit 11, which has been approved by Richard Walesky, the Director of the Environmental Resources Management Department and by the County's expert appraisers. District 6 (PM)

2. **Staff recommends motion to receive and file:** the Pledge Agreement authorized by Resolution No. R2006-0901 on May 16, 2006, for the refunding of outstanding \$75,000,000 Palm Beach County, Florida General Obligation Bonds, Series 1999B (Land Acquisition Program) and the outstanding \$75,000,000 Palm Beach County, Florida General Obligation Bonds, Series 2001A (Land Acquisition Program) (collectively the "Bonds"). **SUMMARY:** On May 16, 2006, the Board authorized the refunding of the Bonds by issuance of the Taxable General Obligation Refunding Bonds, Series 2006 (Land Acquisition Program). The fully executed Pledge Agreement for this transaction has been provided. This Pledge Agreement should now be received and filed in the Minutes Department. Countywide (PFK)
  
3. **Staff recommends motion to receive and file:** the Official Transcript for the closing of Sunshine State Governmental Financing Commission \$35,000,000 Loan to Palm Beach County, Florida for improvements to the Old Courthouse, Health Department building and County parks, (the "Bonds") as authorized by Resolution No. R2005-1927 on September 27, 2005. **SUMMARY:** On September 27, 2005, the Board approved a Loan Agreement with the Sunshine State Governmental Financing Commission for the purpose of financing the cost of renovation and improvements to the Old Courthouse, the Health Department building and to County parks. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

**AUGUST 15, 2006**

### **3. CONSENT AGENDA APPROVAL**

#### **D. COUNTY ATTORNEY (Cont'd)**

4. **Staff recommends motion to adopt:** a Resolution amending Resolution No. R2004-2415, which approved the issuance and sale of Housing Finance Authority of Palm Beach County, Florida Single Family Homeowner Revenue Refunding Bonds, Series 2004; acknowledging the Housing Finance Authority's (the "Authority") holding of a public hearing; extending the authorizations granted in Resolution No. R2004-2415 and providing for an effective date. **SUMMARY:** This item requests the Board of County Commissioners to amend the previously approved Resolution in order for the Authority

to issue Single Family Homeowner Revenue Bonds, in an amount not-to-exceed \$50,000,000 (the "Bonds"). The Bonds shall be payable solely from pledged funds or properties of the Authority. **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)

5. **Staff recommends motion to approve:** execution of a Quit-Claim Deed to Buena Vista Homes of the Palm Beaches, Inc., conveying any County interest in certain rights-of-way in Palm Beach Farms Plat No. 3. **SUMMARY:** Recent recorded quit-claim deeds to the County from West Peninsular Title Company and Absolute, Inc. have raised a title issue. County Quit-Claim Deeds have been used to resolve this title issue with other affected property owners. This Quit-Claim Deed covers certain Palm Beach Farms Plat No. 3 strips that had lost public dedication through the West Peninsular federal lawsuit. The property is located at the southwest corner of the intersection of Ramblewood Court and Ramblewood Circle in the City of Greenacres, Florida. District 2 (PFK)

## **E. COMMUNITY SERVICES**

1. **Staff recommends motion to approve:** Standard Agreement No. IR006-9500 for the Respite for Elders Living in Everyday Families (RELIEF) program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2006, through June 30, 2007, in the amount of \$102,058. **SUMMARY:** The RELIEF Standard Agreement will allow the County, through its Division of Senior Services (DOSS), as lead agency, to provide an expansion of currently available in-home respite, specifically evening and weekend respite, in order to increase the ability of a family unit to continue to care for a homebound elderly individual beyond the basic provisions of current public programs. Under this Agreement, DOSS will directly provide 14,727 volunteer service hours at a unit reimbursement rate of \$6.93 for each hour of in-home respite, and each hour of training provided to volunteers. The unit rate provides a stipend for the RELIEF volunteers of \$2.55 per hour, plus \$2.50 daily for meal expense and \$.445 a mile for travel allowance. RELIEF services are funded with \$102,058 in state funds provided through the AAA Agreement and additional County funds in the amount of \$75,093 are needed to cover staff salaries and administrative costs not covered by the Agreement. The Agreement spans two (2) County fiscal years. Sufficient funding is available in the FY 2006 budget to meet County obligations. County funding required to meet FY 2007 obligations has been requested in the FY 2007 budget process. (DOSS) Countywide (TKF)

**AUGUST 15, 2006**

### 3. CONSENT AGENDA APPROVAL

#### E. COMMUNITY SERVICES (Cont'd)

2. **Staff recommends motion to approve:** Amendment No. 2 to Vendor Agreement No. UWV059 (R2004-1804; August 24, 2004) for the Senior Options and Alternative Resources (SOAR) program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for an additional 12-month period from July 1, 2006, through June 30, 2007. **SUMMARY:** The original SOAR Vendor Agreement term was July 1, 2004, through June 30, 2005 (R2004-1804; August 24, 2004) and was amended to extend the agreement to June 30, 2006 (R2005 2217; November 15, 2005). This Amendment extends the agreement for an additional 12-month period July 1, 2006, through June 30, 2007. Under this Amendment, the County will be reimbursed for respite-in facility and adult day care on a unit rate basis of \$8.14 per unit for approximately 492 units, totaling \$4,001 with a required match of \$445 (10%), which is currently in the County budget. This Amendment was received by DOSS on July 7, 2006. Benefits of the program include preventing and delaying premature nursing home placement, leverage non-State and non-United Way resources whenever possible and improve the nutritional status of participating frail elders. No additional funding is required. (DOSS) Countywide (TKF)
  
3. **Staff recommends motion to approve:** Agreement No. SW006-1 for the Senior Options and Alternative Resources (SOAR) program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2006, through June 30, 2007 in an amount not-to-exceed \$36,000 for case management of respite and adult day care services for the elderly. **SUMMARY:** The Agreement will allow the Division of Senior Services (DOSS), as lead agency, to directly provide case management for approximately 30 clients per month and be reimbursed at a rate of \$100 per client, totaling approximately \$36,000 per year. Benefits of the program include preventing and delaying premature nursing home placement and improving the nutritional status of participating frail elders. Additional County funds in the amount of \$21,603 are needed to cover staff salaries and administrative costs not covered by the agreement. The Agreement spans two (2) County fiscal years. Sufficient funding is available in the FY 2006 budget to meet County obligations. County additional funding required to meet FY 2007 obligations has been requested in the FY 2007 budget process. (DOSS) Countywide (TKF)

**AUGUST 15, 2006**

### 3. CONSENT AGENDA APPROVAL

**E. COMMUNITY SERVICES (Cont'd)**

**4. Staff recommends motion to:**

**A) ratify** the signature of the Chairman on the 2007 State of Florida Department of Children and Families (DCF) Homeless Challenge Grant Application;

**B) delegate** authority to the County Administrator or his designee to sign the State of Florida Department of Children and Families contract for the Homeless Challenge Grant; and

**C) delegate** authority to the County Administrator or his designee to sign the contracts with the Salvation Army, Operation Hope and Families First for a period ending June 30, 2007, for the maximum amount of \$150,000.

**SUMMARY:** The Division of Human Services is applying for transitional housing, emergency housing and homeless prevention services through the 2007 Homeless Challenge Grant. DCF will allocate funds based on applicant scores up to a maximum amount of \$150,000 per applicant. Upon receipt of a grant award, the County will contract with service providers as follows:

<b>Maximum Funding Level Allocation</b>			
<b>\$150,000</b>	<b>Sub-Contract</b>	<b>Type of Service</b>	<b># to be Served</b>
\$65,000	Salvation Army	Transitional Housing	75
\$65,000	Operation Hope	Emergency Housing	60
\$20,000	Families First	Homeless Prevention	47

Should the funding level be below the maximum, the contract amounts would be reduce to amounts agreed to in advance between the providers and the County. No County funds are required. (Human Services) Countywide (TKF)

**F. AIRPORTS**

- 1. Staff recommends motion to approve:** First Amendment to the Air Freight Building Lease Agreement (“Lease”) with Waner Aviation, Inc. (R2003-2033) at Palm Beach International Airport, providing for rental rate adjustments. **SUMMARY:** Staff recommends an amendment to the lease, which makes the rental adjustment provision consistent with other air freight building agreements. The proposed language provides for rental adjustments every three (3) years based on appraised value, capped by the Consumer Price Index. Countywide (LMB)



**AUGUST 15, 2006**

**3. CONSENT AGENDA APPROVAL**

**F. AIRPORTS (Cont'd)**

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

**A)** Fourth Amendment to the Airport Building/Ground Lease Agreement with Aircraft Service International, Inc. (ASII); and

**B)** First Amendment to the Airport Fuel Farm Facilities Lease Agreement with Aircraft Service International, Inc.

**SUMMARY:** The Department of Airports is requesting approval to amend ASII's Airport Building/Ground Lease Agreement (R2004-0782), to extend the Agreement for an additional five (5) years to June 30, 2011, and to amend ASII's Airport Fuel Farm Facilities Lease Agreement, (R99-2004D), extending the Agreement for an additional two (2) years to June 30, 2011. ASII will be making an investment of \$2,150,652 on improvements, which will bring both facilities into conformance with Florida Department of Environmental Protection regulations and Federal SPCC (Spill Prevention Control and Countermeasures) regulations for spill containment. The extension will allow time for ASII to amortize their investment in this project. Countywide (LMB)

- 3. Staff recommends motion to approve:** a Contract with Vila and Son Landscaping Corp. in the amount of \$385,698.40 for the Belvedere Road – Streetscape project at Palm Beach International Airport (PBI). **SUMMARY:** This project was advertised utilizing the competitive bid process. On November 17, 2005 three (3) bids were received. Vila and Son Landscaping Corp. has been identified as a responsible/responsive bidder in the amount of \$385,698.40. The Small Business Enterprise (SBE) goal for this project was established at 15.00%. Vila and Son Landscaping Corp. bid contained 31.55% SBE participation. Countywide (JCM)

**4. Staff recommends motion to:**

**A) adopt** a Resolution determining that certain real property is no longer needed for Airport purposes; and

**B) approve** a Property Exchange Agreement with the Florida Department of Transportation (FDOT).

**SUMMARY:** Staff is recommending the County enter into a Property Exchange Agreement with the FDOT for two (2) properties at Palm Beach County Park (Lantana) Airport. The County property required by FDOT (Parcel 153) is a 0.730 acre unimproved sliver of land running along the airports' western boundary and is needed for road right-of-way purposes to expand the intersection of Congress Avenue and Lantana Road. Said property is not needed for Airport purposes. The property being conveyed to the County by FDOT contains 1.26 and 1.875 acres located within the airport (Parcel 800). The FDOT obtained interest in Parcel 800 in the 1970's and is willing to relinquish its interest in exchange for Parcel 153. Closing is contingent upon the Federal Aviation Administration's release of the County property from grant assurance requirements. The FAA Letter of Release will be sent to the Board for approval at a later date. Countywide (LMB)

**AUGUST 15, 2006**

### **3. CONSENT AGENDA APPROVAL**

#### **F. AIRPORTS (Cont'd)**

5. **Staff recommends motion to adopt:** a Resolution approving a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) in the amount of \$150,000 to construct Taxiway Exits RW 13/31 at Palm Beach International Airport (PBIA). **SUMMARY:** The Florida Department of Transportation has issued a Joint Participation Agreement reflecting their commitment of funding to the above referenced project in the amount of \$150,000 or 12.50% of the eligible project costs, whichever is less. Countywide (LMB)
  
6. **Staff recommends motion to adopt:** a Resolution approving a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) in the amount of \$175,000 to construct Taxiway Exits RW 9L/27R at Palm Beach International Airport (PBIA). **SUMMARY:** The Florida Department of Transportation has issued a Joint Participation Agreement reflecting their commitment of funding to the above referenced project in the amount of \$175,000 or 12.50% of the eligible project costs, whichever is less. Countywide (LMB)
  
7. **Staff recommends motion to adopt:** a Resolution approving a Joint Participation

Agreement (JPA) with the Florida Department of Transportation (FDOT) in the amount of \$370,000 to rehab and expand apron at Palm Beach International Airport (PBIA). **SUMMARY:** The Florida Department of Transportation has issued a Joint Participation Agreement reflecting their commitment of funding to the above referenced project in the amount of \$370,000 or 50% of the eligible project costs, whichever is less. Countywide (LMB)

8. **Staff recommends motion to approve:** an Agreement to purchase the following property at a total cost of \$ 686,600. Said property is located West of Runway 9L at Palm Beach International Airport:

Todd McLendon  
Shire McLendon  
4751 Wallis Road  
West Palm Beach, FL 33415                      Parcel W – 114  
Sales Price    \$686,600  
Replacement Housing                                \$ N/A

**SUMMARY:** The above property is being acquired in accordance with Palm Beach International Airport's approved Part 150 Noise Compatibility Study, which recommended the acquisition of property. Countywide (AH)

9. **Staff recommends motion to:**

**A) receive and file** the Palm Beach International Airport (PBIA) Development of Regional Impact (DRI) Annual Report; and

**B) authorize** distribution of the Annual Report in accordance with Section 380.06(18) Florida Statutes.

**SUMMARY:** The Development Order for Palm Beach International Airport requires that an annual report on the activities of the Airport be submitted to the Board of County Commissioners, Treasure Coast Regional Planning Council, and other State and local agencies. Countywide (LMB)

**AUGUST 15, 2006**

### **3. CONSENT AGENDA APPROVAL**

#### **F. AIRPORTS (Cont'd)**

10. **Staff recommends motion to:**

**A) receive and file** the North Palm Beach County General Aviation Airport Development of Regional Impact (DRI) Annual Report; and

**B) authorize** distribution of the Annual Report in accordance with Section 380.06(18) Florida Statutes.

**SUMMARY:** Resolution No. 90-294 requires this Annual DRI Report to be submitted annually to the Board of County Commissioners, Treasure Coast Regional Planning Council, State of Florida Department of Community Affairs, and all affected permitting agencies. Countywide (LMB)

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

**A)** a Budget Amendment of \$608,000 in the Airports Operating Fund to recognize revised transfers and an increase to Reserves in the amount of \$2,122,118;

**B)** a Budget Amendment of \$1,269,457 in the Construction Fund to establish budget for bond proceeds and issue costs, including an increase to Reserves of \$3,117;

**C)** a Budget Amendment of \$104,925 in the 2002 Debt Service Fund to reduce debt service \$213,223 and establish budget to pay \$108,298 to the Refunding Bond Escrow Account;

**D)** a Budget Amendment of \$3,061,095 in the 2001 Debt Service Fund to reduce debt service by \$3,150,501 and establish budget to pay \$89,406 to the Refunding Bond Escrow Account;

**E)** a Budget Transfer of \$14,476,269 in the Debt Service Reserve Fund from Reserves to pay \$13,868,269 to the Refunding Bond Escrow Account and transfer \$608,000 to the Airports Operating Fund;

**F)** a Budget Amendment of \$1,272,434 in the Series 2006A Revenue Bond Debt Service Account to establish payment for debt service costs; and

**G)** a Budget Amendment of \$17,227,385 in the Series 2006B Revenue Bond Debt Service Account to establish budget for bond proceeds, debt service, issue costs, and payment to the Refunding Bond Escrow Account.

**SUMMARY:** On April 18, 2006, the Board of County Commissioners authorized the sale of the Series 2006 A and B revenue bonds to finance construction of an additional parking structure at Palm Beach International Airport and to refund a portion of the Series 2001 and 2002 Revenue Bonds (R2006-0727). Revenue Bonds were sold in the amount of \$69,080,000 (Series A) and \$16,855,000 (Series B). The budget amendments and transfers are necessary to formally amend the 2006 budget to recognize this transaction, including the recognition of bond proceeds, budget authorization for issue costs, changes in debt service amounts, changes in inter-fund transfers, use of the Debt Service Reserve, and payments to the trustee for the Refunding Bond Escrow Account. The contract with James A. Cummings, Inc. for construction of the Long Term Parking Garage No. 2 was approved by the Board on

May 16, 2006 (R2006-0842); this agenda item also included a budget amendment to recognize construction proceeds of \$68,266,540. Countywide (LMB)

**AUGUST 15, 2006**

**3. CONSENT AGENDA APPROVAL**

**F. AIRPORTS (Cont'd)**

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

**A)** an Agreement with URS Corporation Southern to provide Consulting/Professional Services for the Department of Airports (DOA) in the amount of \$2,873,952 for the completion of a study to assess the environmental impact of the Airfield Improvement Project (AIP) at Palm Beach International Airport (PBIA); and

**B)** a Budget Transfer of \$2,873,952 in the Airport's Improvement and Development Fund to establish budget for this project.

**SUMMARY:** In order to proceed with this improvement to the airfield, an environmental review process, following strict federal guidelines, must be completed. Therefore, the DOA is requesting approval of the agreement with the Federal Aviation Administration (FAA) selected firm, URS Corporation Southern, to carry out the required environmental steps in order to gain federal approval and funding for this project. In order to initiate the development and environmental review process, an Environmental Impact Statement must be completed for this project. The proposed DBE participation for this agreement is at least 25%. Countywide (LMB)

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

**A)** Amendment No. 8 to the contract with PBS&J, Inc. (R2001-0194) for Consulting/Professional Services in the amount of \$366,327 for the Department of Airports; and

**B)** a Budget Transfer of \$366,327 in the Airports' Improvement and Development Fund providing budget for the consulting and construction administration services.

**SUMMARY:** This Amendment includes tasks to provide professional consultant services and construction administration costs for specific tasks including bid award assistance and resident inspection services for the Department of Airports' Administration and Communications Facility, construction administration services for the Passenger Loading Bridge Replacement project at Palm Beach International Airport and redesign costs for the Concourse C Gate Expansion project. The time period specified in the initial Consultant Service Agreement has lapsed. The services being approved by this

agreement are construction phase services for tasks approved in previous agreements. As 'Designer of Record' for said projects, PBS&J, Inc. is the best party to provide construction phase services identified in this Amendment. A detailed description of the tasks contained in Amendment No. 8 is outlined in Exhibit "A" Scope of Services. The fee for this Amendment is \$366,327. The DBE participation in this Amendment is 61.71%. Countywide (JCM)

**AUGUST 15, 2006**

### **3. CONSENT AGENDA APPROVAL**

#### **F. AIRPORTS (Cont'd)**

##### **14. Staff recommends motion to approve:**

**A)** a Contract with David Brooks Enterprises, Inc. in the amount of \$10,997,000 for the Administration Building and Communication Facility construction project at Palm Beach International Airport (PBIA);

**B)** a Budget Transfer of \$4,252,400 in the Airports' Improvement and Development Fund; and

**C)** a Budget Amendment of \$3,000,000 in the Airports' Capital Project Subordinated Indebtedness Fund, to establish budget for the receipt of loan proceeds.

**SUMMARY:** This project was advertised utilizing the competitive bid process. On May 2, 2006 three (3) bids were received. David Brooks Enterprises, Inc. has been identified as a responsible/responsive bidder in the amount of \$10,997,000. The Disadvantaged Business Enterprise (DBE) goal for this project was established at 26.50%. Their bid met the DBE requirement. Countywide (JCM)

**15. Staff recommends motion to receive and file:** five (5) original contract(s)/agreement(s)/grant(s) for the Department of Airports:

**A)** Hangar Lease Agreement for North County General Aviation Airport with Captain's Creek, Inc., Hangar No. 11730-13, effective June 22, 2006;

**B)** Hangar Lease Agreement for North County General Aviation Airport with Jeffrey W. Coursey, Hangar No. 11210-08, effective June 22, 2006;

**C)** Hangar Lease Agreement for North County General Aviation Airport with Ocean Key Aviation, LLC, Hangar No. 11740-17, effective July 6, 2006;

**D)** Hangar Lease Agreement for North County General Aviation Airport with Wright's Helicopter Service, Hangar No. 11240-13, effective July 6, 2006;

**E)** Agreement to Terminate Hangar Lease Agreement for North County General Aviation Airport with Warrior Aviation, LLC., Hangar No. 11720-07, effective July 31, 2006 (Amends R2005-0503).

**SUMMARY:** Delegation of authority for execution of these standard County contracts/agreements/grants above was approved by the BCC in R2003-1047, pursuant to PPM No. CW-O-051 and PPM No. CW-F-064. Countywide (LMB)

**AUGUST 15, 2006**

### **3. CONSENT AGENDA APPROVAL**

#### **G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET**

1. **Staff recommends motion to:**

**A) approve** request by Palm Beach County Tax Collector, Peter H. Carney, for Board of County Commissioners to order the 2006 tax roll to be extended prior to completion of the Value Adjustment Board hearing; and

**B) direct** the Value Adjustment Board to certify the assessment roll as required by State Statutes.

**SUMMARY:** Approval of this request will avoid a delay in the issuance of tax notices beyond November 1, 2006, and will permit the collection of property taxes prior to completion of the Value Adjustment Board hearings. Countywide (PFK)

2. **Staff recommends motion to approve:** a negotiated Settlement offer in the amount of \$9,200 for the full satisfaction of a Code Enforcement Lien that was entered against Heber and Amelia Do Campo on February 5, 2003. **SUMMARY:** The Code Enforcement Special Master (CESM) entered an Order on August 7, 2002 giving the Do Campos until December 5, 2002 to obtain all the required building permits for the addition that was erected on the property without permits. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$50 per day was imposed. The CESM then entered a claim of lien against the Do Campos on February 5, 2003. The cited code violations were fully corrected as of January 14, 2004, the date the last permits were issued. The total accumulated lien amount through September 16, 2005, the date settlement discussions began, totaled \$27,543.82, of which the Do Campos have agreed to pay the County \$9,200 (33.4%) for full settlement of their outstanding Code Enforcement Lien. District 2 (PM)

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

**A)** a Budget Amendment of \$4,700 in the \$81.3 Million Public Improvement Revenue Refunding Bonds (Convention Center) Debt Service Fund to eliminate negative cash balances resulting from adjustments to the County's consolidated investment balances (General Accounting Standards Board (GASB) 31 adjustments); and

**B)** a Budget Transfer of \$4,700 in the TDC 4<sup>th</sup> Cent Local Option Tax Fund to transfer funding needed as a result of GASB 31 adjustments.

**SUMMARY:** In accordance with GASB 31, the County adjusts the fair market value of its consolidated investment balance each month. The Budget Amendment and Transfer eliminate negative cash balance in above debt service fund that resulted from these monthly adjustments. Countywide (PFK)

**AUGUST 15, 2006**

3. **CONSENT AGENDA APPROVAL**

**G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET (Cont'd)**

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

**A)** a Budget Amendment of \$2,500 in the \$233 Million Criminal Justice Facilities Revenue Bonds, Series 1990 Debt Service Fund to eliminate negative cash balances resulting from adjustments to the County's consolidated investment balances [General Accounting Standards Board (GASB) 31 adjustments];

**B)** a Budget Amendment of \$6,000 in the \$38.895 Million Public Improvement Revenue Bonds (Biomedical Research Park Project), Series 2004A Debt Service Fund to eliminate negative cash balances resulting from adjustments to the County's consolidated investment balances (GASB 31 adjustments);

**C)** a Budget Amendment of \$43,000 in the \$30.73 Million Beach Acquisition Revenue Refunding Bonds, Series 1993 Debt Service Fund to eliminate negative cash balances resulting from adjustments to the County's consolidated investment balances (GASB 31 adjustments); and

**D)** a Budget Transfer of \$51,500 in the \$20 Million Sunshine Pool Loan 2000 Debt Service Fund to transfer funding needed as a result of GASB 31 adjustments.

**SUMMARY:** In accordance with GASB 31, the County adjusts the fair market value of its consolidated investment balance each month. The Budget Amendments and



Transfer eliminate negative cash balances in above debt service funds that resulted from these adjustments. Countywide (PFK)

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

**A)** a Budget Amendment of \$1,063,700 in the \$75 Million General Obligation Bonds, Series 1999B (Land Acquisition Program) Fund to receive bond proceeds from the \$115.825 Million Taxable General Obligation Refunding Bonds, Series 2006 (Land Acquisition Program) that replaced funds from the Pero land sale used to fund the defeasance escrow for the 1999 Bonds; and

**B)** a Budget Amendment of \$3,225,000 in the \$75 Million General Obligation Bonds, Series 2001A (Land Acquisition Program) Fund to receive bond proceeds from the \$115.825 Million Taxable General Obligation Refunding Bonds, Series 2006 (Land Acquisition Program) that replaced funds from the Brookside land sale used to fund the defeasance escrow for the 2001 Bonds.

**SUMMARY:** For federal tax purposes, the proceeds from recent sales of land in the Ag Reserve that were approved by the Board in conjunction with the issuance of Taxable General Obligation Refunding Bonds were included in escrow for the refunded bonds. In accordance with the financing plan, proceeds of the County's Taxable General Obligation Refunding Bonds in amounts corresponding to the Pero and Brookside land sales were transferred to the corresponding land acquisition funds to be used to acquire additional land. The above Amendments set up budget for the receipt of the proceeds. Countywide (PFK)

**AUGUST 15, 2006**

**3. CONSENT AGENDA APPROVAL**

**G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET (Cont'd)**

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

**A)** a Budget Transfer of \$1,400 in the \$75 Million General Obligation Bonds Land Conservation Capital Fund, Series 1999B to set up the payment of legal fees related to review of leases with respect to the taxable refunding of the bonds; and

**B)** a Budget Transfer of \$1,400 in the \$75 Million General Obligation Bonds Land Conservation Capital Fund, Series 2001A to set up the payment of legal fees related to review of leases with respect to the taxable refunding of the bonds.

**SUMMARY:** The County has been working with Greenberg Traurig, P.A., bond counsel, and Ernst & Young, arbitrage consultants, analyzing various scenarios of lease

extensions on parcels of land purchased with the bonds to determine the feasibility of doing a taxable refunding of the \$75 Million General Obligation Bonds (Land Acquisition Program), Series 1999B and the \$75 Million General Obligation Bonds (Land Acquisition Program), Series 2001A. These legal fees relate to the review of leases amendments in finalizing the sale of the refunding bonds. The Budget Transfers set up budget for the payment of these fees. Countywide (PFK)

7. **Staff recommends motion to approve:** a Budget Transfer of \$115,000 from the Northlake Boulevard Improvement Fund reserve account to recognize revenue received in FY 2006 and appropriate it to the Northlake Boulevard Improvement Fund - Contributions to Other Governmental Agencies, for payment to the Northern Palm Beach County Improvement District. **SUMMARY:** Estimated impact fees budgeted in reserve accounts cannot be appropriated until funds have been collected. This Budget Transfer allows for the appropriation of collected impact fees and allows the County to remit funds to the Northern Palm Beach Improvement District in accordance with the Impact Fee Agreement (R93-1613D) between Palm Beach County, Northern, PGA National Venture, Ltd., and Ibis Landing Venture, Ltd. District 1 (LB)

## H. **FACILITIES DEVELOPMENT & OPERATIONS**

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

[A\) Amendment No. 2 to contract with Holt Contractors, Inc. \(R2005-0538\) to increase the total dollar value limit for the second term by \\$250,000; and](#)

**B) JOC Work Order No. 06-187 with Holt Contractors, Inc., (R2005-0538) in the amount of \$881,019.13 to renovate the existing clubhouse at the John Prince Park Golf Center in West Palm Beach.**

**SUMMARY:** The Amendment to Holt's contract will provide sufficient contract capacity to allow Work Order No. 06-187 to be authorized. This increase in capacity will cover the amount of this work order, any change orders to this work order, as well as change orders to other open work orders. Work Order No. 06-187 consists of the remodeling of a 3,150 square foot building and revisions to the existing parking lot including adding a circular driveway at the entrance. The SBE goals are 15%. The SBE participation in this work order is 100%. When the participation for this work order is added to Holt's total participation to date, the resulting values are 100%. The total construction duration is 120 days. This work will comply with all applicable local, state, and federal codes and regulations. (FD&O Admin) District 3 (JM)

**AUGUST 15, 2006**

## 3. **CONSENT AGENDA APPROVAL**

## H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

### 2. Staff recommends motion to approve:

A) JOC Work Order No. 06-189 with All-Site Construction, Inc., (R2005-0536) in the amount of \$264,138.16 to construct a new tennis pavilion/restroom in Okeeheelee Park in West Palm Beach; and

**B)** a Budget Transfer of \$100,000 in Impact Fees Zone 2 reserves from District Park "F" Phase II to Okeeheelee Park Tennis Center Improvements.

**SUMMARY:** The work consists of the construction of a new 1,154 square foot building adjacent to the existing tennis courts at Okeeheelee Park. Staff recommends approval of the Budget Transfer from Zone 2 Impact Fees Reserves for District Park "F" Phase II to Okeeheelee Park Tennis Center Improvements to adequately fund this work order. The SBE goals are 15%. The SBE participation in this work order is 100%. When the participation for this work order is added to All-Site's total participation to date the resulting values are 100%. The total construction duration is 90 days. This work will comply with all applicable local, state, and federal codes and regulations. (FD&O Admin) District 6 (JM)

### 3. Staff recommends motion to approve: a Contract with Precision Air Systems, Inc., in the amount of \$418,663 to remove and replace two (2) 500 ton chillers at the Criminal Justice Complex in West Palm Beach. **SUMMARY:** The work consists of the removal of the two (2) 500 ton chillers that provide A/C for the Jail, and the installation of two (2) new 550 ton chillers. The SBE goal is 15%. There is 100% SBE participation in this contract. This work will comply with all applicable local, state, and federal codes and regulations. The schedule is 260 days. (FD&O Admin) District 2 (JM)

### 4. Staff recommends motion to approve: Supplement No. 2 to Consultant Services Authorization (CSA) No. 16 to the Continuing Services Contract with Stephen Boruff, AIA (R2003-0525) in the amount of \$43,940 for John Prince Park. **SUMMARY:** The scope of services provides for additional architectural and engineering services for the design, permitting, and construction administration necessary for: a) the construction of the site improvements; b) remodeling of the clubhouse; c) site design of a driving range and three (3) hole golf course; and d) the renovation of a clubhouse building. A portion of the work contemplated by this CSA was completed prior to this Authorization. The construction cost estimate for this project is \$2,000,000. This CSA when added to previous CSA's for this project totals \$143,440. The SBE goal is 15%. The SBE participation in this CSA is 31.7%. This project meets all applicable codes, laws and ordinance including accessibility requirement of ADA. (FD&O Admin) District 3 (JM)

### 5. Staff recommends motion to approve: Amendment No. 2 to contract with Holt Contractors, Inc. (R2005-0538) to implement the second renewal of Job Order Contract - North with a maximum value of \$1,500,000. **SUMMARY:** This is a renewal to the Job

Order Contract-North which was awarded to Holt Contractors, Inc. The contractor will continue to perform as an “annual general contractor” for implementation of maintenance and capital projects. This Job Order Contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,500,000. The renewal term is twelve (12) months or until \$1,500,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the second of three (3) extensions allowed by the Contract. The SBE goals are 15% . Holt Contractors Inc.’s participation for work orders issued to date is 100%. (FD&O Admin) Countywide (JM)

**AUGUST 15, 2006**

### **3. CONSENT AGENDA APPROVAL**

#### **H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)**

6. [Staff recommends motion to approve: Amendment No. 2 to Contract with The BG Group, LLC \(R2004-1729\) to implement the second renewal of an annual demolition contract with a maximum value of \\$400,000.](#) **SUMMARY:** This agenda item is a renewal to the Annual Contract–Demolition which was awarded to The BG Group, LLC. The contractor will continue to perform on demolition projects for various facilities. This annual contract is an indefinite-quantity contract and this renewal has a maximum value of \$400,000. The renewal term is twelve (12) months or until \$400,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on expiration of the existing term. This is the second of three (3) extensions allowed by the Contract. All terms of the original contract remain in effect. The BG Group’s SBE participation for work orders issued to date is 100%. SBE participation goals for the contract is 15% overall. The BG Group, LLC., is a certified SBE contractor. (FD&O Admin) Countywide (JM)
  
7. [Staff recommends motion to approve: an Agreement with Nextel South Corp. \(Nextel\) for Nextel](#) to pay for the reconfiguration of the County’s frequencies on the 800 MHz radio band. **SUMMARY:** This Agreement with Nextel provides the terms and conditions under which Nextel will reconfigure the County’s frequencies on the 800 MHz radio band. On August 6, 2004, the Federal Communications Commission issued an order that modified its rules governing the 800 MHz band. The purpose of the order was to reconfigure the 800 MHz band to minimize harmful interference to public safety radio communication systems in the band. The County and Nextel are both licensed on frequency allocations subject to reconfiguration. Pursuant to the Order, Nextel will pay the County the total amount to effect a reconfiguration of the County’s affected frequency allocations. Under the terms of the Agreement, the County will relinquish its current frequencies and relocate its system to newly assigned replacement frequencies and Nextel will pay the County for the costs incurred. (FDO/ESS) Countywide (JM)

8. [Staff recommends motion to approve: a First Amendment to the Agreement with Columbia Palms West Hospital Limited Partnership d/b/a Palms West Hospital \(R2003-1611\).](#) **SUMMARY:** The Agreement, which provides the terms and conditions under which Palms West can program into its radios and utilize the countywide and EMS common talk groups for certain types of inter-agency communications, will expire on October 7, 2006. The Agreement provides for three (3) - three (3) year renewals, but renewals require approval by both parties. Palms West has approved a renewal to extend the term of the agreement until October 7, 2009. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to other hospitals and EMS providers. There are no charges associated with this Agreement. Palms West 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. (FDO/ESS) Countywide (JM)

**AUGUST 15, 2006**

**3. CONSENT AGENDA APPROVAL**

**H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)**

9. [Staff recommends motion to approve: Amendment No. 2 to the Contract with Gartek Engineering Corporation \(R2004-1719\) for MEP, HVAC, & IAQ engineering consulting services on a continuing contract basis for Facilities Development & Operations Department projects.](#) **SUMMARY:** Gartek Engineering Corporation was selected to provide MEP, HVAC, IAQ & engineering consulting services on a continuing contract basis for capital improvement projects, and the Board approved an annual contract on August 17, 2004. The original contract provided for an initial one (1) year term with three (3) – one (1) year renewal options. This Amendment would provide for services during the second renewal period. Gartek Engineering Corporation has an M/WBE-SBE participation goal of 15%. During the first two (2) years of the contract, Gartek Engineering Corporation has achieved 96.5% participation. (Capital Improvements Division) Countywide (JM)
10. [Staff recommends motion to approve:](#)
- [A\) Contract with Overland Construction, Inc. for the construction of the Calypso Bay concession building in the amount of \\$1,270,000;](#)
  - B)** a Budget Transfer of \$92,874 in the \$25M GO Parks and Cultural Improvements Bond - 2005 from Haverhill Preserve Park/Pass-Through to Calypso Bay Waterpark Improvements Phase I; and
  - C)** a Budget Transfer of \$619,126 in the Park Impact Fees - Zone 2 from Reserves for District Park "F" Phase II (\$200,000), Dyer Park Improvements (\$192,060), and

Seminole Palms Park Improvements (\$227,066) to Calypso Bay Waterpark Improvements Phase I.

**SUMMARY:** The Contract will provide for the construction of a 2,700 square foot concession building with party room and adjacent outdoor food pavilion/seating area. This building is to be located at the existing Calypso Bay Water Park. Staff recommends approval of the budget transfers from the \$25M GO Parks and Cultural Improvements Bond - 2005 and Park Impact Fees - Zone 2 for the Calypso Bay Waterpark Improvements Phase I project to adequately fund this Contract. The SBE goal for this project is 15%. The Overland Construction, Inc. bid includes participation at 24.3%. The contract time is 180 calendar days to substantial completion. (Capital Improvements Division) District 6 (JM)

11. [Staff recommends motion to approve: Amendment No. 3 to the contract with Dunkelberger Engineering & Testing, Inc. \(R2003-1353\) for professional Phase I environmental assessment consulting services on a continuing contract basis.](#)

**SUMMARY:** Dunkelberger Engineering & Testing, Inc. was selected to provide Professional Phase I environmental assessment consulting services on a continuing contract basis and the Board approved an annual contract on September 9, 2003. The original contract provided for an initial one (1) year term with three (3) - one (1) year renewal options. This Amendment would provide for services during the third and final renewal period. Dunkelberger Engineering & Testing, Inc. has an M/WBE-SBE participation goal of 15%. During the first two (2) years of the contract, Dunkelberger Engineering & Testing, Inc. has achieved 15.5% participation. (Capital Improvements Division) Countywide (JM)

**AUGUST 15, 2006**

### **3. CONSENT AGENDA APPROVAL**

#### **H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)**

12. [Staff recommends motion to approve: Change Order No. 36 to the contract with Catalfumo Construction, Ltd. \(R2002-1867\) in the amount of \\$110,703.78.](#) **SUMMARY:**

On October 22, 2002, the Board entered into a contract with Catalfumo Construction, Ltd. for preconstruction services for the Vista Center Office Building, n/k/a the 2300 Building. Subsequent amendments to this contract provided for construction services. This Change Order provides for a redundant conduit path for fiber optic cables serving the Engineering Department's Intelligent Transportation System (ITS). The funds for this work are provided by FDOT. Change Order No. 36 must be approved by the Board of County Commissioners because this change order, when combined with previous



approvals, would exceed the combined authority of the Contract Review Committee and Department Director for cumulative total amount of change orders. The MWBE participation for this proposed Change Order is 0%. The goal for this project is 25% and when combined with previous change orders, the total participation is 28.8%. (Capital Improvements Division) Countywide/District 2 (JM)

13. [Staff recommends motion to approve: Change Order No. 7 to the contract with Centex Construction, LLC \(R2003-1541\) in the amount of \\$46,964 for VSA Art Gallery.](#) **SUMMARY:** On February 1, 2005, the Board approved Amendment No. 4 to the contract with Centex Construction, LLC (R2005-0248) for construction management services for the VSA Art Gallery, currently under construction. This Change Order will provide additional access and parking area for buses and the disabled on the south side of the site, closer to the existing pool, meeting room and new gymnasium buildings. Change Order No. 7 must be approved by the Board of County Commissioners because this Change Order, when combined with previous approvals, would exceed the combined authority of the Contract Review Committee and Department Director for cumulative total amount of change orders. The SBE participation for this proposed Change Order is 0%. The goal for this project is 15% and when combined with previous change orders, the total participation is 14.6%. (Capital Improvements Division) Countywide/District 3 (JM)
  
14. [Staff recommends motion to approve: Amendment No. 3 to the contract with Miller Legg & Associates, Inc. \(R2003-1354\) for Phase I environmental assessment consulting services on a continuing contract basis for Facilities Development & Operations Department projects.](#) **SUMMARY:** Miller Legg & Associates, Inc. was selected to provide Phase I environmental assessment consulting services on a continuing contract basis for Facilities Development & Operations Department for capital improvement projects. The Board approved an annual contract on September 9, 2003. The original contract provided for an initial one (1) year term with three (3) – one (1) year renewal options. This Amendment would provide for services during the third and final renewal period. Miller Legg & Associates, Inc. has an M/WBE-SBE participation goal of 15%. During the first three (3) years of the contract, Miller Legg & Associates, Inc. has achieved 9.9% participation. Projects utilizing Miller Legg's M/WBE-SBE subconsultant services were not required for the tasks actually assigned and as a result, the SBE goal was not achieved. (Capital Improvements Division) Countywide (JM)

**AUGUST 15, 2006**

### 3. CONSENT AGENDA APPROVAL

#### H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

15. [Staff recommends motion to approve: Amendment No. 2 to the contract with BRPH Architects-Engineers, Inc. \(R2004-1718\) for MEP, HVAC, & IAQ engineering consulting services on a continuing contract basis for Facilities Development & Operations Department projects.](#) **SUMMARY:** BRPH Architects-Engineers, Inc. was selected to provide MEP, HVAC, & IAQ engineering consulting services on a continuing contract basis for capital improvement projects, and the Board approved an annual contract on August 17, 2004. The original contract provided for an initial one (1) year term with three (3) – one (1) year renewal options. This Amendment would provide for services during the second renewal period. BRPH Architects-Engineers, Inc. has an M/WBE-SBE participation goal of 15%. During the first two (2) years of the contract, BRPH Architects-Engineers, Inc. has achieved 0% participation on the three (3) projects it was assigned. The majority of the work was for a single project that BRPH was chosen for due to its history with the facility and its multi-disciplines in house. The Department will work with the consultant on future work in order to meet the goal. (Capital Improvements Division) Countywide (JM)
  
16. [Staff recommends motion to approve: Consultant Services Authorization \(CSA\) No. 4 to contract with LBFH, Inc. \(R2003-1898\) to provide engineering and architectural services for establishment of a managed mooring area and design of a multi-purpose building at Phil Foster Park, in the amount of \\$183,580.](#) **SUMMARY:** Phil Foster Park is located on the Intracoastal Waterway, at the eastern end of the Blue Heron Boulevard Bridge, near Peanut Island Park. This CSA will plan and design a “management area” around Phil Foster Park that will be delineated by mooring buoy markers as permitted by the various regulatory agencies. A 5,600 square foot multi-purpose, two (2) story building will be designed along the north bulkhead of the park in the area by the newly renovated piers. The estimated construction cost is \$1,375,000. LBFH, Inc., has an annual contract with the County to provide consultant services for the design of Parks and Recreation Department projects. The annual contract provides for an overall SBE participation goal of 15%. For this project, overall SBE participation is 62%. With previous authorizations, the cumulative SBE participation is 53%. (Capital Improvements Division) Districts 1 & 7 (JM)
  
17. [Staff recommends motion to:](#)
  - [A\) approve a standard License Agreement with Discover Palm Beach County, Inc., a Florida not-for-profit corporation, doing business as the Palm Beach County Convention & Visitors Bureau for use of the Palm Beach County Convention Center for County events; and](#)
  
  - B) authorize** the County Administrator, or his designee, to sign all future license agreements for the Convention Center.



**SUMMARY:** Occasionally, the County requires the use of a large venue like the Convention Center to host a large County event like the recent Herbert Hoover Okeechobee Dike Conference. This Agreement establishes the standard terms for the County to use the Convention Center for County events. The County will pay the standard fees for use, equipment, and food and beverage associated with the use of the Convention Center and the Convention Center will recognize the County's tax exempt status. The standard user fee includes a charge of \$.50 per person in attendance at an event for the purchase of insurance. The Director of Facilities Development & Operations will sign the License Agreement on behalf of any County department. A memo advising County departments of the standard agreement and procedures for use will be sent after approval of this item. (FDO Admin) Countywide (MC)

**AUGUST 15, 2006**

### **3. CONSENT AGENDA APPROVAL**

#### **H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)**

18. Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of the County's interest in 0.30 acres of surplus property to the City of South Bay without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration; and

**B) approve** a County Deed in favor of the City of South Bay.

**SUMMARY:** The City of South Bay has requested the conveyance of an improved parcel of County-owned surplus property acquired by tax deed in June 2004. The 0.30 acre parcel is located at 480 U.S. Highway 27 North within the City's municipal boundaries and is improved with a commercial structure with an assessed value of \$51,849. Section 197.592(3), F.S., requires the conveyance of surplus property acquired by tax deed to the municipality in which it is located. The property has existing environmental contamination which the City intends to clean up. The City proposes to sell the property to foster community development and to stimulate economic growth. Although staff is currently revisiting the program to convey residential parcels to the municipalities in light of the affordable housing issues, this parcel is commercial in nature. Staff believes that this property will be more appropriately developed, managed and maintained by the City. This conveyance will relieve the County of potential liability for occurrences on this property and also the cost of continued maintenance. The County will retain mineral and petroleum rights in accordance with Section 270.11, F.S., without rights of entry and exploration. (PREM) District 6 (HJF)

19. Staff recommends motion to approve: a Utility Easement Agreement in favor of Florida Power & Light Company (FPL) for electrical service in connection with

[modifications and upgrades to Juno Park, on Ellison Wilson Road in Juno Beach.](#)  
**SUMMARY:** In 2005, the Board approved a Utility Easement Agreement (R2005-2339) in favor of FPL for electrical service associated with a new restroom and concession building at Juno Park. The Park is located on Ellison Wilson Road, north of PGA Boulevard in Juno Beach. Initial plans provided for FPL's delivery of service to terminate within that easement area with the County being responsible for connection to the improvements. Subsequent to the Board's December 2005 approval, the design was modified, which is more cost effective, and will allow FPL to install their lines underground to a transformer located closer to the improvements and requires this additional easement area. The easement area is 10' x 750', for a total area of 7,612.53 square feet (0.1748 acres) and runs from the existing easement area to the restroom and concession building. The easement is non-exclusive and is being granted to FPL at no charge, as it will provide electrical service to County facilities and is required as a condition of service. (PREM) District 1 (HJF)

**AUGUST 15, 2006**

### **3. CONSENT AGENDA APPROVAL**

#### **H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)**

20. [Staff recommends motion to approve: a Utility Easement in favor of the City of Lake Worth \(City\) for water service at John Prince Memorial Park, in unincorporated Lake Worth.](#) **SUMMARY:** The Parks and Recreation Department is requesting that a Utility Easement be granted to the City at John Prince Memorial Park (Park), located at 4759 South Congress Avenue, Lake Worth. Parks and Recreation has finished construction of a chemical storage building in the southwest quadrant of the Park. The easement area is 10' wide and approximately 537.23' long, for a total area of 5,372 square feet (.12 acre). The easement area will connect to an existing utility easement (R2002-1174) granted to the City by the County in 2002, under the same terms and conditions. The easement area is east of Congress Avenue, south of the Lake Worth Drainage District L-14 Canal, and runs southerly from the existing easement terminating near the south boundary of the Park. Parks and Recreation and the City have approved the location of the easement area. This Utility Easement is being granted to the City at no charge, as it will provide service to County facilities. (PREM) District 3 (HJF)
  
21. [Staff recommends motion to approve: a Utility Easement Agreement in favor of Florida Power & Light Company \(FPL\), for electrical service at the Glades Pioneer Park Aquatic Center in Belle Glade.](#) **SUMMARY:** The Parks and Recreation Department (Parks) has completed construction of a new aquatics center at Glades Pioneer Park, on SR 715 north of SR 80, in Belle Glade. FPL requires an easement for permanent electrical service for the pump and filtration equipment. The easement area is 10' wide and approximately 972.75' long, for a total of approximately 9,727.50 square feet (.223 acres). The easement location will begin near the Park entrance and continue east then

north, terminating at the new aquatic center improvements. Parks and FPL have approved the location of the easement. The easement is non-exclusive and is being granted to FPL at no charge, as it will provide electrical service to the facilities on County-owned lands. (PREM) District 6 (HJF)

22. **Staff recommends motion to receive and file:**

**A) a Deposit Receipt and Contract for Sale and Purchase with Richard Bowman, Steve Wolf, Jeff Snow, and Scott Niebel dated June 21, 2006 for \$3,225,000;**

**B) an Assignment of the Deposit Receipt and Contract for Sale and Purchase with Richard Bowman, Steve Wolf, Jeff Snow, and Scott Niebel dated June 21, 2006, to Brookside Estates, LLC, and Smith Sundry Estates, LLC; and**

**C) a County Deed to Brookside Estates, LLC, and Smith Sundry Estates, LLC.**

**SUMMARY:** On May 23, 2006, the Board approved a Deposit Receipt and Contract for Sale and Purchase with Richard Bowman, Steve Wolf, Jeff Snow, and Scott Niebel for the sale of 75+/- acres of unimproved County-owned property located on Smith Sundry Road in the Ag Reserve. The Contract became effective when it was executed by the County Administrator on June 21, 2006. On June 21, 2006, the Contract was formally assigned to Brookside Estates, LLC, and Smith Sundry Estates, LLC, two (2) entities owned and controlled by the original Buyer. This item is to receive and file the contract dated June 21, 2006, and to provide notice of the assignment and the substitution of Brookside Estates, LLC, and Smith Sundry Estates, LLC, as the grantee on the County Deed, in accordance with the terms of the Contract. The transaction closed on June 21, 2006. (PREM) Countywide/District 5 (HJF)

**AUGUST 15, 2006**

**3. CONSENT AGENDA APPROVAL**

**H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)**

23. **Staff recommends motion to:**

**A) adopt a Resolution authorizing the conveyance of the County's interest in three (3) properties, totaling 0.49 acres of land, to the City of Belle Glade without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration; and**

**B) approve three (3) County Deeds in favor of the City of Belle Glade.**

**SUMMARY:** The City of Belle Glade has requested the conveyance of three (3) improved parcels of County-owned surplus property located within its jurisdiction which the County acquired by tax deed within the past two (2) years. The properties are located at: (i) 419 SW Avenue C (.10 acres), improved with an occupied apartment complex; (ii) 722 SW Avenue E (.14 acres), improved with an unoccupied two (2) story commercial structure; and (iii) 654 SW Avenue E (.25 acres), previously operated as a gas station with underground fuel storage tanks which were removed in 1997 and which has existing environmental contamination. The total assessed value of these parcels is \$119,013 and contains 0.49 acres. Florida Statutes Section 197.592(3) requires the conveyance of surplus property acquired by tax deed to the municipality in which it is located. The subject parcels have been declared surplus as they serve no present or future County purpose. Staff believes that these properties will be more appropriately developed, managed and maintained by the City. The conveyance of surplus property to the municipality in which it is located is a major element of PREM's disposition program adopted by the Board upon the recommendation of the Real Estate Assets Task Force. These conveyances will relieve the County of potential liability for occurrences on the properties and also the cost of continued maintenance. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. Staff is currently revisiting the program to convey residential parcels to the municipalities in light of the affordable housing issues. The County Deeds for the .14 acre and .25 acre parcels reserve future right-of-way for the widening of SW Avenue E, as provided for in the County's Comprehensive Plan. (PREM) District 6 (HJF)

24. [Staff recommends motion to approve: First Amendment to extend the term of the Interlocal Agreement with the State Attorney's Office \(R2004-0470\), providing fleet management services until March 16, 2012.](#) **SUMMARY:** The Agreement provides the terms and conditions under which the County provides fleet management services will expire on March 16, 2007. The agreement provides for one (1) - five (5) year renewal but renewals require approval by both parties. State Attorney's Office has approved a renewal to extend the term of the agreement until March 16, 2012. The renewal now requires Board approval. The County does not require any additional staffing and/or equipment to extend this Agreement, and as such, this Agreement will result in increased revenues to Fleet Management. (FD&O Admin) Countywide (JM)

**AUGUST 15, 2006**

### **3. CONSENT AGENDA APPROVAL**

#### **H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)**

25. [Staff recommends motion to approve: a Declaration of Conservation Easement across a portion of District Park "K" \(Park\) located on Sansbury's Way in West Palm Beach.](#) **SUMMARY:** The Park is located on the east side of Sansbury's Way between

Belvedere Road and Okeechobee Boulevard in unincorporated West Palm Beach. As a condition of the development of The King's Academy/Palm Beach County Park Site, the Master Site Plan requires that the County provide a 7-acre preserve area within the Park. The easement area is 420 feet wide and 780 feet long, for a total area of approximately 7.52 acres and is located south of the Lake Worth Drainage District Lateral-2 Canal at the eastern boundary of the Park. The approval and recording of the Declaration of Conservation Easement will satisfy a condition of the Department of Environmental Resource Management's permit. (PREM) District 6 (JMB)

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

**A) a Budget Transfer in the amount of \$218,134 from completed project sweeps in the Information Technology Capital Improvement Fund to increase the Operations and Support Center project budget; and**

**B) a Budget Transfer in the amount of \$1,790,900 in the 94.3M NAV Public Improvement Fund from reserves (\$1,290,900) and (\$500,000) from the Old Courthouse Renovation project to increase the Vista Office Building project budget by \$1,590,900 and the Operations and Support Center project budget by \$200,000.**

**SUMMARY:** The Budget Transfer in the Information Technology Capital Improvement Fund to cover project construction costs relating to a redundant fiber path between the two Vista Center projects and other telephone and data system enhancements at the two projects. The Budget Transfer within the 94.3 M NAV Public Improvement Fund reallocates funds between three of the four projects funded by this bond to reflect the updated project estimates. The increase to the Vista Office building project is due to increased utility connection charges and the correction of a previous transfer of funds out of the project and not to unforeseen changes or user modifications. (FDO Admin)  
Countywide/District 2 (JM)

27. **Staff recommends motion to approve: a Utility Easement in favor of BellSouth Telecommunications, Inc. (BellSouth), for communication services at the King's Academy Campus at 4215 Cherry Road, West Palm Beach.** **SUMMARY:** Several County departments and constitutional offices occupy the King's Academy Campus, at 4215 Cherry Road, West Palm Beach. A portion of the campus is being renovated to install a phone bank and absentee ballot call center for the Supervisor of Elections (SOE). Because the existing telecommunications improvements at the facility are antiquated and do not support the anticipated needs of SOE and other users, BellSouth will make upgrades including the installation of a pad-mounted equipment cabinet and related facilities. The easement area is 15' x 20' (300 sf) and is located at the southwest corner of the property. The easement contains restrictions, terms and conditions consistent with the County's acquisition of the property for airport purposes. The Department of Airports has approved the location of the easement and its terms. This easement will be granted to BellSouth at no charge, as it will provide communication service to facilities on County-owned lands. (PREM) District 2 (LMB)

AUGUST 15, 2006

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

28. [Staff recommends motion to accept: a Modification of Restrictive Covenants on 2.12 acres of County owned property in unincorporated Boynton Beach.](#) **SUMMARY:** The County acquired approximately 53 acres of vacant land located in Boynton Beach from Theodore W. Winsberg and Gertrude K. Winsberg on June 23, 1999. The property was purchased for development of the Green Cay Wetlands water reclamation facility. The Special Warranty Deed With Restrictive Covenants conveying the property to the County restricted the use of the property for a wetland treatment and/or groundwater recharge facility only. In 2005, the County identified a portion of the property, located along the southern boundary of Flavor Pict Road, west of Jog Road, for construction of Fire Station No. 22. The Winsbergs have agreed to modify the existing restrictive covenants to permit governmental uses on 2.12 acres which will allow for construction of the fire station. The Winsbergs have agreed to modify the restrictive covenants at no charge. (PREM) District 5 (HJF)
29. [Staff recommends motion to approve: a Temporary Construction Easement \(TCE\) in favor of the City of Lake Worth across a portion of John Prince Memorial Park.](#) **SUMMARY:** The City of Lake Worth has requested a Temporary Construction Easement to construct a pipeline through a portion of the John Prince Memorial Park to enable it to connect its Floridan Aquifer Raw Water Well F-2 to public rights-of-way and ultimately to the City's water treatment plant. The well is located on City property east of Lake Osborne Drive between Lake Worth Road and 6<sup>th</sup> Avenue South. The easement area, located on Park property, is approximately 40 feet wide and 743.86 feet long, for a total area of 29,754.51 square feet (0.68 acres), running west of and adjacent to the west right-of-way line of Lake Osborne Drive. The TCE will automatically terminate upon the completion of the project, but no later than one (1) year from its effective date. The installation of the pipeline is a portion of a larger project whereby the City will be crediting approximately \$200,000 for the benefit of the Parks and Recreation Department to use toward future connection fees. Therefore, the TCE will be granted to the City at no charge. The Parks and Recreation Department has reviewed and approved the location of the easement area. The City's approval of this easement is scheduled for consideration concurrently with the County's approval. (PREM) District 3 (JMB)
30. [Staff recommends motion to approve: a Budget Amendment in the amount of \\$1,400,000 in the Fleet Management Fund recognizing revenues received from user departments and increasing the fuel budget lines.](#) **SUMMARY:** This Amendment is



needed to increase the fuel expense accounts to cover anticipated fuel costs through the end of the fiscal year. The increase is necessary due to two factors; i) the FY 06 budget assumed \$2.15/gallon when pricing has been substantially higher than that (in July average cost was \$2.65/gallon and now unleaded is \$2.875/gallon); and ii) increased consumption. Last year's consumption was 320,000 gallons/month and consumption this year has averaged 350,000 gallons/month which includes PBSO, Fire Rescue and all general government fuel usage. (Facilities Admin) Countywide (JM)

**AUGUST 15, 2006**

### **3. CONSENT AGENDA APPROVAL**

#### **I. HOUSING & COMMUNITY DEVELOPMENT**

1. **Staff recommends motion to receive and file:** Amendment No. 002 to an Agreement with the Village of Royal Palm Beach on October 5, 2004 (R2004-2078) to provide \$45,872 in Community Development Block Grant (CDBG) funds for ADA improvements in Preservation Park. **SUMMARY:** Under the authority provided to the County Administrator by the Palm Beach County Board of County Commissioners on February 27, 2001 (R2001-0340), the County Administrator executed Amendment No. 002 to extend the expiration date of the Agreement with the Village of Royal Palm Beach from June 30, 2006 to September 30, 2006. This extension was needed in order to allow the completion of this project, which was delayed due to the need to relocate an existing water main and irrigation line and install additional drainage structures for the project. District 6 (TKF)
  
2. **Staff recommends motion to approve:** a "Request for Release of Funds (RROF) and Certification" Form (HUD 7015.15) to comply with environmental grant conditions for one (1) project funded under the Community Development Block Grant (CDBG) Program for Fiscal Year 2005-2006; Countywide Public Facilities - \$250,000, for the acquisition of 0.69 acres of real property to increase the stock of permanent supportive housing for the homeless. **SUMMARY:** All CDBG funded projects approved via the Annual Consolidated Plan on July 12, 2005 (R2005-1384), must comply with 24 CFR Part 58, which establishes regulations concerning the environmental review procedures for the CDBG Program. Under these regulations, the County is required to: 1)

aggregate, either geographically or functionally, all activities into projects; 2) determine which projects are in need of an environmental assessment and, where applicable, issue an environmental clearance finding; 3) publish the finding to receive public input; and 4) request release of funds from U.S. Department of Housing and Urban Development (HUD). Steps 1 through 3 have been finalized for the above referenced project. Execution of the RROF and its submission to HUD will accomplish Step 4. The RROF form documents and certifies that all steps have been taken with respect to HUD's environmental procedures. Before expending any CDBG funds for these activities, the County must receive a notification from HUD of the release of funds. Countywide (TKF)

3. **Staff recommends motion to approve:** the nomination of:

A) Frederick G. Wade as Chair; and

B) Ronald Daniels as Vice-Chair,

of the Westgate/Belvedere Homes Community Redevelopment Agency for the term June 12, 2006, through May 31, 2007.

**SUMMARY:** Westgate/Belvedere Homes Community Redevelopment Agency (CRA) By-laws provide for the CRA Commissioners to elect their officers at a regular meeting immediately following the appointment of new CRA Commissioners by the Board of County Commissioners. At the regular meeting of the CRA Board on June 12, 2006, the CRA Commissioners elected the Chair and Vice-Chair. The term shall be one (1) year beginning with the date of election. District 2 (TKF)

**AUGUST 15, 2006**

**3. CONSENT AGENDA APPROVAL**

**K. WATER UTILITIES**

1. [Staff recommends motion to receive and file: five \(5\) Standard Development Agreements and five \(5\) Standard Development Renewal Agreements complete with executed documents received during the month of June 2006.](#)

**Standard Development Agreement**



A) Jog & Belvedere Development LLC & Eastwood LLC	01-01179-000
B) Congress Oaks Development Group, LLC	01-01182-000
C) Sunset Isles, LLC	01-01183-000
D) Boynton Beach Associates XIX, LLLP	05-01066-001
E) Temple Beth el of Boca Raton, Inc.	09-01054-000

**Standard Development Renewal Agreement**

F) Mathias R. Stemplinger	02-01037-R00
G) Equus Properties, LLC	05-01026-R02
H) Ecclestone Signature Homes of Palm Beach, LLC	05-01026-R04
I) Equus Center, LLC	05-01026-R05
J) Frankel-Infinity Custom Estates, LLC	09-01017-R04

**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)

2. [Staff recommends motion to approve: Change Order No. 4 to the Contract with Garney Companies, Inc. \(R2005-2072\) for the Northern Region Utility Improvement Project Phase 2B decreasing the contract price by \\$39,191.93 and providing a 15-day time extension.](#) **SUMMARY:** On October 18, 2005, the Board approved a contract with Garney Companies, Inc. in the amount of \$13,627,020 for construction of various sizes of water and force mains and related appurtenances along North Road, Okeechobee Boulevard, Southern Boulevard, and Seminole Pratt-Whitney Road. Change Order No. 4 will authorize the Contractor to reshape and sod an embankment along Southern Boulevard as required by the Florida Department of Transportation; furnish and install water and force main connections at Lion Country Safari; and repair a damaged electrical service at the Loxahatchee Grove Park. The Contractor has agreed to provide the County with a credit for deleting 24 air release valves and the jack-and-bore road crossing method. The valves are no longer required because the future drainage crossings were redesigned to eliminate utility conflicts. The Contractor has received a permit from Palm Beach County Engineering to cross Seminole Pratt-Whitney Road, along Southern Boulevard, using the open-cut method instead of jack-and-boring techniques. The Contractor has requested a 15-day time extension to compensate him for time spent performing the embankment improvements and road crossing at Southern Boulevard and Seminole Pratt-Whitney Road. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.00% overall. This Change Order includes zero SBE participation. This contract with Garney Companies, Inc. provides for SBE participation of 15.75% overall. (WUD Project No. 04-227 B) District 6 (JM)

AUGUST 15, 2006

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. [Staff recommends motion to approve: the First Amendment to a Standard Potable Water and Wastewater Development Agreement with Centex Homes.](#) **SUMMARY:** On April 27, 2004, the County entered into a Standard Potable Water and Wastewater Development Agreement (DA No.01-01139-000) with Fairways East Corporation for reservation of potable water and wastewater capacity. Centex Homes (Centex) subsequently purchased the property and assumed all rights, duties, and responsibilities of the Agreement. During the site plan approval process, it was determined that the County's existing potable water main is in conflict with the proposed new development. Under the terms of this Amendment, Centex will pay the County to construct a new water main, install new service lines to the 19 residential customers served off the existing main, and provide fire hydrants along the new water main. After the new water main is placed into service, Centex will abandon the existing water main and indemnify the County for any liability related to the abandonment work. The new water main will be constructed using the Department's Utility Continuing Construction Contract under a future work authorization having an estimated value of \$116,917.64. As a show of support for this proposed Amendment, Centex has fully pre-paid the County for this cost. District 2 (MJ)

4. [Staff recommends motion to approve:](#)

[A\) Change Order No. 1 with R.J. Sullivan Corp. for the Water Treatment Plant No. 8 Expansion Project in the deductive amount of \\$1,712,386.46, deleting materials and equipment for the purpose of sales tax recovery and designating R.J. Sullivan Corp., as the County's agent for the inspection and receipt of the materials and equipment; and](#)

**B)** Purchase Orders with vendors of the materials and equipment for sales tax recovery in the amount of \$1,615,341.

**SUMMARY:** On May 2, 2006, the Board awarded a contract with the R.J. Sullivan Corp. (R2006-0780) for the Water Treatment Plant No. 8 Expansion Project in the amount of \$18,620,000. By approving Change Order No. 1 to this contract, and purchasing the associated materials and equipment directly from the vendors, total sales tax savings of \$97,045.46 can be achieved. R.J. Sullivan Corp. has agreed to serve as the County's agent for the inspection and receipt of the equipment and materials at no additional cost. (WUD Project No. 05-146) District 2 (JM)

5. [Staff recommends motion to approve: an Interlocal Agreement with the City of](#)

[Pahokee for construction of a Floridan Aquifer production well to supply raw water to the Lake Region Water Treatment Plant.](#) **SUMMARY:** On February 3, 2004, the Board entered into an Agreement with the City of Pahokee (R2004-0246) for the provision of bulk potable water service. Pursuant to the Bulk Agreement, the County will design, permit, and construct a new Lake Region Water Treatment Plant (LRWTP) and all related infrastructure, including several Floridan Aquifer production wells. The County and the City have been working cooperatively to secure Federal and State funding for this project. This Agreement will transfer \$356,000 of State funds from the South Florida Water Management District (SFWMD) through the City of Pahokee to the County for construction of one (1) Floridan Aquifer production well. (WUD Project No. 03-169) District 6 (MJ)

**AUGUST 15, 2006**

### **3. CONSENT AGENDA APPROVAL**

#### **K. WATER UTILITIES (Cont'd)**

6. [Staff recommends motion to receive and file: the Water Utilities Department Phase VI Reclaimed Water Distribution System Map.](#) **SUMMARY:** On July 11, 2006, the Board adopted an Ordinance amending Chapter 27, Article IX of the Palm Beach County Code (R2006-015). The Ordinance amended the boundaries of the Department's Mandatory Reclaimed Water Service Area (MRWSA). While developing the Ordinance, the Department completed a Reclaimed Water Master Plan. The Master Plan identified the location, size, and entity responsible for constructing the Phase VI expansion of the reclaimed water distribution piping system. Staff intended to present this map at the July 11<sup>th</sup> Public Hearing. Unfortunately, this was overlooked, and the Department requests that Phase VI map be formally received and filed. Any changes to this map will be presented to the Board with future agenda items. Countywide (MJ)
  
7. [Staff recommends motion to adopt: a Resolution amending Resolution No. R2004-2615 for the Palm Beach Ranchettes Water Main Extension Improvement Project,](#) reducing the individual assessment from \$7,366 per parcel to \$6,906.46 per parcel. **SUMMARY:** On December 21, 2004, the Board adopted Resolution R2004-2615 confirming the Palm Beach Ranchettes Water Main Special Assessment Project. Pursuant to Section 9 of Ordinance No. 2001-0010, property owners are entitled to a reduction in their individual assessment if the final cost of the project falls below the original estimate. The assessment adopted by the Board was based upon an estimated cost of \$3,137,916, while the final assessable cost is \$2,942,151.96. Based on 426 parcels, the individual cost to the property owners is decreased from \$7,366 per parcel to \$6,906.46 per parcel. (WUD Project No. 03-195) District 6 (MJ)

8. **Staff recommends motion to approve:** an Amendment to the Interlocal Agreement with the City of Pahokee for design of sanitary sewers in the Canal Point area, increasing the County's not-to-exceed reimbursement amount by \$23,300 to \$227,647. **SUMMARY:** On September 14, 2004, the Board entered into an Interlocal Agreement (Agreement) with City of Pahokee (City) (R2004-1853) to provide for the surveying, design, and permitting of a gravity sanitary sewer expansion to serve the Canal Point area. Under the terms of the Agreement, the City will survey, design, and permit the sanitary sewer expansion. The County, in turn, was to reimburse the City a maximum amount of \$204,347. Preliminary geotechnical reports have concluded that existing subsurface conditions in the Canal Point area will not support construction of a gravity-type sewer system. Therefore, the design needs to be revised to accommodate a low pressure system. The engineering consultant, Greenhorne & O'Mara, has requested an additional \$23,300 for the redesign work for a total engineering fee of \$227,647. The Palm Beach County Office of Economic Development has assisted the City in preparing applications for state and federal grants to fund construction of sanitary sewers in the Canal Point Area. The County has allocated funds through the CCRT for this project. District 6 (MJ)
9. **Staff recommends motion to approve: a Contract with The Crom Corporation for construction of the Water Treatment Plants No. 3, No. 8 and Lake Region water storage tanks in the amount of \$5,575,000.** **SUMMARY:** On June 13, 2006, one (1) bid was received for construction of the Water Treatment Plant (WTP) No. 3, No. 8 and Lake Region water storage tanks with The Crom Corporation being the low bidder in the amount of \$5,575,000. This Contract provides for construction of a five (5) million gallon water storage tank at WTP No. 3 and WTP No. 8, a three (3) million gallon water storage tank at the Lake Region Water Treatment Plant, and construction of baffle walls inside the existing water storage tanks at WTP No. 2. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. This Contract with The Crom Corporation provides for SBE participation of 17.53% overall. (WUD Project No. 06-025) Districts 2, 5 & 6 (JM)

**AUGUST 15, 2006**

### **3. CONSENT AGENDA APPROVAL**

#### **K. WATER UTILITIES (Cont'd)**

10. **Staff recommends motion to approve:**
- A) an Amendment to a Potable Water and Wastewater Development Agreement with Whitworth Estates PUD, LLC; and**
- B) a Reclaimed Water Development Agreement with Whitworth Estates PUD, LLC.**

**SUMMARY:** On September, 13, 2005, the Department Director, under his delegated authority from the Board of County Commissioners, executed a Standard Potable Water

and Wastewater Development Agreement (R2005-1732) with Whitworth Estates PUD, LLC (“Property Owner”). The property is within the boundaries of the Mandatory Reclaimed Water Service Area as amended on July 11, 2006, but has been involved in the Department’s permitting process for approximately one (1) year. Based on the property’s status in the Department’s permitting process, and in order to maximize the number of properties which receive reclaimed water from the County, the Department recommends approval of the Reclaimed Water Development Agreement, under which Property Owner will contribute all oversizing credits due to them for a new 16-inch potable water main (which they are constructing) toward a 20-inch reclaimed water main along the Property’s frontage along Atlantic Avenue. In exchange for this contribution in lieu of construction, and the Property Owner’s agreement to provide design and permitting services for the extension of reclaimed water pipelines along Atlantic Avenue from the Florida Turnpike to the western boundary of the property, the County acknowledges that the Property Owner will not be required to extend any off-site reclaimed water mains, and that County is solely responsible for the cost and installation of such mains, subject to the special conditions included in the Reclaimed Water Development Agreement and the Amendment to the Potable Water and Wastewater Development Agreement. District 5 (MJ)

11. [Staff recommends motion to approve: an Interlocal Agreement with the Palm Beach County School Board for the operation and maintenance of water and wastewater treatment facilities.](#) **SUMMARY:** The Palm Beach County School Board currently owns and operates four (4) small water and wastewater treatment facilities. The School Board has requested that the Department provide operation and maintenance services for the Jupiter Farms Elementary School water and wastewater treatment plants, Loxahatchee Groves Elementary School wastewater treatment plant, and the Town and Country Feed & Supply water treatment plant. Under this Agreement, the Department will operate and maintain these facilities for five (5) years. The School Board will pay the Department for all direct costs plus a 25% general and administrative charge. Costs for the first year are projected to be \$161,380.64. Charges for subsequent years will be adjusted by the U.S. Department of Labor’s Consumer Price Index for “All Urban Consumers, Water and Sewerage Maintenance”. Capital improvements required at the facilities are not included in this Agreement. Either party may cancel the Agreement with a 30-day written notice. Districts 1 & 6 (MJ)

**AUGUST 15, 2006**

### 3. CONSENT AGENDA APPROVAL

#### K. WATER UTILITIES (Cont'd)

##### 12. Staff recommends motion to approve:

**A)** a Right-of-Way Consent Agreement with Florida Power & Light Company (FPL) for pipelines adjacent to La Mancha Avenue; and

**B)** a Utility Easement Agreement with the Village of Royal Palm Beach for the La Mancha Avenue Pipeline Extension Project.

**SUMMARY:** Construction of the La Mancha Avenue Pipeline extension project necessitates encroachment onto FPL's right-of-way along La Mancha Avenue extending from Bilbao Street to 40<sup>th</sup> Street North. A utility easement is also needed from the Village of Royal Palm Beach for a tract of land located between Okeechobee Boulevard and Bilbao Street. The land tracts addressed with these easements are recorded in O.R. Book 29, Page 165 through 170 and Pages 196 through 200 of the Public Records. During the Department's utility coordination efforts, FPL requested the County execute Right-of-Way Consent Agreement with FPL at no cost. The execution of a Utility Easement Agreement with the Village of Royal Palm Beach is required to ensure the Department maintains legal access to its pipelines. Both agreements will continue in effect in perpetuity. (WUD Project No. 04-125B) District 6 (MJ)

#### L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to approve:** a Budget Amendment of \$1,040,193 in the 75M GO 99B Environmental Conservation Land Fund recognizing revenue from the sale of 53.185 acres of land to Pero Family Farms. The land sale was approved by the Board of County Commissioners on December 17, 2002 by Resolution No. R2002-2309.

**SUMMARY:** The Budget Amendment recognizes the receipt of \$1,040,193 from the sale of 53.185 acres of land in the Ag Reserve to Pero Family Farms. The land is a portion of the 627-acre McMurrain farm property purchased by the County in July of 2000. Pero intends to use the property for expansion of their hydroponic farming improvements. District 5 (SF)

2. **Staff recommends motion to approve:** a Budget Amendment of \$400,000 in the Natural Areas Fund recognizing revenue from Florida Department of Environmental Protection (FDEP) for vegetation removal in the Pine Glades Natural Area. **SUMMARY:** The Budget Amendment recognizes the reimbursement of \$400,000 expended by the County for exotic removal at the Pine Glades Natural Area according to FDEP Contract SL898 (R2001-0772), Change Orders SE-087 and SE-090 through June 15, 2006. District 1 (SF)

3. **Staff recommends motion to approve:** a Budget Amendment of \$385,330 in the

General Fund to establish a budget for the Aquatic Vegetation Control Program for State FY2006-2007. **SUMMARY:** Task Assignment No. AP5 to Contract No. SL977 (R2002-1748) for \$385,330 has been received from the Florida Department of Environmental Protection, effective July 1, 2006 through June 30, 2007, to control vegetation in Lake Clark, Lake Ida, Lake Osborne and Pine Lake. This item will establish budget for the amount of the Task Assignment. Countywide (SF)

**AUGUST 15, 2006**

**3. CONSENT AGENDA APPROVAL**

**L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)**

4. **Staff recommends motion to approve:** a Budget Amendment of \$2,224,685 in the Beach Improvement Fund recognizing revenue from the U.S. Army Corps of Engineers (ACOE) for the Jupiter/Carlin Shore Protection Project. **SUMMARY:** The Budget Amendment provides for the reimbursement of funds expended by the County under the Project Cooperation Agreement (PCA) with the ACOE (R95-3520) for the 2001-02 Jupiter/Carlin Shore Protection Project - First Renourishment. The ACOE did not receive funding for this work until FY 2006. District 1 (SF)
  
5. **Staff recommends motion to:**
  - A) adopt** a Resolution authorizing the Clerk of the Board to disburse \$30,000 from the Vessel Registration Fee Trust Fund to cover costs for the development of countywide artificial reef sites; and
  - B) approve** a Budget Transfer of \$30,000 in the Environmental Enhancement Saltwater Fund from Reserves to the Artificial Reef Permitting Program recognizing the disbursement.

**SUMMARY:** The Resolution and Budget Transfer from County Vessel Registration Fees of \$30,000 will cover the costs of a ten (10) year permit and required pre-deployment surveys of five (5) potential artificial reef sites. Costs incurred to obtain this permit would include a permit application fee and required deep-water site surveys. Countywide (HF)
  
6. **Staff recommends motion to approve:** Second Amendment to the Tri-Party Interlocal Agreement with the Town of Palm Beach and the Port of Palm Beach for the Lake Worth Inlet. **SUMMARY:** The Tri-Party Interlocal Agreement (Agreement) (R96-1720D)



was executed on October 15, 1996 and modified on March 17, 1998 (R98-383D). The Second Amendment expands the types of plans that are eligible for equal cost-sharing (33.3%) under the Agreement. It recognizes that past and future professional services are also required to further the Agreement's purpose and caps each party's share of these expenses at ten thousand dollars (\$10,000). The Second Amendment also extends the amended Agreement ten (10) years, to expire September 30, 2016. District 1 (SF)

7. **Staff recommends motion to:**

**A) approve** an Interlocal Agreement with Indian Trail Improvement District (ITID) to reimburse \$20,000 in invasive non-native vegetation (exotic) removal costs for the M-1 Basin Retention Area under the 2005 Public Lands Grant Program; and

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

**SUMMARY:** The Public Lands Grant Program provides financial assistance to municipalities and public agencies for exotic removal from publicly-owned lands and for related educational activities. On July 12, 2005, the Board of County Commissioners (BCC) approved the 2005 Public Lands Grant Program application rankings as recommended by the County's Natural Areas Management Advisory Committee. The ITID was one (1) of the thirteen (13) award recipients. The Interlocal Agreement authorizes the County to reimburse ITID for work performed since February 1, 2006. District 1 (SF)

**AUGUST 15, 2006**

3. **CONSENT AGENDA APPROVAL**

L. **ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)**

8. **Staff recommends motion to approve:** a Budget Amendment of \$16,077 in the General Fund to recognize a purchase order from the National Oceanographic and Atmospheric Administration (NOAA) for seagrass mapping in Lake Worth Lagoon. **SUMMARY:** The Budget Amendment recognizes a purchase order from NOAA to fund Lake Worth Lagoon (LWL) monitoring program costs for the 2006 Seagrass and Mangrove Mapping project. No local match required. Districts 1, 2, 3, 4, & 7 (SF)

M. **PARKS & RECREATION**

1. **Staff recommends motion to approve: a month-to-month Lease Agreement with resident caretaker, Carlos Duenas, at Gulfstream Park.** **SUMMARY:** Palm Beach



County owns various park sites throughout the County that have facilities for employees who reside on the premises as a condition of their employment. These caretakers maintain and repair the property on which they reside and are on-call 24 hours per day. The Agreement shall remain in full force and effect until terminated as provided in Section 18 of the Agreement. District 4 (AH)

2. [Staff recommends motion to approve: First Amendment to Agreement \(R2005-1241\) with Palms West Chamber of Commerce, Inc. for the Palms West Chamber of Commerce building addition.](#) **SUMMARY:** This Amendment is to increase the amount of funding approved in Agreement by \$46,000 for a total funding allocation of \$71,000, and to extend the project completion date from December 20, 2006, to June 20, 2008. All other terms of the Agreement remain the same. Funding is from the Recreation Assistance Program (RAP). District 6 (AH)
  
3. [Staff recommends motion to approve: First Amendment to Agreement \(R2004-0690\) with Delray Beach Playhouse, Inc. for funding of the Children's Theater of Palm Beach County at the Delray Beach Playhouse.](#) **SUMMARY:** This First Amendment to Agreement revises the scope of the Children's Theater Project to include flooring as a reimbursable cost and reduces the cost for auditorium seating in order to provide space that will be usable for choreography. The scope change and cost estimate changes are necessary to continue with the reimbursement for this project. This project received an \$850,000 allocation from the 2002 \$50 Million Recreation and Cultural Facilities Bond referendum. District 4 (PK)
  
4. [Staff recommends motion to approve: Second Amendment to Agreement \(R2001-1656\), as amended \(R2004-1995\), with the City of Riviera Beach for funding of the Dan Calloway Recreation Complex – Phase I.](#) **SUMMARY:** This Second Amendment to Agreement extends the project completion date for this project from March 31, 2006, until March 31, 2007, to allow the City of Riviera Beach additional time needed to complete construction of the Dan Calloway Recreation Complex – Phase I and provide the required documentation to the County for project reimbursement. This project received an \$800,000 allocation from the 1999 \$25 Million Recreational and Cultural Facilities Bond. District 7 (PFK)

**AUGUST 15, 2006**

### **3. CONSENT AGENDA APPROVAL**

**M. PARKS & RECREATION (Cont'd)**

5. [Staff recommends motion to approve: Agreement with Toward a More Perfect Union, Inc. for the period August 15, 2006, through June 30, 2007, in an amount not-to-exceed \\$31,000 for funding of the Community Youth Program.](#) **SUMMARY:** This funding is to assist with the cost of Toward a More Perfect Union, Inc.'s Community Youth Program, which encourages teenagers to use creative arts and problem solving techniques to contribute to the well-being of others in their communities. The Community Youth Program serves approximately 100 youth. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to April 1, 2006. Funding is from the Recreation Assistance Program (RAP) District 2 (\$6,000) and District 4 (\$25,000). Countywide (AH)
  
6. [Staff recommends motion to approve: Agreement with Ruth Rales Jewish Family Service of South Palm Beach County, Incorporated, for the period August 15, 2006, through January 1, 2007, in an amount not-to-exceed \\$5,000 for funding of the Diamond Club Senior Recreational Program.](#) **SUMMARY:** This funding is to assist with the cost of the Ruth Rales Jewish Family Service of South Palm Beach County, Incorporated's Diamond Club Senior Recreational Program. The program provides social, recreational, and support opportunities for approximately 100 participants. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to April 1, 2006. Funding is from the Recreation Assistance Program (RAP). District 5 (AH)
  
7. [Staff recommends motion to approve: Agreement with Adolph and Rose Levis Jewish Community Center, Inc. for the period August 15, 2006, through September 30, 2006, in an amount not-to-exceed \\$20,000 for funding of Camp Kavod.](#) **SUMMARY:** This funding is to assist with the cost of the Adolph and Rose Levis Jewish Community Center, Inc.'s Camp Kavod summer camp program for students with special needs. The camp serves approximately 40 participants. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to June 6, 2006. Funding is from the Recreation Assistance Program (RAP). District 5 (AH)
  
8. [Staff recommends motion to approve: Agreement with Ladies Professional Golf Association, Inc. for the period August 15, 2006, through September 30, 2006, in an amount not-to-exceed \\$15,000 for funding of 2005 Junior Golf Clinics and the 2006 Jameson Classic.](#) **SUMMARY:** This funding is to help offset costs incurred by the Ladies Professional Golf Association, Inc. for Junior Golf Clinics and the Jameson Classic golf tournament held in November of 2005, and January of 2006, respectively. The golf clinics and tournament served approximately 450 participants from throughout the County. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to January 1, 2005. Funding is from the Recreation Assistance Program (RAP) District 2 (\$5,000) and District 4 (\$10,000). Countywide (AH)

AUGUST 15, 2006

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

9. Staff recommends motion to:

A) ratify the Vice Chairperson's signature on a Florida Department of State – Division of Historical Resources Special Category Historic Preservation Grant Application requesting \$250,000 for renovation of 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 a \$250,000 match towards Phase I restoration of the DuBois Pioneer Home. The house will be renovated in two (2) phases. Phase I will be concentrating on restoring the house's exterior and structural integrity. Improvements will include repair or replacement of the roof, wood shake siding, windows, and stabilization of the Indian midden. Phase II will include restoring the interior, upgrading electrical, plumbing, and mechanical systems, and the addition of ADA accessible ramps to provide access to the site for educational and/or historic touring purposes. District 1 (AH)

10. Staff recommends motion to approve: Agreement with the Palm Beach County Caribbean American Cultural Commission, Inc. for the period August 15, 2006, through November 30, 2006, in an amount not-to-exceed \$5,000 for funding of the 2006 Caribbean American Awareness Festival. **SUMMARY:** This funding is to help offset costs for the annual Caribbean American Awareness Festival held by the Palm Beach County Caribbean American Cultural Commission, Inc. The 2006 festival was held on July 1, 2006, and was attended by approximately 5,000 participants. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to January 3, 2006. Funding is from the Recreation Assistance Program (RAP). District

7 (AH)

11. [Staff recommends motion to receive and file: the following original executed Amendment to Request for Funding Forms for School Board Recreation Assistance Program \(RAP\) projects:](#)

**A)** Olympic Heights Community High School football team uniforms and equipment (R2006-1137) to extend the project completion date from December 1, 2005, to July 1, 2006 – District 5; and

**B)** Spanish River Community High School Fine Arts Program (R2005-0670) to extend the project completion date from June 1, 2006, to September 30, 2006, and to expand project elements within the approved project scope – District 5.

**SUMMARY:** This fully executed Amendment to Request for Funding Form is being processed in accordance with the Interlocal Agreement for the Funding of Recreation Assistance Program (RAP) Projects (R2003-1747) approved by the Board on October 21, 2003. District 5 (AH)

**AUGUST 15, 2006**

**3. CONSENT AGENDA APPROVAL**

**M. PARKS & RECREATION (Cont'd)**

12. [Staff recommends motion to approve: Agreement with Acreage Athletic League, Inc. for the period August 15, 2006, through September 30, 2006, in an amount not-to-exceed \\$14,500 for the purchase of equipment and batting cages for the baseball program.](#) **SUMMARY:** This funding is to help offset costs for equipment and batting cages purchased by the Acreage Athletic League, Inc. for its baseball program. The baseball program serves approximately 800 participants annually. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to October 1, 2005. Funding is from the Recreation Assistance Program (RAP). District 6 (AH)
13. [Staff recommends motion to approve: Agreement with the Town of Highland Beach for the period August 15, 2006, through October 31, 2007, in an amount not-to-exceed \\$2,500 for funding of Cultural Art Center supplies and equipment.](#) **SUMMARY:** This funding is to assist with costs for the supplies and equipment for the Town of Highland Beach's Cultural Art Center. Cultural arts programs and classes to be held at the Cultural Arts Center will serve approximately 3,000 participants throughout the course of

the year. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to July 1, 2006. Funding is from the Recreation Assistance Program (RAP). District 4 (AH)

14. [Staff recommends motion to approve: a Budget Transfer of \\$450,000 within the 1999 \\$25M General Obligation \(GO\) Recreation & Cultural Bond Fund from reserves to Therapeutic Recreation Complex.](#) **SUMMARY:** The Therapeutic Recreation Complex project is currently under construction and includes the construction of a new Very Special Arts, Art Gallery building and Special Olympics Gymnasium, as well as the remodeling of the existing pool and bathhouse. This transfer is necessary to fund substantial costs not included in the Construction Manager at Risk contract with Centex Construction Company, LLC, and is possible using reserves from the 1999 \$25M GO Recreation & Cultural Bond Fund. Countywide/District 3 (AH)
  
15. [Staff recommends motion to approve: a Budget Transfer of \\$176,000 in the Park Improvement Fund from Florida Boating Improvement Program reserves to Phil Foster Park.](#) **SUMMARY:** The Phil Foster Park project includes renovation and modification of vehicle and trailer parking, construction of a waterfront pedestrian promenade, picnicking facilities, fishing platforms, a new staging dock, new floating docks and renovations of the two (2) existing docks. The total estimated cost of this project (including design and engineering) is approximately \$5 million. This Transfer is possible using reserves from the Florida Boating Improvement Program, and will provide necessary funding for unanticipated expenditures not included in the original contract to complete this project. District 1 (AH)

**AUGUST 15, 2006**

### **3. CONSENT AGENDA APPROVAL**

#### **N. LIBRARY**

1. **Staff recommends motion to:**

**A) approve** three (3) Community Library in Caring (CLIC) grant applications totaling \$10,610 to the Florida Department of State, Division of Library and Information Services, for the following branch libraries: Belle Glade, Loula V. York (Pahokee) and Clarence E. Anthony (South Bay); and

**B) authorize** the Chairman to execute the grant agreements and any other necessary forms and certifications.

**SUMMARY:** These grants, if approved, will expand each location's adult and family literacy collections with the addition of materials to assist Spanish speakers in learning English. In addition, the Library will purchase and add these materials to a migrant family center in Pahokee and a migrant Headstart Center in Belle Glade, where the Library has established partnerships through deposit collections and programs. No matching funds are required. District 6 (TKF)

2. **Staff recommends motion to approve:** the County Library's Long-Range Plan for FY 2007-2009. **SUMMARY:** This Plan represents the Library's mission statement, goals and objectives, and strategic plan for FY 2007 through FY 2009. This annual process of strategic planning is done in conjunction with the State's requirements for libraries receiving State Aid funds and with the County's budget process. The Library Advisory Board has endorsed this Plan with Resolution 06-2; dated July 10, 2006. Countywide (TKF)

3. **Staff recommends motion to:**

**A) approve** three (3) Public Library Construction Grant applications totaling \$1.5 million to the Florida Department of State, Division of Library and Information Services for the following Library Expansion Program (LEP) projects: West Atlantic Avenue (Hagen Ranch Road Branch); West Boca Branch Library; and West Lantana (Lawrence Road Branch);

**B) approve** Certification of Exclusive Use as a Public Library; and

**C) authorize** the Chairman to execute the grant agreements and any other necessary forms and certifications.

**SUMMARY:** These grants are being resubmitted as they were not funded in the States FY 2007 budget. Each grant application is for \$500,000 with local matching funds of \$500,000. If awarded, grant funds will be used towards the cost of construction, thus freeing up other funds for furnishing and equipping these libraries. The projected cost of each project is: West Atlantic Avenue (Hagen Road Branch)-\$10,150,101; West Boca Branch-\$4,547,600; and West Lantana (Lawrence Road Branch)-\$8,949,020. These projects will be completed whether the grants are funded or not. The operational costs will be funded through the Library's operating budget. Countywide (TKF)

**AUGUST 15, 2006**

**3. CONSENT AGENDA APPROVAL**

**P. COOPERATIVE EXTENSION SERVICE**

1. **Staff recommends motion to approve:** an Agreement with the Palm Beach Soil and Water Conservation District in an amount not-to-exceed \$79,000 to provide soil and water resource conservation services for FY '07. **SUMMARY:** This Agreement provides funding for the Palm Beach Soil and Water Conservation District's ("District") resource conservation activities. The District provides resource conservation services to rural, agricultural, and urban communities to facilitate soil and water conservation in Palm Beach County. Services include soil information and technical assistance to improve water quality and quantity and soil planning in Palm Beach County. Countywide (AH)
  
2. **Staff recommends motion to approve:** Grant Agreement with Farming Systems Research, Inc. (d/b/a Green Cay Produce) of Boynton Beach for an amount not-to-exceed \$20,000 from the Agricultural Economic Development Program funds for rolling stock for this established Community Supported Agriculture (CSA) operation that will maintain seven (7) full-time jobs and create one (1) additional job. **SUMMARY:** On May 24, 2006, the Palm Beach County Agricultural Enhancement Council voted to recommend a grant to Farming Systems Research, Inc. This grant requires maintaining seven (7) full-time jobs and creating one (1) new full-time job. District 5 (AH)

**S. FIRE RESCUE**

1. **Staff recommends motion to receive and file:** two (2) original standard agreements for the Fire Rescue Department.

**A)** Independent Contractor Agreement for Swimming Lessons with the Young Men's Christian Association of South Palm Beach County, Inc.; and

**B)** Independent Contractor Agreement for Swimming Lessons with the Jewish Community Center of the Greater Palm Beaches, Inc.

**SUMMARY:** Pursuant to Countywide PPM CW-O-051, two (2) 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. These agreements provide swimming lessons to members of the public through the Palm Beach County Drowning Prevention Coalition's Learn to Swim program. Countywide (SB)

2. **Staff recommends motion to approve:** an Agreement with the District Board of Trustees of the Palm Beach Community College (PBCC) for clinical field experience for Paramedic and EMT students effective retroactively to July 13, 2006 for a five (5) year period. **SUMMARY:** This Agreement allows Palm Beach County Fire Rescue to provide clinical field experience to Paramedic and EMT students of the PBCC. Paramedic and EMT students will respond with County paramedics to observe and assist in delivering emergency medical care under actual emergency conditions. This clinical field experience is a component of the Paramedic and EMT training required for State certification, and will enhance the available job pool of qualified personnel. Countywide (SB)

**AUGUST 15, 2006**

### **3. CONSENT AGENDA APPROVAL**

#### **S. FIRE RESCUE (Cont'd)**

##### **3. Staff recommends motion to:**

**A) approve** a Medicare Electronic Data Interchange (EDI) Enrollment Agreement and Railroad Medicare EDI Information Form; and

**B) authorize** the County Administrator or his designee (Fire Rescue Administrator) to execute the Medicare Electronic Data Interchange (EDI) Enrollment Agreement on behalf of the Board of County Commissioners.

**SUMMARY:** Palm Beach County contracts with Advanced Data Processing, Inc. (ADPI) for third-party billing and collection services related to Palm Beach County Fire Rescue's emergency transport services. On September 27, 2005, the Board approved an EDI Agreement (R2005-1909) granting ADPI access to submit claims electronically to the Railroad Medicare program. ADPI has since developed a business relationship with a new clearinghouse, Zirned.Com, to expedite the collection process. The Railroad Medicare program requires a new Medicare EDI enrollment agreement for each clearinghouse. Countywide (SB)



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

**A)** the State of Florida, Bureau of Emergency Medical Services, Department of Health, EMS Matching Grant Program award in the amount of \$8,127 for emergency medical services or equipment for the period of May 30, 2006 through June 30, 2007; and

**B)** a Budget Amendment of \$8,127 in the Fire Rescue MSTU Fund to recognize the grant award, establish budget for the designated purchases and transfer \$2,709 from contingency reserves for Fire Rescue's matching requirement.

**SUMMARY:** The EMS Matching Grant program is available to pre-hospital emergency medical service providers. The Grant Program provides funding for projects to acquire, repair, improve, or upgrade emergency medical services systems, or equipment. On April 18, 2006, the Board ratified the Chairman's signature on the grant application (R2006-0713). On May 30, 2006, the County received notification of the award from the Florida Department of Health. This grant funding will be used to improve the quality, quantity, and availability of emergency medical training to the 39 EMT's and 3 Paramedics in the rural fire departments of South Bay, Belle Glade and Pahokee. Countywide (SB)

5. **Staff recommends motion to approve:** the Chairman to certify the non-ad valorem assessment roll for the Municipal Service Benefits Unit (MSBU) for Fire Hydrant Maintenance and Rental-Riviera Beach and for the MSBU for Fire Hydrant Maintenance and Rental-Boca Raton. **SUMMARY:** MSBU's for fire hydrant maintenance and rental for Riviera Beach and Boca Raton were established in February 1993, by Ordinance No. 93-5. The current rates as established by resolutions are \$52.86 per parcel for Riviera Beach (R98-1023) and \$26 per parcel for Boca Raton (R2006-0894). Every year the assessment roll must be certified by the Chairman of the Board and the State Department of Revenue form DR-408A must be signed by the Chairman for each MSBU. These forms and the tape of the assessment rolls must be submitted to the Tax Collector no later than September 15 of each year. Districts 5 & 7 (SB)

**AUGUST 15, 2006**

3. **CONSENT AGENDA APPROVAL**

S. **FIRE RESCUE (Cont'd)**

6. **Staff recommends motion to approve:** the First Amendment and Extension to the Memorandum of Agreement (MOA) with the City of Miami relating to the South Florida Urban Search and Rescue (US&R) Task Force. **SUMMARY:** Palm Beach County Fire Rescue (PBCFR) has employees that are on the South Florida US&R Task Force. The

City of Miami is the Sponsoring Agency with FEMA for the mobilization of the Task Force. On August 19, 2003, the Board approved an Agreement (R2003-1253) providing for the operational and financial reimbursement procedures, when the Task Force is mobilized. That Agreement expired on December 31, 2005. Approval of this First Amendment and Extension will extend the term of Agreement, retroactively to December 31, 2005, until such time as a new Memorandum of Agreement is developed by FEMA, and signed by FEMA, the State, and the City of Miami, or until terminated by any party upon 30 days of written notice. Countywide (SB)

## T. HEALTH DEPARTMENT

1. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, adopting the FY 2006/2007 budget for the Air Pollution Control Program. **SUMMARY:** This Resolution is required by the August 21, 1984, Agreement between the Board of County Commissioners and the Palm Beach County Health Department (PBCHD) to establish the annual budget for the expenditure of fees deposited into the Air Pollution Control Trust Fund. This program is solely supported by motor vehicle license registration fees. The proposed FY 2006/2007 budget for the Air Pollution Control Program from this funding source is \$871,388, which is an 8.3% increase over the current year. Countywide (GB)

## U. INFORMATION SYSTEM SERVICES

1. **Staff recommends motion to approve:** Assignment of Contract from BAE Systems/ADR Inc., (R2001-1523) to their parent corporation, BAE Systems National Security Solutions Inc. (NSS) for the remainder of the contract at no additional cost to the County. **SUMMARY:** Three (3) firms were selected using the Consultant Competitive Negotiations Act (CCNA) process, contracted on September 11, 2001 to perform digital ortho photography and planimetric mapping for the County (R2001-1522, R2001-1523, and R2001-1524). Effective June 30, 2006, BAE Systems/ADR Inc. has merged with their parent company and requests permission for assignment of contract Resolution No. R2001-1523 through the expiration of their contract on August 20, 2006. Countywide (PFK)
2. **Staff recommends motion to approve:** Amendment No. 5 to the computer program licensing agreement with Computer Associates International, Inc. (CA) (R97-2147D) extending the period from September 30, 2006, through September 29, 2007 in the amount of \$100,549. **SUMMARY:** This Fifth Amendment to the existing Computer Associates Program Licensing Agreement provides for the ongoing annual software license charges for the CA programs operating on the County's enterprise processor system. Countywide (PFK)

AUGUST 15, 2006

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEM SERVICES (Cont'd)

3. Staff recommends motion to:

**A) approve** Change Order No. 1 to Consulting Services Contract with Novell, Inc. for a requirements assessment and design study (R2005-2437) of Phase IV (R2004-0388) of the Metadirectory implementation project to extend the end date from April 1, 2006 to December 31, 2006 and increase the contract by \$32,500 for a total amount of \$138,750; and

**B) receive and file** Statement of Work 279256 for development, testing and migration to production of connectivity solutions in the total amount of \$144,750, signed by the County Administrator on February 24, 2006 by authority granted under Resolution No. R2005-2437.

**SUMMARY:** The Novell Netware family of products is the County standard for file and directory services across the enterprise network. ISS is implementing a Novell Metadirectory solution to establish a common, Countywide directory for all user information and to synchronize this directory with individual department directories. Resolution No. R2005-2437 provided for the requirements assessment and design activities to allow for the connection of the PBC Identity Vault to the Oracle Internet Directory. Change Order No. 1 will extend the ending date to reflect the required additional time and increase the spending authorization by \$32,500 to prepare a requirements assessment to integrate the Identity Vault with the Human Resources Information System. Statement of Work 279256 provided for the development, testing and migration to production of a customized set of services to connect the PBC Identity Vault to the Oracle Internet Directory. Countywide (PFK)

AA. PALM TRAN

1. **Staff recommends motion to adopt:** a Resolution approving a Florida Department of Transportation (FDOT) Joint Participation Agreement (JPA) FM No. 42048818401 in the amount of \$212,500 (\$212,500 State - \$0 Local Match) to provide funding to establish a Pilot Deviation Shuttle service program. **SUMMARY:** FDOT is providing a grant in the amount of \$212,500 from the Public Transit Service Development Program to establish a Pilot Deviation Shuttle service program designed to offer greater mobility to people living in residential neighborhoods where fixed route service is not readily accessible. The test routes would be designed to connect with Palm Tran fixed route. FDOT agreed to fund this program for two (2) years and will provide an additional \$212,500 for Fiscal Year 2008. No local match is required. Countywide (DR)

## **BB. SHERIFF**

1. **Staff recommends motion to receive and file:** Grant Adjustment Notices No. 1 through 5, amending the National Institute of Justice "DNA Continuation Program" Cooperative Agreement which includes an extension of the ending date from January 31, 2006 to July 31, 2006. **SUMMARY:** On April 5, 2005, the original National Institute of Justice "DNA Continuation Program" Cooperative Agreement was received and filed by the BCC in agenda item 3H4-A. The funds under this award are being used to improve the infrastructure and DNA analysis capacity of existing public crime laboratories that conduct DNA analysis, including maximizing the space used by the current Serology/DNA section at the PBSO. A time extension was needed to complete the project; and subsequently, the grant was extended from January 1, 2006 to July 31, 2006. There is no grant match required. Countywide (DW)

**AUGUST 15, 2006**

## **3. CONSENT AGENDA APPROVAL**

### **BB. SHERIFF (Cont'd)**

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

**A)** the National Institute of Justice "Solving Cold Cases with DNA Program" Cooperative Agreement in the amount of \$192,431 to now include an additional \$182,330 for the period of June 1, 2005, through November 30, 2006; and

**B)** a Budget Amendment of \$182,330 increasing the Sheriff's Grant Fund.

**SUMMARY:** The Palm Beach County Board of County Commissioners previously, on December 20, 2005 (R2005-2439), approved \$192,431 for the "Solving Cold Cases with DNA Program." The National Institute of Justice (NIJ) has now awarded the PBSO an additional \$182,330 for the "Solving Cold Cases with DNA Program", increasing the total award for the program to \$374,761. The objective of this grant is to combine the efforts of the PBSO Special Investigations Bureau, Crimes Against Children/Sexual Assault Unit with the Violent Crimes Bureau in conjunction with the experience of the Serology/DNA Section of the Crime Laboratory to solve cold cases. The goal of this proposal is to screen all of the cold cases for potential biological evidence for the purpose of conducting DNA analysis such that the laboratory CODIS administrator will enter any qualifying DNA profile into CODIS. It is estimated that there are approximately 250 cold cases from the Crimes Against Children/Sexual Assault Unit and Violent Crimes Bureaus, of which 85 may meet the criteria set forth by this grant. The Palm Beach County Sheriff's Office has been permitted to spend \$192,431 for the specified activities which are separate and distinct from the activities that require review pursuant

to the National Environmental Protection Agency (NEPA). The additional NEPA restricted funds in the amount of \$182,330, which were under review, have now been made available for spending. There is no grant match required, nor are any County funds required in FY 2006. Countywide (DW)

3. **Staff recommends motion to approve:** a Budget Transfer of \$25,000 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff's Office for donations to support the safe neighborhood and crime prevention efforts of Together Against Gangs, Inc. **SUMMARY:** Florida Statute 932.7055 requires that no less than 15% of the LETf's previous year's revenues be used for the support or operation of any drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood, or school resource officer program(s). The PBSO's FY 2006 estimated donation requirement is \$158,391. Collectively with this transfer, the PBSO will have donated \$456,560. The funds are requested to aid qualified organizations that meet the requirements set forth in F.S. 932.7055. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$282,940. The Sheriff's Office certifies that the use of these funds is in accordance with F.S. 932.7055. Countywide (DW)

**AUGUST 15, 2006**

### **3. CONSENT AGENDA APPROVAL**

#### **BB. SHERIFF (Cont'd)**

##### **4. Staff recommends motion to:**

**A) receive and file** a Grant Agreement between the Palm Beach County Sheriff's Office (PBSO) and the Department of Juvenile Justice (DJJ) for the Truancy Interdiction Program (TIP) in the amount of \$57,442 for the period of July 1, 2006, through June 30, 2007; and

**B) approve** a Budget Amendment of \$57,442 increasing the Sheriff's Grants Fund.

**SUMMARY:** The Department of Juvenile Justice (DJJ) has approved a grant application awarding the Palm Beach County Sheriff's Office (PBSO) funds for the purpose of expanding the current Truancy Interdiction Program to include the Belle Glade area. This expansion will provide for the funding of one (1) full-time Truancy Interdiction Case Manager. The Truancy Interdiction Program seeks to accomplish two (2) goals, first to keep youth in school and second to decrease problem behavior and increase positive

behavior in students. There is a local, in-kind match of \$14,344. All grant funds must be expended by June 30, 2007. Countywide (DW)

5. **Staff recommends motion to:**

**A) receive and file** the National Institute of Justice “DNA Capacity Enhancement Program” Cooperative Agreement in the amount of \$152,103 for the period of October 1, 2005 to September 30, 2006; and

**B) approve** a Budget Amendment of \$152,103 increasing the Sheriff’s Grant Fund.

**SUMMARY:** The National Institute of Justice (NIJ) has awarded the PBSO \$152,103 for the “DNA Capacity Enhancement Program.” The objective of this grant is to update the Palm Beach County Sheriff’s Office (PBSO) DNA Section’s infrastructure in preparation for: 1) increase in DNA casework; 2) improved efficiency using the 5,000 square feet of newly renovated DNA laboratory space; and 3) a centralized DNA training area. There is no grant match required, nor are any County funds required in FY 2006. Countywide (DW)

6. **Staff recommends motion to:**

**A) accept** a U.S. Department of Homeland Security, Transportation Security Administration Grant for Homeland Security Enforcement at the Palm Beach International Airport in the amount of \$1,252,500 for the period of May 3, 2006, through September 30, 2010; and

**B) approve** a Budget Amendment of \$250,500 increasing the Sheriff’s Grant Fund.

**SUMMARY:** The U.S. Department of Homeland Security, Transportation Security Administration has awarded a Homeland Security grant to the Palm Beach County Sheriff’s Office (PBSO) in the amount of \$250,500 for this fiscal year. Funds for future fiscal years are anticipated for a total amount of funding of \$1,252,500 over a five (5) year period. The funds will be used to offset the costs associated with the salary and benefits of five (5) deputies and the costs associated with the care of five (5) TSA canines. Reimbursable costs for this award include, but are not limited to: supplies-kennel, vet care, vehicles, and dog food. The purpose of this grant program is to provide maximum coverage during peak airport operating hours and to maintain the ability to promptly respond to threats and suspected threat explosive devices which affect air carrier operations. There is no match requirement for this program. Countywide (DW)

**AUGUST 15, 2006**

**3. CONSENT AGENDA APPROVAL**

**BB. SHERIFF (Cont’d)**

7. **Staff recommends motion to approve:** an Amendment to the Florida Department of Law Enforcement's Florida Consortium "Paul Coverdell National Forensic Sciences Improvement Act" Grant to extend the grant period from August 31, 2006 to March 31, 2007. **SUMMARY:** The Board of County Commissioners previously approved this grant on April 18, 2006 (R2006-0715). The National Institute of Justice (NIJ) awarded funds to the Florida Department of Law Enforcement (FDLE) under the "Paul Coverdell National Forensic Sciences Improvement Act". This award will be used to pay overtime to evidence personnel to improve the status of the impound lot, perform a complete inventory of all evidence and input old cases in to the electronic evidence database Justice Trax-LIMS plus. This grant will also be used to purchase bicycle racks, barcode printers, and a hand-held computer for evidence reconciliation and provide funds for a towing company to rearrange vehicles in the impound lot. There is no grant match required, nor are any County funds required. Countywide (DW)

\* \* \* \* \*

**AUGUST 15, 2006**

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

- A. Appreciation Award to Representative E. Clay Shaw, United States Congress for efforts to obtain increased Homeland Security funding and assistance in streamlining FEMA reimbursements for the 2004 and 2005 hurricane seasons.
- B. [Proclamation declaring the month of September 2006 as "National Alcohol and Drug Addiction Recovery Month" in Palm Beach County. \(Sponsored by Commissioner Koons\)](#)
- C. [Proclamation declaring the week of September 1 - 8, 2006 as "Professional Firefighters and Paramedics of Palm Beach County Appreciation Week" in Palm Beach County. \(Sponsored by Commissioner Marcus\)](#)
- D. [Proclamation declaring September 1, 2006 as "Toby Keith Kiwanis Appreciation Day" in Palm Beach County. \(Sponsored by Commissioner Koons\)](#)
- E. [Proclamation declaring September 22, 2006 as "American Business Women's Day" in Palm Beach County. \(Sponsored by Commissioner Greene\)](#)

AUGUST 15, 2006

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

- A. Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, pertaining to posting of restaurant inspection reports; providing for definitions; providing for general requirements; providing for lettering requirements; providing for enforcement; providing for severability; providing for repeal of laws in conflict; providing for inclusion in the Code of Laws and Ordinances; providing for captions; providing for applicability; and providing for an effective date. **SUMMARY:** At the September 20, 2005 BCC workshop, there was Board direction to prepare an ordinance pertaining to posting of restaurant inspection reports to provide public awareness of the health and safety standards of restaurant establishments. This Ordinance requires restaurants to post a notice advising the public that the latest food service inspection reports are available upon request. Countywide (GB)
- B. Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, to be known as "the Post-Disaster Debris Recovery Ordinance"; relating to disaster debris collection and removal; providing for declaration of findings and intent; providing for implementation of the Comprehensive Emergency Management Plan of Palm Beach County; providing for inclusion in the Code of Laws; providing for repeal of laws in conflict; providing for severability; providing for captions; and providing for an effective date. **SUMMARY:** This Ordinance authorizes and directs the Solid Waste Authority of Palm Beach County, upon a declaration of a disaster and pursuant to the provisions of the County's Emergency Management Plan, to enter in and upon the public and private roads, including gated communities, of the unincorporated areas of the County to collect and remove debris. Countywide (MC)
- C. Staff recommends motion to adopt: a Resolution abandoning the right-of-way (a right turn lane on Lantana Road), within Sherbrooke Center Replat, Mixed Use Planned Development (MUPD), Tract E, as recorded in Plat Book 87, Pages 56-58, and recorded in Official Record Book 11649, Pages 314-317, Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located at the northeast corner of Lantana Road and Lyons Road. The petitioner is requesting the abandonment, which will allow additional landscaped area and increase the setback distance for future buildings. District 2 (PFK)
- D. Staff recommends motion to adopt: an Ordinance amending Ordinance No. 85-40 as amended, establishing an amended Five-Year Road Program; providing for title; purpose; adoption of revised Five-Year Road Plan and revised list of projects contained in Exhibit "A";



[implementation of the Plan; modification of Plan; funding of other roadway improvements, interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; effective date.](#) **SUMMARY:** This is the annual update of the County's Five-Year Road Plan, which is required to be considered each year by the Five-Year Road Program Ordinance. On June 20, 2006, the Board approved this Ordinance on preliminary reading. Exhibit "A" to the Ordinance contains the road projects to be undertaken by the County in the next five (5) years. Countywide (MRE10,

**AUGUST 15, 2006**

**5. PUBLIC HEARINGS - 9:30 A.M. - CONTINUED**

**E. [Staff recommends motion to:](#)**

**[A\) approve the Application of Comprehensive Community Care Network, Inc. for the issuance of not to exceed \\$8,500,000 of Variable Rate Demand Revenue Bonds \(Comprehensive Community Care Network, Inc. Project\) Series 2006; and](#)**

**B) conduct** a TEFRA public hearing concerning the issuance of the Bonds.

**SUMMARY:** Comprehensive Community Care Network, Inc. (the "Company") has applied for the issuance of industrial development revenue bonds by the County in an amount not to exceed \$8,500,000. Bond proceeds will be used to renovate, construct, furnish and equip a 29,000 square feet medical office and community health center in the Village of Palm Springs, and a portion may be used to repay an outstanding \$1,500,000 mortgage on the property. Under the Internal Revenue Code, prior to the issuance of the bonds, the County is required to conduct a TEFRA public hearing. **The Bonds will be payable solely from revenues derived from the Company, and neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** District 3 (PFK)

**F. [Staff recommends motion to:](#)**

**[A\) approve the Application of Hanley Center, Inc. for the issuance of not-to-exceed \\$17,500,000 of Variable Rate Demand Revenue Bonds \(Hanley Center, Inc. Project\) Series 2006; and](#)**

**B) conduct** a TEFRA public hearing concerning the issuance of the Bonds.

**SUMMARY:** Hanley Center, Inc., Hanley Center Foundation, Inc., and Help Becomes Hope, Inc. (collectively, the "Company") has applied for the issuance of industrial development revenue bonds by the County in an amount not-to-exceed \$17,500,000. Bond proceeds will be used to refinance existing debt of the Company and to pay costs of construction and renovation of the Company's substance abuse treatment program facilities at 5200 East Avenue and 933 45th Street in West Palm Beach. Under the Internal Revenue Code, prior to

the issuance of the bonds, the County is required to conduct a TEFRA public hearing. **The Bonds will be payable solely from revenues derived from the Company, and 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 of the Bonds.**  
District 7 (PFK)

\* \* \* \* \*

**AUGUST 15, 2006**

**6. REGULAR AGENDA**

**A. ENGINEERING & PUBLIC WORKS**

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

**A) the County's takeover of maintenance of conditionally-imposed median beautification that has been installed by developers pursuant to conditions of approval ONLY in unincorporated area medians of thoroughfare roadways that are otherwise maintained by the County's "Trees Only" and OTIS programs as per map;**

**B) staff to prepare a Resolution which will relieve those responsible for conditionally-imposed median landscape of further obligations related to landscape if they are eligible under these guidelines and if they choose to turn over the maintenance to the County;**

**C) staff to proceed with notification to those responsible for the maintenance of existing conditionally-imposed median landscape of this action;**

**D) staff to note in the County's records that affected median landscape conditions of approval have been satisfied; and**

**E) staff to notify those responsible for unimplemented median landscape conditions, that those conditions have been modified by this action to allow only the "Cash-Out" option, consistent with the implementation time frames established in their condition(s) of approval.**

**SUMMARY:** This provides for the County's takeover of the maintenance of unincorporated area thoroughfare median landscape that was installed pursuant to conditions of approval only on roadway segments that are currently maintained by the County under its "Trees Only" and "OTIS" Programs. This includes converting such permit areas to either "Trees Only" or OTIS Programs. Payment amounts for the installation of required median landscape shall be consistent with the OTIS "Cash-Out" payment schedule that is currently in effect. The Florida Department of Transportation and several homeowners' groups have requested that the County take this action. The estimated cost for the County to add the maintenance of these permit areas to the

already maintained "Trees Only" and OTIS road segments is \$100,000 - \$150,000 per year. Historically, there has been a need for staff to pursue those responsible for the maintenance of such landscape, due to recurring poor maintenance. These actions have been both time-intensive and have had to be repeated, resulting in the need for Code Enforcement actions. Countywide (MRE)

## **B. OFFICE OF FINANCIAL MANAGEMENT & BUDGET**

1. [Staff requests Board direction: regarding ad valorem tax deferrals for working waterfronts.](#) **SUMMARY:** In 2005, the Florida Legislature enacted F.S. 197.303 authorizing counties and municipalities to allow ad valorem tax deferrals for recreational and commercial working waterfronts if the owners are engaging in the operation, rehabilitation, or renovation of such properties. The tax deferral must be authorized by ordinance and would apply only to taxes levied by the government granting the deferral, i.e., the Board of County Commissioners. The deferred taxes would accrue interest at a rate calculated pursuant to Statute, but may not exceed 9.5% per year. At the request of the marine industry, the Board considered the matter on May 16, 2006 and requested staff to evaluate the potential impact of the program if taxes were deferred on property in a CRA. Staff has determined that approval of a deferral would not reduce our required CRA payment to cities even though we would not be receiving taxes from the property owner. Countywide (PFK)

**AUGUST 15, 2006**

## **6. REGULAR AGENDA**

### **B. OFFICE OF FINANCIAL MANAGEMENT & BUDGET (Cont'd)**

2. [Staff recommends motion to adopt: a Resolution authorizing the negotiation of a loan in an amount not-to-exceed \\$10 million from the Sunshine State Governmental Financing Commission for the purpose of acquiring, constructing and erecting certain capital improvements; approving the execution and delivery of a loan agreement; providing for the repayment of such loan from certain legally available revenues of the County; providing certain other matters in connection with the making of such loan; and providing an effective date.](#) **SUMMARY:** On June 20, 2006, the Board approved Amendment No. 7 to the construction management contract with The Weitz Company, Inc. (R2006-1181) for construction of South County Regional Park Parcel - Phase III in an amount not-to-exceed \$18 million. The Board approved \$7.5 million financed by a previous Sunshine Loan for the construction of the golf course to fund a portion of the Weitz contract. According to Facilities, the cost for the South County Regional Park Golf Course is now approximately \$9.312M. This Sunshine Loan will fund the award the contract which is expected to occur in October 2006. Countywide (PFK)

3. [Staff requests Board direction: reestablishing an exemption in the Occupational Licensing Ordinance for licensed professionals serving under the direct supervision of another person.](#) **SUMMARY:** When the County Commission amended the Occupational License Ordinance in 2005, it removed an exemption that applied to licensed professionals who served under the direct supervision of another person. This action made our Ordinance consistent with the Local Occupational License Tax Act, under Florida Statutes. Real estate salespersons in Palm Beach County have historically benefitted from this exemption, and have requested that the exemption be reestablished. Countywide (LB)

## C. PARKS & RECREATION

1. [Staff recommends motion to approve: reallocation of \\$200,000 previously proposed for South Bay Boat Ramp improvements to the South Bay Cross Road Depot project.](#) **SUMMARY:** On September 10, 2002, the Board approved a proposed project list for the 2002 \$50 Million Recreational and Cultural Facilities Bond referendum that included \$200,000 for South Bay Boat Ramp improvements. The City of South Bay has indicated that funding is already in place for the South Bay Boat Ramp improvements project, and has requested that the \$200,000 allocation from the Bond funding be reallocated for the Cross Roads Depot project on land leased by the City from the County. The District 6 Commissioner supports the reallocation of these funds from the \$50 Million Recreation and Cultural Facilities Bond referendum. District 6 (PFK)

AUGUST 15, 2006

## 6. REGULAR AGENDA

### C. PARKS & RECREATION (Cont'd)

2. [Staff requests Board direction: on 2002 \\$50 Million Recreational and Cultural General Obligation Bond Referendum funding for the City of Lake Worth Municipal Beach Redevelopment project.](#) **SUMMARY:** In 2002, County voters approved a \$50 Million Recreational and Cultural General Obligation Bond Referendum, including \$5 million for the City of Lake Worth's redevelopment of its municipal beach. In an effort to encourage the City to reach agreement on a redevelopment approach, the Board established a deadline of May 12, 2006, for the City to submit definitive plans to move this project forward. The Board later extended the deadline to July 31, 2006, at the request of the City. On July 27, 2006, the City Commission approved business terms for a beach redevelopment project with Greater Bay Group, LLC. Attorneys for the City and the developer are preparing a development agreement and land lease and City staff expect to present the documents to the City Commission on September 5, 2006. County staff are meeting with the City and evaluating the redevelopment project and the proposed use of the bond funds to determine if the use is consistent with Board direction and bond covenants. If an acceptable project scope for the County bond funds is identified, an interlocal agreement between the City and the County can be prepared and presented

to the Board in a subsequent Board item. However, since the City has failed to meet the deadline established by the Board, staff is requesting Board direction regarding this matter. Districts 3 & 7 (PFK)

#### **D. PLANNING, ZONING & BUILDING**

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on September 12, 2006 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida amending Ordinance No. 2005-063 to expand and contract the boundaries of the Vista Community Development District; providing for severability; providing for repeal of laws in conflict; and providing for an effective date.](#) **SUMMARY:** The Board of County Commissioners (BCC) has been petitioned to modify the boundaries of the Vista Community Development District (CDD) that was originally established pursuant to Chapter 190, F.S. by Palm Beach County Ordinance No. 2005-063, adopted by the BCC on December 20, 2005. The Planning Division, after reviewing the petition has found it to be sufficient and generally consistent with the statutory requirements and the Comprehensive Plan. Staff is therefore recommending granting the petition. District 2 (BB)

#### **E. TOURIST DEVELOPMENT COUNCIL**

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on September 12, 2006 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Section 17-116 of the Code of Laws and Ordinances; codifying the Tourist Development Ordinance of Palm Beach County, Ordinance 95-30, as amended; providing for the levy of a fifth cent of tourist development taxes; providing for the amendment of the Tourist Development Plan to include the expenditure of revenues to improve, enlarge, and extend a convention center; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for enforcement; providing for applicability; and providing for an effective date.](#) **SUMMARY:** This Ordinance provides for the levy of a fifth (5th) cent Tourist Development Tax and the amendment of the Tourist Development Plan, which will provide for the expenditure of one (1) cent of "bed" tax revenues for improvements to the Convention Center. Countywide (MC)

**AUGUST 15, 2006**

#### **6. REGULAR AGENDA**

#### **F. PUBLIC AFFAIRS**

1. [Staff recommends motion to approve: a request for funding in the amount of \\$15,000.](#)

[from the City of Boynton Beach to be used for an American Assembly process to be held October 21-22, 2006.](#) **SUMMARY:** The City of Boynton Beach has submitted a request to the County to provide financial support in the amount of \$15,000 to conduct an American Assembly process for Boynton Beach and the surrounding area. Contracting with the Florida Institute of Government at FAU and the Catanese Center for Urban and Environmental Solutions, the City will conduct a two (2) day process, which will update the community visioning process held ten (10) years ago. The applicant is requesting \$5,000 more than the amount permitted under PPM CW-F-006. Districts 2, 4 & 7 (SF)

\* \* \* \* \*

**AUGUST 15, 2006**

**7. BOARD APPOINTMENTS**

**A. COMMUNITY SERVICES**

**(Palm Beach County HIV Comprehensive AIDS Resources Emergency (CARE) Council)**

1. [Staff recommends motion to approve: reappointment of the following individuals to the Palm Beach County HIV Comprehensive AIDS Resources Emergency \(CARE\) Council for a term of two \(2\) years, effective August 15, 2006:](#)

**Seat No. Reappointment Seat Requirement**

13	Thomas McKissack	Mental Health Agency
15	Mary Piper Kannel	Local Public Health Agency
18	Glenn Krabec	Affected Community
27	Lawrence Osband	Affected Community
40	Kymerly Lucas	State Title II Agency
41	Michael Greene	Health Care Planning Agency
42	Marcia Bodden	Agency representing HIV needs of children, youth, and families

**SUMMARY:** The Palm Beach County HIV CARE Council Bylaws state that total membership shall be no more than 45 and no less than 21 members. Founding members were appointed for one (1) and two (2), year terms with subsequent terms of two (2) years. The HIV CARE Council Nominations Process is an open process with publicized criteria and legislatively defined conflict of interest standards. The seven (7) reappointments successfully completed the HIV CARE Council Nominations process, and the HIV CARE Council has recommended their reappointment. Countywide (TKF)

**AUGUST 15, 2006**

**7. BOARD APPOINTMENTS**

**A. COMMUNITY SERVICES (Cont'd)  
(Head Start/Early Head Start Policy Council)**

2. [Staff recommends motion to approve: appointment of the following parent representatives to the Head Start/Early Head Start Policy Council for a term of three \(3\) years or less, as indicated on the Board Appointment Information Form, effective August 15, 2006:](#)

**PARENT REPRESENTATIVE AND ALTERNATE(S) BY CENTER**

**(R) = Representative(A) = Alternate**

**Seat ID No. Boynton Beach**

**10** Tracy Saunders (R) **11** Silvia Nava (R)  
Torlande Saintizaire (A) Carlos Nava (A)  
Blanca L. Mendoza (A) Roseline Dominique (A)

**Seat ID No. Jupiter**

**13** Jessica Ramirez (R)

**Seat ID No. South Bay Seat ID No. Palm Glades**

**12** Virginia Powell (R)  
Jarquette Cumberbatch (A) Roscio Ortega (A)  
Sylvia Treto (A)

**Seat ID No. Delray Beach**

**14** Nykia Taylor (R) **15** Brenda Walker (R)  
Snowie Austin (A)

**Seat ID No. Pahokee**

**Seat ID No. Westgate Seat ID No. Lake Worth**

**16** Shaketa Brown (R)  
Felisha Knight (A) Andrea Poitier (A)  
Lucia Abrego (A)

**17** Jennifer Digelio (R)



**Seat ID No. Riviera Beach****Seat ID No. West Palm Beach**

18 Kenneth Higgins (R) 19 Norlaie Nunez (R)  
Tieya Kingdom (A) Claudia M. Johnson (A)  
Shu'Karrie Washington (A)

**Seat ID No. Union Baptist****Seat ID No. Delray Beach EHS**

20 Bondretta Davis (R) 21 Nadleen Seraphin (R)  
Fradley Joseph (A)

**Seat ID No. Easter Seals****Seat ID No. Family Day Care, EHS**

22 Sumya Abbas (R) 23 Mervin Carey (R)  
Nadine Burke (A)

**Seat ID No. Home Base, EHS**

24 Lakesha Howard (R)

**SUMMARY:** The term of appointment for parent representatives and alternates to the Head Start Policy Council is three (3) years, and requires that the parent representative/alternate be a parent of a child enrolled in the Head Start program. The Head Start Policy Council approved the nominations at its June 28, 2006 meeting. (Head Start) Countywide (TKF)

**AUGUST 15, 2006**

**7. BOARD APPOINTMENTS**

**A. COMMUNITY SERVICES**

**(Head Start/Early Head Start Policy Council)**

3. [Staff recommends motion to approve: appointment of the following Community Representatives to the Head Start/Early Head Start \(HS/EHS\) Policy Council for a term of three \(3\) years, effective September 27, 2006:](#)

<b><u>Seat ID No.</u></b>	<b><u>Name</u></b>	<b><u>Term</u></b>	<b><u>Nominated By</u></b>
2	Retha Lowe	09/27/06 to 09/26/09	Comm. Masilotti Comm. Koons Comm. Newell Comm. McCarty Comm. Greene
6	Cynthia Smith	09/27/06 to 09/26/09	Comm. Masilotti Comm. Koons



**SUMMARY:** The HS/EHS Performance Standards require that community representation be included in the makeup of the HS/EHS Policy Council. The Council responsibilities include, but are not limited to: criteria selection of children within applicable laws and Health and Human Services guidelines, determining the areas in the community in which programs will operate; determining what services should be provided, personnel issues, and budgetary issues. Of the nine (9) Community Representative seats on the Council, seven (7) are currently vacant. The nominees above meet all applicable guidelines and requirements as outlined in the Performance Standards and Resolution R2000-1866. The parent members of the Council endorsed the nominee recommendations at their June 28, 2006 meeting and the terms of service would begin upon Council's ratification of the BCC appointments. (Head Start) Countywide (TKF)

**B. HOUSING & COMMUNITY DEVELOPMENT**  
**(Commission on Affordable Housing Advisory Committee)**

1. [Staff recommends motion to adopt: a Resolution reappointing Ms. Angela Usher, to Seat No. 9 \(Representative of Palm Beach County Public School System\) to the Palm Beach County Commission on Affordable Housing Advisory Committee \(CAHAC\):](#)

**Term to**

<u>Nominee</u>	<u>Category</u>	<u>Seat No.</u>	<u>Expire</u>	<u>Nominated By</u>
_____ Angela Usher	Rep. Of PBC Public School System	9	7-14-09	Comm. T. Masilotti Comm. A. Greene  Comm. K. Marcus Comm. M. McCarty Comm. B. Aaronson

**SUMMARY:** The Commission on Affordable Housing Advisory Committee (CAHAC) consists of nine (9) members nominated by the Board of County Commissioners (BCC) who must be residents of Palm Beach County. Advisory committee members serve three (3) year terms. The primary objective of the CAHAC is to make program and funding recommendations to the BCC for its Local Housing Assistance Plan(LHAP). Countywide (TKF)

**AUGUST 15, 2006**

**7. BOARD APPOINTMENTS**

**C. COMMISSION DISTRICT APPOINTMENTS**

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**AUGUST 15, 2006**

**8. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**AUGUST 15, 2006**

**9. COMMISSIONER COMMENTS**

**A.District 1 - COMMISSIONER KAREN T. MARCUS**

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

**C.District 3 - COMMISSIONER WARREN H. NEWELL**

**D.District 4 - COMMISSIONER MARY MCCARTY**

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

**F. District 6 - COMMISSIONER TONY MASILOTTI, CHAIRMAN**

**G. District 7 - COMMISSIONER ADDIE L. GREENE, VICE CHAIRPERSON**

**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."

**August 15, 2006 - 9:30 a.m.  
Final**

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**AUGUST 15, 2006**

<b>PAGE</b>	<b>ITEM</b>	
10	3C-3	<b>DELETED:</b> a \$6,274,889.65 Contract with Bergeron Land Development, Inc. (BLD), lowest responsive, responsible bidder, for the construction of Jog Road from West Atlantic Avenue to South of Lake Ida Road (Project);. . . (Further Staff Review) (Moved to the September 12, 2006 BCC meeting) (Eng)
41	*3K-8	<b>DELETED:</b> an Amendment to the Interlocal Agreement with the City of Pahokee for design of sanitary sewers in the Canal Point area, increasing the County's not-to-exceed reimbursement amount by \$23,300 to \$227,647. (Further Staff Review) (Moved to the August 22, 2006 BCC Workshop meeting) (WUD)
43	*3K-12	<b>DELETED:</b> a Right-of-Way Consent Agreement with Florida Power & Light Company (FPL) for pipelines adjacent to La Mancha Avenue; and . . . (Further Staff Review) (Moved to the August 22, 2006 BCC Workshop meeting) (WUD)
61	*6B-3	<b>DELETED:</b> reestablishing an exemption in the Occupational Licensing Ordinance for licensed professionals serving under the direct supervision of another person. (Further Staff Review) (OFMB)
63	<a href="#">6G-1</a>	<b>ADD-ON: Staff requests Board direction:</b> on the use of Agricultural Reserve lease proceeds for grant funding for four (4) value adding agricultural projects totaling up to \$1,139,114. <b>SUMMARY:</b> These grant requests are for projects from long established Palm Beach County farming enterprises and represent a total of \$33,911,379 in recent capital investments, with an anticipated 200 new full time positions. This request conforms to the Agricultural Reserve Master Plan; possible use of lease proceeds. From March through June 2005, four (4) separate projects were brought before the Agricultural Enhancement Council (AEC) requesting funds for value added agricultural projects to build or expand vegetable packing plants. The Agricultural Enhancement Council (AEC) voted recommending these projects and suggesting staff pursue funding opportunities with County Administration. These jobs do not meet the criteria for traditional job growth grants. It has now been determined that Agricultural Reserve lease back funds are an allowable use for this type of grant under the restructured Agricultural Reserve bond. Countywide (AH) (Cooperative Extension)
63	<a href="#">6H-1</a>	<b>ADD-ON:</b>  <b>Staff recommends motion to approve:</b>  <b>A)</b> an Estoppel Certificate, Agreement and Consent to Leasehold Mortgage (Agreement) with Textron Financial Corporation and Trump International Golf Club II, L.C. (Trump) for the 9-hole golf course located at the southeast corner of Kirk Road and Gun Club Road in West Palm Beach; and  <b>B)</b> a Memorandum of Development Lease Agreement to be recorded in the public records to provide notice of the Lease.  <b>SUMMARY:</b> On July 23, 2002, the Board approved the Development Lease Agreement (R2002-1231) (Lease) with Trump whereby Trump leases approximately 62 acres of County-owned land located at the southeast corner of

Kirk Road and Gun Club Road in unincorporated West Palm Beach. The Lease allows Trump to mortgage its interest in the leasehold. Trump's lender, Textron Financial Corporation, in conjunction with a loan modification, has requested the attached Agreement be executed by all parties. This Agreement confirms factual matters of the Lease and provides certain protections to the lender should Trump default on the Lease. This Agreement is essentially identical to the Agreement previously approved by the Board for the 18-hole golf course (R99-1098D). The lender is requiring execution of this Agreement as a condition of modifying its loan to Trump. (PREM) District 2 (LMB) (FD & O)

63

[6I-1](#)

**TIME CERTAIN 10:30 A.M.**

**ADD-ON: Staff requests Board direction:** regarding the request of the Business Development Board to provide a local match requirement to the State of Florida for incentives: **a)** Torrey Pines Institute for Molecular Studies, Inc. (The Institute) a non-profit public benefit corporation to relocate to Boca Raton in the amount of \$21,000,000 over a three year period at \$7,000,000 annually; and **b)** IBM/Scripps partnership to create a core site containing the world's fastest supercomputer to perform advanced research on pandemic viruses in the amount of \$9,000,000.

**SUMMARY:** The Institute is currently located in San Diego, California at a staffing level of nearly 80 scientists, post doctoral researchers, technicians and administrative support specialist. The Institute has a current operating budget of approximately \$9,000,000 and occupies nearly 30,000 sq. ft. of wet laboratory space and 9,000 sq. ft of office space, an estimated 21,000 sq. ft. of shared space ( i.e., conference rooms, reception areas, security stations, etc.) for a total of approximately 60,000 sq. ft. The Institute is looking to expand in Boca Raton with state and local incentives. The original local request of Palm Beach County was \$37,000,000 and Boca Raton's contribution included ten (10) acres of land valued at \$10,000,000 plus 15,000 sq. ft. of leased temporary space. After further discussions the request of Palm Beach County was reduced to \$21,000,000 to be allocated over a three year period at \$7,000,000 per year. The State will match dollar for dollar of all local funding for this project. This investment will yield 174 newly created positions and 15 relocated positions for a total of 189 positions over a ten year period with an average salary of \$56,600. In addition, a permanent 100,000 sq. ft. building would be constructed, of which 15,000 sq. ft. is allocated for incubator space. The cost to construct the building is estimated at \$25,000,000. If the company fails to create the agreed upon jobs, they have offered to convey the building to Palm Beach County. City of Boca Raton will address the disposal of the land if the goal is not accomplished. The Institute further offered to create outreach programs specifically for high school science teachers and students, as well as internship programs for college students and to encourage and actively support the creation of spin-offs. IBM and The Scripps Research Institute Institutional Consortium was created on February 16, 2006 and will function as a for profit company. This collaborative initiative will conduct advanced research on pandemic viruses utilizing talent and technology from both companies. This effort will create a proactive approach to address the imminent threat from the avian flu and future emerging infectious diseases resulting in Palm Beach County and the State of Florida being propelled to international attention. IBM is the grant applicant and has requested \$9,000,000 from the County to match State funding of \$9,000,000.

IBM/Scripps has also applied for a \$526,000,000 grant from the federal government for this project. If funded, the project will establish a core site containing the world's fastest supercomputer that will revolutionize research on Avian Influenza and other infectious diseases. A Center of Excellence will be established and its knowledge and expertise will be made available to other institutions in the county and state, thereby benefitting the state's science education community. This project will yield 24 jobs at an average salary of \$97,800 for IBM and 18 jobs at an average salary of \$61,000 for Scripps over 5 years. IBM/Scripps have pledged to promote outreach programs for community relations, education and collaboration. Countywide (DW) (Adm)

**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 (\*).