

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

DECEMBER 5, 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

- 3. CONSENT AGENDA (Pages 6 - 28)**

- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 29)**

- 5. REGULAR AGENDA (Page 30 - 35)**
TIME CERTAIN - 10:30 A.M. (Three Criminal Justice Commissioner Agreements) (Pages 32 - 33)

- 6. BOARD OF COUNTY COMMISSIONERS SITTING AS THE CHILD CARE FACILITIES BOARD (Page 36)**

- 7. BOARD APPOINTMENTS (Pages 37 - 41)**

- 8. MATTERS BY THE PUBLIC - 2:00 P.M. (Page 42)**

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** a \$50,000 Marine Tech Prep Grant Agreement with the Riviera Beach Maritime Academy (RBMA) retroactive from October 1, 2006 to September 30, 2007. **SUMMARY:** The Palm Beach County's Marine Tech Prep Program is in its 9th year of operation. The proposed \$50,000 Grant Agreement with the Riviera Beach Maritime Academy, a newly created public charter school, will provide assistance for the development of the Marine Academy Program. During this twelve (12) month Grant Agreement, RBMA will: a) recruit 70 new students for its charter school, which has integrated a complete high school program with a maritime program. The students will receive the training needed to enter the marine industry workforce immediately after graduation; b) organize eight (8) education field trips, and c) organize two (2) classroom projects for students' competition. Countywide (DW)

2. **Staff recommends motion to approve:** Extension Agreements for the following Resident Education to Action Program (REAP) grantees for the period December 5, 2006 to June 5, 2007:

A) Federal Gardens Neighborhood Association, Inc.;

B) Homes at Lawrence Homeowners Association, Inc.;

C) New Community Development Group, Inc.;

D) Pahokee Housing Authority;

E) Sugar Subdivision Concerned Neighbors; and

F) Theresa Clark representing residents of the City of South Bay.

SUMMARY: The Grantees listed above are requesting a six (6) month time extension of the Agreements originally executed on June 6, 2006 (R2006-0935, R2006-0937, R2006-0938, R2006-0939, R2006-0940, and R2006-0941) in order to complete the projects funded through the Resident Education to Action Program in Fiscal Year 2005 - 2006. Districts 3, 6, & 7 (AH)

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:

<u>Meeting Type</u>	<u>Meeting Date</u>
Regular	September 12, 2006
Environmental Control	September 12, 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

DECEMBER 5, 2006

3. CONSENT AGENDA APPROVAL

B. CLERK AND COMPTROLLER (Cont'd)

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 September 2006. Countywide

5. **Staff recommends motion to approve:** the Ninth Amendment to the agreement with Integral Systems, Inc. (R93-1549D) dated December 7, 1993, in an amount not-to-exceed \$313,750 for an additional two (2) years of software maintenance for personnel/payroll system December 7, 2006 to December 6, 2008. **SUMMARY:** This Amendment provides for an additional two (2) years of standard HRMS software maintenance for the County's Personnel/Payroll system, Checkwrite I-Trust Web and JES2Mail modules at a cost of \$303,500 for the period effective December 7, 2006, through December 6, 2008. Acquisition of the JES2RPL software module, at a cost of \$8,750, along with an additional year of maintenance at a cost of \$1,500 is required to facilitate the increasing demand for large reports to be separated by department and sent via e-mail to the recipients. JES2RPL is an extension of the existing JES2Mail version of the software, which distributes single reports via e-mail, but is unable to separate and send large reports to multiple departments. JES2RPL will permit these large single reports to be separated and distributed to each department automatically, via e-mail in a PDF format without human intervention, thereby making staff more efficient and providing more timely reports in a neat and professional format. Countywide (PFK)

C. ENGINEERING & PUBLIC WORKS

1. **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 Silver Beach Road, Milepost 293+3620. **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 incur no costs with the implementation of this construction on this Type IV, Class III crossing. District 7 (MRE)

2. [Staff recommends motion to approve:](#) the renewal of the Intersection Improvement Annual Agreements with the following firms:

Original

Firm Name Agreement Date Resolution No.

Arcadis G&M, Inc.	December 7, 2004	R2004-2466
Keshavarz & Associates, Inc.	December 7, 2004	R2004-2467

SUMMARY: These Agreements are being considered for renewal for required professional services, on a task order basis. Countywide (PFK)

DECEMBER 5, 2006

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. [Staff recommends motion to approve:](#) the renewal of the Structural Engineering Annual Agreements with the following firms:

Original

<u>Firm Name</u>	<u>Agreement Date</u>	<u>Resolution No.</u>
Alan Gerwig & Associates, Inc.	December 7, 2004	R2004-2471
R. J. Behar & Company, Inc.	December 7, 2004	R2004-2472
Bridge Design Associates, Inc.	December 21, 2004	R2004-2557

SUMMARY: These Agreements are being considered for renewal for required professional services, on a task order basis. Countywide (PFK)

4. [Staff recommends motion to adopt:](#) four (4) Resolutions declaring the acquisition of property known as Parcels 101 and 102 as partial takes in Fee Simple for right-of-way,

and Parcels 301 and 302 as temporary construction easements, for the improvement of the intersection of Central Boulevard and Indiantown Road. **SUMMARY:** This action will adopt four (4) Resolutions to authorize the filing of eminent domain proceedings against four (4) parcels whose estimated total appraised value is \$134,400. District 1 (PM)

5. **Staff recommends motion to approve:** Supplemental Agreement No. 6 to Project Agreement (R2001-0270), in the amount of \$100,544.30 with Wantman Group, Inc. (WGI) for professional services. **SUMMARY:** This Supplemental Agreement will provide the services necessary for the preparation of separate design plans and construction bid documents for Congress Avenue and Hypoluxo Road intersection improvements, and for signalization plan revisions at Congress Avenue and Lantana Road. District 3 (PFK)

6. **Staff recommends motion to adopt:** Resolution of the Board of County Commissioners of Palm Beach County (BCC), Florida, delegating to the County Administrator or his designee the authority to enter into certain Proportionate Fair Share Agreements as set forth in Exhibit A; providing for an effective date. **SUMMARY:** As required by changes in Florida Statutes, the BCC adopted an Ordinance on October 26, 2006, establishing the Proportionate Fair Share Program. The Ordinance applies to all proposed developments that cannot meet traffic concurrency due to a failure of a road that is scheduled for construction in the County's Five-Year Road Program. Consistent with the new Statute, and our Ordinance, developers can proceed with their project notwithstanding the concurrency failure by entering into a Proportionate Fair Share Agreement. This Resolution will authorize the County Administrator or his designee to execute certain Proportionate Fair Share Agreements on behalf of the BCC. Countywide (LB)

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3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

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

A) a Budget Transfer of \$150,000 in the Transportation Improvement Fund from Reserve for District 4 to Palmetto Park Bascule Bridge;

B) a Budget Transfer of \$150,000 in the Capital Outlay Fund from Palmetto Park Bascule Bridge to Grant - Centre for the Arts at Mizner Park - District 4; and

C) a Reimbursement Agreement in the amount of \$150,000, with the Centre for the Arts at Mizner Park for rental of an events tent.

SUMMARY: These Budget Transfers and Reimbursement Agreement will reimburse the Centre for the Arts at Mizner Park up to \$150,000 for the rental of an events tent in support of the Festival of the Arts Boca. District 4 (MC)

8. **Staff recommends motion to approve:** a Budget Transfer of \$50,000 in the Transportation Improvement Fund from the Reserves for District 4 to Shoppes at Village Pointe Right Turn Lane - District 4. **SUMMARY:** This Budget Transfer will fund the construction of a right turn lane along S.W. 18th Street at the entrance to the Shoppes at Village Pointe. District 4 (MRE)

DECEMBER 5, 2006

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. **Staff recommends motion to:**

A) receive and file State of Florida Department of Children and Families (DCF) Homeless Challenge Grant Contract for the period of October 1, 2006, through June 30, 2007, in an amount of \$60,000, for provision of services to homeless individuals and families; and

B) approve Budget Amendment of \$60,000 in the General Fund, Human Services.

SUMMARY: On August 15, 2006 (R2006-1396), the Board of County Commissioners delegated authority to the County Administrator or his designee to sign the State of Florida Department of Children and Families Homeless Challenge Grant Contract. This authorization and designation was necessary to expedite the agreements and thereby avoid gaps in service delivery to homeless individuals and families. The Budget Amendment recognizes the funding from DCF. No match is required for these funds. (Human Services) Countywide (TKF)

2. **Staff recommends motion to approve:** Contracts with the following vendors for the period of January 1, 2007, through December 31, 2007, for a total of \$506,725 for services to homeless individuals:

A) Gulfstream Goodwill Industries, Inc. for supportive services in an amount not-to-exceed \$64,100;

B) Gulfstream Goodwill Industries, Inc. for supportive housing in an amount not-to-exceed \$278,625;

C) Oakwood Center for supportive services in an amount not-to-exceed \$82,000; and

D) Comprehensive Alcoholism Rehabilitation Programs, Inc. for supportive services in an amount not- to-exceed \$82,000.

SUMMARY: In 2005, HUD awarded the Division of Human Services a one (1) year renewal grant to begin January 2007. The grant will continue funding for 30 transitional housing beds and supportive services offered through Gulfstream Goodwill Industries, Inc., CARP, and Oakwood Center to provide staff for the Homeless Outreach Teams and related support services. Funds for these contracts are comprised of \$438,254 from Housing and Urban Development (HUD) and \$91,934 in County match. The contracts total \$506,725 and the remaining balance of \$23,463 is for non-contracted funds for administration and bus passes. (Human Services) Countywide (TKF)

DECEMBER 5, 2006

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. **Staff recommends motion to approve:** forty-five (45) contracts with financially assisted agencies totaling \$12,773,253 in the amounts and for the activities indicated, for the period October 1, 2006, through September 30, 2007:

A) Adopt-A-Family of the Palm Beaches, Inc. - \$317,233 for homeless prevention services, transitional housing & support, and self-sufficiency services;

B) Aid to Victims of Domestic Abuse, Inc. - \$165,000 for emergency shelter services for women and children who are victims of domestic abuse;

C) Alzheimer's Association, Greater Palm Beach Area Chapter, Inc. - \$567,902 for disaster preparation, family counseling and specialized adult day care programs for clients and families affected by Alzheimer's disease;

D) Area Agency on Aging of Palm Beach/Treasure Coast, Inc. - \$64,507 for the Retired and Senior Volunteer Program (RSVP) and emergency assistance/disaster preparedness;

E) Big Brothers/Big Sisters - \$114,400 for Parenting Partners, mentoring to young parents by qualified adult volunteers;

F) Boys & Girls Clubs of Palm Beach County - \$140,686 for year-round services that offer a variety of activities in six (6) core areas which include: health and life skills;

education and career development; the arts; technology; sports, fitness and recreation; and character and leadership development;

G) Building Blocks/NOAH, Inc. - \$247,605 for early childhood education and parenting classes;

H) Center for Family Services - \$387,053 for safe kids program, individual and family counseling and emergency assistance program;

I) Center for Group Counseling/Elizabeth H. Faulk Foundation, Inc. - \$105,693 for Schools Preventive Counseling and prevention and support group for caregivers;

J) Children's Home Society of Florida, Inc. - \$178,350 for project Safe Place, Nelle Smith Residence for Girls, and transitional housing;

K) Children's Place at Home Safe - \$50,000 for services provided in a child-friendly environment designed to provide short-term, intensive treatment and coordinated services to children and families victimized by domestic violence;

L) Coalition for Independent Living Options, Inc. - \$266,249 for independent living skills training, advocacy, information and referral, and peer support services to individuals with disabilities and to provide after-school services to disabled adolescents;

M) Communities in Schools of Palm Beach County, Inc. - \$111,780 for comprehensive social, educational and career-related support for at-risk children throughout the Palm Beach County area;

N) Comprehensive AIDS Program - \$188,080 for HIV antibody counseling and testing;

O) Comprehensive Alcoholism Rehabilitation Programs, Inc. - \$1,227,467 for residential adolescent, residential adult, outpatient treatment and adult detoxification;

DECEMBER 5, 2006

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Motion/Title Continued

P) Deaf Service Center of Palm Beach County, Inc. - \$257,000 for client assistance and communication, resources and education;

Q) Drug Abuse Foundation of Palm Beach County, Inc. - \$819,942 for assessment, outpatient substance abuse, Level 1 residential treatment, detox and case management;

- R)** Drug Abuse Treatment Association, Inc. - \$280,872 for residential treatment (Walter D. Kelly Treatment Center) and adolescent outpatient treatment services;
- S)** Epilepsy Foundation of Eastern Florida, Inc. - \$48,798 for the seizure control clinic;
- T)** Families First of Palm Beach County - \$50,495 for The Family Self-Sufficiency Program which serves economically disadvantaged families who are presently receiving rental assistance through the Delray Beach Housing Authority;
- U)** Farmworker Coordinating Council of Palm Beach County, Inc. - \$90,246 for emergency services and transportation/translation services;
- V)** Florida Housing Corporation d/b/a Palm Beach Assisted Living Facility - \$28,704 for benefits advocacy;
- W)** Florida Resource Center for Women & Children - \$188,425 for short-term emergency shelter for women and children who are victims of domestic violence;
- X)** Glades Area Association for Retarded Citizens, Inc. - \$172,325 for food services, supported living and supported employment services;
- Y)** Glades Initiative Management Board - \$197,600 for coordination of health and human services in the Glades community;
- Z)** Gratitude House, Inc. - \$115,691 for substance abuse services provided through day/night treatment, prevention and aftercare (relapse prevention), intervention program, residential treatment and transitional housing;
- AA)** Healthy Mothers/Healthy Babies Coalition of Palm Beach County, Inc. - \$112,320 for health education in schools and the community;
- BB)** Homeless Coalition - \$34,320 for homeless services assessment and coordination;
- CC)** Housing Partnership - \$75,256 for supportive housing for individuals diagnosed with mental illness and substance abuse and for supportive services to family members;
- DD)** Jeff Industries, Inc. - \$163,391 for day/night psycho-social work adjustment and supported employment services;
- EE)** Minority Development & Empowerment - \$276,654 for case management and translation services to the Haitian community primarily located in the northern portion of Palm Beach County;

DECEMBER 5, 2006

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Motion/Title Continued

FF) Oakwood Center of the Palm Beaches - \$1,818,035 for operation of a licensed in-patient psychiatric hospital providing assessment and treatment on a twenty-four hour basis for high-risk populations. They provide services in both the north county area and in Belle Glade. Services include adult/child crisis stabilization, the Pregnant and Addicted (PANDA) Program, residential detoxification services, adult/child medical out-patient services, and a prevention program aimed at school age kids;

GG) The ARC of Palm Beach County, Inc. - \$260,664 for residential services;

HH) Palm Beach Habilitation Center, Inc. - \$271,312 for the Senior in Transition and Retirement Services (STARS) Program;

II) Parent - Child Center - \$263,189 for children's outpatient intervention and prevention services;

JJ) Rehabilitation Center for Children and Adults, Inc. - \$94,094 for comprehensive outpatient and medical rehabilitation services;

KK) Seagull Industries for the Disabled, Inc. - \$293,839 for adult day habilitation programs and residential assisted living facilities.

LL) Sickie Cell Foundation - \$78,000 for education and outreach to the Haitian population, screening and case management to affected clients;

MM) South County Mental Health Center, Inc. - \$1,624,716 for behavioral health- mental health (crisis stabilization) and psychiatric and medical services (outpatient);

NN) The Haven, Inc. - \$139,285 for prevention/intervention of child abuse through a therapeutic foster-care program;

OO) The Juvenile Transition Center - \$104,000 for education enrichment, mentoring and job training skills to at-risk youth ages 13-18;

PP) The Lord's Place - \$350,535 for homeless services through Joshua House and family shelter programs;

QQ) Urban Youth Impact, Inc. - \$155,454 for after-school education/social programs;

RR) Wayside House, Inc. - \$152,702 for residential treatment for women's substance abuse; and

SS) YWCA of Palm Beach County, Inc. - \$123,384 for Harmony House for homeless and

domestic abuse services for women and children;

SUMMARY: On July 13, 2006, and September 19, 2006 the Board of County Commissioners approved the list of agencies and funding allocations under the Financially Assisted Agency Program. The information submitted in this item reflects part of the total funding approved by the Board of County Commissioners for FY 2007, which is \$13,373,836. Other contracts will be forthcoming upon receipt of all the required information. (Financially Assisted Agency Program) Countywide (TKF)

DECEMBER 5, 2006

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. **Staff recommends motion to approve:** Amendment No. 1 to Adoption by Shepherd Care contract (R2006-1075; June 20, 2006) for the period July 1, 2006, through June 30, 2007, for \$15,000 for a new not-to-exceed total of \$90,000 for the "Choose Life" license plate funds. **SUMMARY:** Adoption by Shepherd Care meets the intent of Section 320.08058(30), Florida Statutes, which requires counties to distribute annual use fees from the sale of "Choose Life" license plates. Services provided are limited by the Statute and involve meeting the physical needs of pregnant women who are committed to placing their children up for adoption. The Department of Motor Vehicles has revised their budget categories to include a category "Other Material Needs" of pregnant women beyond clothing, housing, medical care, food, utilities, and transportation. The \$15,000 will be placed in this new category. Countywide (TKF)

F. AIRPORTS

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

A) Agreement to Terminate Hangar Lease Agreement for North County General Aviation Airport with Col-Da, LLC, Hangar Unit No. 1, Building 11220, effective October 31, 2006 (amends R2004-0017);

B) Hangar Lease Agreement for North County General Aviation Airport with George Marburger, Hangar No. 11220-02, effective October 31, 2006;

C) Affidavit of Posting Resolution to amend the Palm Beach County Airport Rules and Regulations to provide for non-commercial self service fueling operations; providing for inclusion in the Code of Laws and Ordinances (R2006-2087);

D) Affidavit of Posting Non-Commercial Self-Service Fueling (R2006-2088); and

E) Airline-Airport Use and Lease Agreement with Southwest Airlines Company, effective October 19, 2006.

SUMMARY: Delegation of authority for execution of these standard County agreements above was approved by the BCC pursuant to R2004-1367, R2003-1047 and R2006-1906. Countywide (LMB)

2. **Staff recommends motion to adopt:** Resolution approving revised standard form Airline Service Incentive Program Participation Agreements; authorizing the County Administrator or his designee to execute and make certain amendments to the standard form agreements; repealing Resolution No. R2004-2413; and providing an effective date. **SUMMARY:** The proposed agreement defines a new destination as an airport rather than a city; this allows the County to grant an Incentive for a new non-stop destination to a secondary airport within a destination market. Defining a new destination at the airport level will help foster competition between airlines in certain markets where there is limited service to the primary airport. The proposed agreement also allows the County to grant a lesser incentive to the airline; the current agreement credits an airline's landing fees and gate charges, the revised agreement gives the County discretion to grant landing fees only in cases where the economic impact is deemed lesser. Additionally, the prior agreement has been replaced with two (2) separate agreements to handle Domestic and International flights individually for purposes of clarity. Countywide (LMB)

DECEMBER 5, 2006

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

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

A) Budget Amendment of \$246,966 in the \$15 Million Public Improvement Revenue Bonds, Series 2006 (Parking Facilities Expansion Project) to set up the budget for bond proceeds and cost of issuance as a result of the sale of the bonds;

B) Budget Transfer of \$5,451 in the \$15 Million Public Improvement Revenue Bonds, Series 2006 Debt Service Fund to the \$7.5 Million Sunshine Loan 7B 2007 for debt service payments on the Sunshine Loan; and

C) Budget Amendment of \$5,451 in the \$7.5 Million Sunshine Loan 7B 2007 Debt Service Fund to set up budget for interest payments.

SUMMARY: On November 21, 2006, the Board authorized the negotiated sale of \$14,685,000 Public Improvement Revenue Bonds, Series 2006 (Parking Facilities Expansion Project). These Budget Amendments and Transfer amend the capital and debt service funds to adjust the budget for the sale of the bonds and the transfer of funds

for debt service payments. Countywide (PFK)

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

A) Budget Transfer of \$207,200 in the \$8.16 Million Sunshine Loan South County Golf Course 2006 Debt Service Fund transferring funds to the \$7.5 Million Sunshine Loan 7B 2007 Debt Service Fund; and

B) Budget Amendment of \$188,500 in the \$7.5 Million Sunshine Loan 7B 2007 Debt Service Fund to set up the payments of interest and recurring issue costs.

SUMMARY: On June 20, 2006, the Board approved Amendment No. 7 to the construction management contract with The Weitz Company, Inc. for construction of South County Regional Park Parcel A in an amount not-to-exceed \$18 million. As part of the funding for the contract, the Board authorized use of \$7.5 Million originally approved for the construction of a golf course at South County Regional Park. The County closed on the \$7.5 Million Loan from the Sunshine Pool on October 17, 2006. The Budget Transfer and Amendment are needed to provide for interests and other debt service costs. Countywide (PFK)

3. **Staff recommends motion to approve:** a Budget Amendment of \$282,000 in the \$16.3 Million Public Improvement Revenue Bond Anticipation Notes 2006 Scripps/Briger Capital Fund to adjust loan proceeds and the cost of land. **SUMMARY:** On November 21, 2006, the Board adopted an amended Resolution that increased the principal amount of the Public Improvement Revenue Bond Anticipation Notes (BANS) to \$16,322,600, which included the additional cost of acquiring mineral rights of \$232,000 and real estate closing costs of \$50,000. The Budget Amendment increases the cost of land to include these costs. Countywide (PFK)

DECEMBER 5, 2006

3. CONSENT AGENDA APPROVAL

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

4. **Staff recommends motion to adopt:** a Resolution authorizing the issuance of aggregate principal amount of not-to-exceed \$11 Million Public Improvement Revenue Notes (Biomedical Research Park Infrastructure Project), Series 2006; covenanting to budget and appropriate non-ad valorem revenues to secure payment thereof; providing for a negotiated sale of such notes; awarding the sale thereof to the purchaser; providing certain other matters in connection therewith; and providing an effective date. **SUMMARY:** On December 7, 2004, the Board adopted a Resolution authorizing the issuance of \$11 Million Public Improvement Revenue Notes (Biomedical Research Park Infrastructure Project), Series 2004. Bank of America won the bid for the Notes which

mature on December 15, 2006. The Notes are to be paid off when the County issues the additional funding for the Scripps Facilities at Florida International University. The County expects to issue the bonds for the additional funding requirement in fall of calendar year 2007. The above Resolution extends the maturity of the Notes including the interest thereon until December 1, 2007. Countywide (PFK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** Amendment No. 2 to contract with All-Site Construction, Inc. (R2005-0536) to implement the second renewal of Job Order Contract-South B/W with a maximum value of \$1,000,000. **SUMMARY:** This agenda item is a renewal to the Job Order Contract-South B/W which was awarded to All-Site Construction, Inc. The contractor will continue to perform as an “annual general contractor” for implementation of maintenance and capital projects. This Job Order Contract (JOC) is an indefinite-quantity contract and this renewal has a maximum value of \$1,000,000. The renewal term is twelve (12) months or until \$1,000,000 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 and final extension allowed by the contract. SBE goals for the JOC program are 15% overall. All-Site Construction, Inc.'s participation, for work orders issued-to-date, is 100% overall. (FD&O Admin) Countywide (JM)

2. **Staff recommends motion to approve:** First Amendment to the Agreement with St. Mary's Medical Center (R2004-0207) to extend the term of the Agreement until February 3, 2010. **SUMMARY:** The Agreement which provides the terms and conditions under which St. Mary's can program into its radios and utilize the countywide and EMS common talk groups for certain types of inter-agency communications will expire on February 3, 2007. The Agreement provides for three (3) - three (3) year renewals, but renewals require approval by both parties. St. Mary's has approved a renewal to extend the term of the agreement until February 3, 2010. 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. St. Mary's 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)

DECEMBER 5, 2006

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

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

A) an Agreement for Purchase and Sale with Lisa and Company, a Florida corporation, to acquire 2.67 acres of vacant land located at the northwest corner of Indiantown Road and Mack Dairy Road, in unincorporated Town of Jupiter, for \$380,000; and

B) a Memorandum of Agreement to be recorded in the public records to provide notice of this Agreement for Purchase and Sale.

SUMMARY: This Agreement is for the County to purchase 2.67 acres located at the northwest corner of Indiantown Road and Mack Dairy Road. The property will be used for construction of the replacement for Fire Rescue Station No. 14 currently located at 16749 Jupiter Farms Road. This property is approximately six (6) miles north and west of the current station and will allow Fire Rescue to lower its response times. Staff obtained two (2) appraisals of the property indicating values of \$360,000 and \$400,000. The purchase price of \$380,000 is based on the average of two (2) appraisals. Staff has performed extensive due diligence and believes that this property is suitable for development of the Fire Station. In addition, the Agreement contains an inspection period of sixty (60) days to perform additional due diligence if necessary. The County's obligation to close is contingent upon the County obtaining the required rezoning within 180 days. The County has two (2) options to extend the time-period in which to obtain zoning approvals by ninety (90) days by paying an additional \$35,000 per extension. However, Staff believes the rezoning will be obtained within 180 days. In the event the zoning approvals cannot be obtained during the initial or extension periods, the County has the option to terminate the Agreement. (PREM) District 1 (JMB)

4. **Staff recommends motion to approve:** Amendment No. 1 to contract with The Gordian Group, Inc. (R2005-1489) to implement the first renewal for consulting/professional services in conjunction with the Job Ordering Contract (JOC) system to extend the Contract to December 4, 2007 and increase the not-to-exceed limit from \$175,000 to \$265,000. **SUMMARY:** Amendment No. 1 is the first of two (2) renewals to the contract with The Gordian Group, Inc. The Gordian Group provides professional services required to implement the JOC system to facilitate renovation, repair, and/or maintenance improvement projects. Compensation is 1.5% of the dollar value of issued JOC work orders. This extension increases the not-to-exceed limit for fees by \$90,000 for a cumulative total of \$265,000. 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. (FD&O Admin) Countywide (JM)

DECEMBER 5, 2006

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** an Agreement with Fair Housing Center of the Greater Palm Beaches, Inc. to provide up to \$21,000 of Community Development Block

Grant (CDBG) funds for the period October 1, 2006 to September 30, 2007, to conduct Predatory Lending Educational Seminars within the Palm Beach County's identified target areas. **SUMMARY:** Community Development Block Grant (CDBG) funds will be used by the Fair Housing Center of the Greater Palm Beaches, Inc. to conduct twelve (12) Predatory Lending Educational seminars, within Palm Beach County's identified target areas, on behalf of the residents of the area. The Fair Housing Center will also conduct complaint intake; provide counseling to alleged victims of predatory lending; and facilitate legal redress under federal Fair Housing Lending Laws, when appropriate. **These are Federal CDBG funds that require no local match. Countywide (TKF)**

2. **Staff recommends motion to receive and file:** Amendment No. 001 to agreement (R2006-0087) with Lifeworks Development, Inc. to extend the agreement from September 30, 2006 to March 31, 2007. **SUMMARY:** Under the authority provided by the County Administrator by the Palm Beach County Board of County Commissioners on February 27, 2001 (R2001-0340), the County Administrator executed Amendment No. 001 to extend the expiration date of the agreement with Lifeworks Development, Inc. from September 30, 2006 to March 31, 2007. This extension was needed in order to allow unexpended funds allocated to this agreement be available to reimburse allowable expenses which were paid, but not reimbursed during the original term of the agreement. District 7 (TKF)

3. **Staff recommends motion to approve:** the Funding Approval/Agreement Forms for Fiscal Year 2006 - 2007 Community Development Block Grant (CDBG), Emergency Shelter Grants (ESG), and Home Investment Partnership (HOME) Agreements with the U.S. Department of Housing and Urban Development (HUD) for \$7,100,250 (CDBG), \$302,666 (ESG), and \$2,698,345 (HOME), inclusive of American Dream Down Payment Initiative (ADDI) of \$53,941, for a total allocation of \$10,101,261. **SUMMARY:** Approval of the Funding Approval/Agreement Forms (HUD-7082 for CDBG, HUD-40093 for HOME, and Local Government Grant Agreement for ESG) are required to make \$10,101,261 in federal funds available to the County to provide assistance for community development programs. The purpose of the CDBG, ESG, and HOME Program entitlement funding includes, but is not limited to, the development of viable urban communities through the provision of decent housing, a suitable living environment, and the expansion of economic opportunities, principally for persons of low and moderate income throughout Palm Beach County. **No local match is required to implement the CDBG program; however, the ESG and HOME programs have matching requirements. The ESG Program matching requirement is met through a cash or in-kind contribution by each agency receiving this funding, and the HOME matching requirement is met through the State Housing Initiatives Partnership (SHIP).** Countywide (TKF)

DECEMBER 5, 2006

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

4. **Staff recommends motion to approve:** The Commission on Affordable Housing Single Family Development Assistance Program recommended awards, totaling \$2,000,000 to the following:

A) Houston Realty and Investments, Inc. "Amelia Estates" - 30 units \$800,000 - District 6;

B) Northwood Renaissance, Inc. "Village Centre" - 10 low income and \$400,000 20 moderate income units - District 7;

C) Housing Trust LLC "La Perla" - 28 low income and 20 moderate \$100,000 income units - District 2; and

D) Northwest Riviera Beach Community Redevelopment Corp - \$700,000 "Brooks Subdivision" - 5 very low units; 13 low to moderate income units - District 7

SUMMARY: During the Commission on Affordable Housing's Advisory Committee (CAHAC) meeting held November 16, 2006, the above funding recommendations were made. Three (3) of the four (4) developers (Village Centre, Amelia Estates and Brooks Subdivision) agreed to accept the award as recommended and indicated the projects could move forward if the award is less than amount requested in their application. The Developer for the La Perla project stated the project would not move forward if the awarded amount was less than the requested amount of \$1.2 million. A total of \$2,000,000 is expected to be awarded from the Single Family Development Assistance Program funding from the State Housing Initiative Partnership dollars allocated to Palm Beach County on an annual basis by the Florida Housing Finance Corporation. Districts 2, 6 & 7 (TKF)

5. **Staff recommends motion to adopt:** a Resolution approving the Second Amendment to the Hurricane Housing Recovery Plan (HHRP) for Fiscal Year 2005 - 2006; modifying the funding levels for the Repair/Replacement of Post 1994 Manufactured Homes, Building Material Acquisition, Housing Re-entry/Eviction Prevention for homeowners, Land Acquisition; Owner Occupied Housing Rehabilitation and Rental Housing Programs. **SUMMARY:** This Amendment is a continuation of prior recommendations from the Commission on Affordable Housing's Advisory Committee, on the implementation of the HHRP. The maximum award revisions for owner households are: Extremely Low Income (30% or less of the area median) will increase from \$50,000 to \$75,000; Very Low Income (31% to 50% of the area median income) will increase from \$45,000 to \$55,000; Low Income (51% to 80% of the area median income) will increase from \$35,000 to \$45,000; and Moderate Income (81% to 120% of the area median income) will increase from \$30,000 to \$40,000. Funding for the following Strategies will be reduced as follows: Repair/Replacement of Post 1994 Manufactured Homes from \$500,000 to \$0; Building Material Acquisition from \$150,000 to \$0; Housing Re-entry/Eviction Prevention for homeowners from \$100,000 to \$0; the Land Acquisition from \$662,000 to \$0. Funding will increase for the Owner Occupied Housing Rehabilitation Program from \$1,925,000 to \$3,077,000; and the Rental Housing Program from \$440,000 to \$700,000. Countywide (TKF)

DECEMBER 5, 2006

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to approve:

A) Change Order No. 1 with John J. Kirlin, Inc. Florida Division for the Northern Region Pumping Facility in the deductive amount of \$1,445,412.56 deleting materials for the purpose of sales tax recovery along with cost saving changes and designating John J. Kirlin, Inc. 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 \$1,363,526.

SUMMARY: On November 21, 2006, the Board awarded a contract with the John J. Kirlin, Inc. (R2006-) for the Northern Region Pumping Facility in the amount of \$7,917,000. 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 \$81,886.56 can be achieved. John J. Kirlin, Inc. 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. 06-050) District 6 (JM)

2. **Staff recommends motion to approve:** Change Order No. 3 with Southeast Drilling Services, Inc. for the Lake Region Water Treatment Plant (LRWTP) Test Production Wells increasing the Contract (R2004-1738) by \$217,209 and providing a 121-day time extension. **SUMMARY:** On August 17, 2004, the Board approved the contract for the LRWTP Test Production Wells (R2004-1738) with Southeast Drilling Services, Inc. for constructing seven (7) Floridan Aquifer wells. During the drilling of the wells, the geologic conditions indicated that the well casing needed to be extended an additional 150 feet to minimize the production of sand from the Upper Floridan Aquifer. Sand production is a critical consideration for extending the life of reverse osmosis membrane elements. Reducing the sand production from the wells will also lower operational costs. Change Order No. 3 provides work related to additional drilling, casing, and cement grout for the increased well depths. The contract time is being increased by 121 calendar days to accommodate the additional time required for drilling and casing installation. Total change orders to date, excluding the \$129,964.40 Sales Tax Recovery Program Change Order, equals \$334,959 (1.107% increase). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.0% overall. This Change Order includes zero overall SBE participation. The contractor's cumulative SBE participation, including this Change Order is 14.69% overall. (WUD Project No. 03-169) District 6 (JM)

3. **Staff recommends motion to approve:** an Operations and Maintenance Agreement with Lion Country Safari for one (1) wastewater treatment facility. **SUMMARY:** Lion Country Safari owns a small wastewater treatment facility. Plant operation and maintenance activities were previously contracted to the Village of Wellington. The Village has decided not to renew the contract. Lion Country Safari has requested that the Department provide operation and maintenance services for the wastewater treatment plant. Under this Agreement, the Department will operate and maintain these facilities for one (1) year, with the option of renewal for one (1) additional year, provided Lion Country Safari has committed, in writing, to connect to the County's wastewater system. Lion Country Safari will pay the Department for all direct costs plus other chemical, labor and material charges as necessary. Costs for the first year are projected to be approximately \$30,000. Charges for subsequent years will be adjusted upward by 10%, provided a Developer Agreement is executed by Lion Country Safari, or by 100% in the event a Developer Agreement is not executed. Capital improvements required at the facilities are not included in this Agreement. Either party may cancel the Agreement with a 90-day written notice. District 6 (MJ)

DECEMBER 5, 2006

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. **Staff recommends motion to approve:** Cross Access Agreement with the Village of Royal Palm Beach to reduce the size of the Village's access easement from that previously contained in the warranty deed. **SUMMARY:** On April 27, 2006, the Village conveyed a parcel of land to the County as part of the purchase and sale of the Village's utility system (R2006-0410). The warranty deed reserved to the Village a non-exclusive easement for the Village to access the land surrounding the conveyed plant site. However, the recorded plat reflects an access area of approximately 60 feet by 140 feet, which is larger than the Village requires. As part of the purchase and sale, the Village and County entered into a transition agreement that provided for the easement to be reduced in size at a future date because time did not permit the preparation and execution of the documents in advance of the closing. This Agreement reduces the size of easement as originally contemplated in the purchase and sale agreement. District 6 (MJ)

5. **Staff recommends motion to approve:** Work Authorization No. 2 to the Water Utilities Department Wellfield Rehabilitation Continuing Contract with Southeast Drilling Services, Inc. in the amount of \$768,680. **SUMMARY:** On July 11, 2006, the Board executed the Water Utilities Department Wellfield Rehabilitation Continuing Contract with Southeast Drilling Services, Inc. in the amount of \$1,176,000 (R2006-1287). This contract is being used for production well rehabilitation to maintain adequate raw water supply to all the Department's water treatment plants. Work Authorization No. 2 provides for the rehabilitation of wells at Water Treatment Plants No. 2, 8, 9, and 10 in the amount of \$768,680. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. This contract and Work Authorization

No. 2 with Southeast Drilling Services, Inc. provides for SBE participation of zero overall. The overall SBE participation is zero percent because Southeast Drilling Services, Inc. was the only bidder. (WUD Project No. 06-084) District 2, 5, & 6 (JM)

6. **Staff recommends motion to approve:** Consultant Service Authorization No. 7 to Brown & Caldwell, Inc. for effluent capacity improvements for the Southern Region Water Reclamation Facility in the amount of \$199,866. **SUMMARY:** This Consultant Services Authorization provides engineering and hydrogeological services related to the Southern Region Water Reclamation Facility (SRWRF) to increase the effluent disposal capacity. The improvements include re-rating the deep injection well permit for a higher disposal capacity, modifications to the deep injection monitor well and regulatory negotiations with the Florida Department of Environmental Protection (FDEP) in connection with the new underground injection control regulations. The contract with Brown & Caldwell, Inc. includes the small business (SBE) participation goal of 26%, which exceeds the 15% goal established by the Palm Beach County Ordinance (No. 2002-064). This Consultant Services Authorization includes 28.12%% overall participation. The consultant's cumulative SBE participation, including this Authorization, is 27.65% overall. (WUD Project No. 07-002) District 5 (MJ)

7. **Staff recommends motion to receive and file:** closing documents relating to the purchase and sale of the Village of Royal Palm Beach's utility system. **SUMMARY:** On February 28, 2006, the Board approved the purchase of the Village of Royal Palm Beach's utility system and authorized the Chairman to execute any and all documents necessary to carry out the closing of the purchase and sale agreement (2006-0410). On April 27, 2006, the former Chairman Masilotti and Mayor Lodwick executed the required documents. District 6 (MJ)

DECEMBER 5, 2006

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to approve:** extending the continuing contracts with Taylor Engineering, Inc. (Taylor) (R2004-2377), and Humiston and Moore Engineers (Humiston) (R2004-2378), for professional coastal and marine engineering services on a countywide basis. **SUMMARY:** These firms were selected in accordance with County procedures for the Consultant's Competitive Negotiations Act (CCNA). The Board approved the annual contracts on November 14, 2004. The County is retroactively exercising the only renewal option to extend the contracts through November 15, 2007. Authorizations are on a task order basis. The County issued \$421,223 (Taylor) and \$663,416 (Humiston) in orders since 2004. Taylor exceeded its 20% M/WBE-SBE participation goal with 22% participation. Humiston has a 25% M/WBE-SBE participation

goal; it has achieved 13.3% participation. Humiston's M/WBE-SBE subconsultant services were not always required on the specialized projects assigned during the initial two (2) years of the Contract. Countywide (JM)

2. **Staff recommends motion to approve:** a Budget Amendment of \$150,000 in the General Fund for increased funding provided by Task Assignment AP5, Change Order No. 1, for the Aquatic Vegetation Control Program. **SUMMARY:** Task Assignment AP5 to Contract SL977 (R2002-1748) for \$385,330 from the Florida Department of Environmental Protection, to control Vegetation in Lake Clark, Lake Ida, Lake Osborne and Pine Lake has been increased by \$150,000 for a total assignment amount of \$535,330. This item will provide additional budget for the amount of the Task Assignment AP5 Change Order No. 1. Countywide (SF)

M. **PARKS & RECREATION**

1. **Staff recommends motion to receive and file:** the following original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project:

Odyssey Middle School – Distinguished Scholar Dinner and Awards Program, in an amount not- to-exceed \$2,500 - District 5.

SUMMARY: This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747) approved by the Board on October 21, 2003. District 5 (AH)

2. **Staff recommends motion to receive and file:** Second Amendment to Agreement (R2006-0246) with the Town of Palm Beach Shores for Palm Beach Shores Inlet Park Improvements – Phase III. **SUMMARY:** This fully executed Second Amendment to Agreement restores the amount of Recreation Assistance Program (RAP) funding allocated to the Town of Palm Beach Shores for the Inlet Park Improvements Phase III project from \$27,945 to the originally allocated \$30,000. The reduction of \$2,055 was previously needed in order to accommodate an immediate funding need in the District 1 RAP account for a different project. On June 20, 2006, the Board approved the First Amendment to Agreement (R2006-1142) allowing for the reduction of \$2,055 and the reallocation of the \$2,055 to the Town of Palm Beach Shores at a later date subject to budget availability. The Amendment is in accordance with Resolution R2005-1738 authorizing the delegation of authority for amending RAP agreements to the County Administrator or his designee. The modification was made at the request of the District 1 Commissioner. All other terms of the agreement remain the same. District 1 (AH)

DECEMBER 5, 2006

3. **CONSENT AGENDA APPROVAL**

M. PARKS & RECREATION (Cont'd)

3. **Staff recommends motion to receive and file:** the executed Independent Contractor Agreements received during the month of October.

A) Susan Allshouse, Tennis Instructor, West Boynton Park & Recreation Center (ALLS1074101006525200A); and

B) Caroline Karolinko, Synchronized Swimming Coach, Aqua Crest Pool (KARO1073001006530300A).

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

4. **Staff recommends motion to approve:** Second 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 Second Amendment to Agreement revises the costs for the project in accordance with cost increases and a scope change approved by the First Amendment to Agreement (R2006-1467). The cost estimate changes are necessary to continue with the reimbursement for this project, which is currently in process. This project received an \$850,000 allocation from the 2002 \$50 Million Recreation and Cultural Facilities Bond referendum. District 4 (PFK)

X. PUBLIC SAFETY

1. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners, Palm Beach County, Florida adopting the revised Palm Beach County Countywide Post Disaster Redevelopment Plan dated August, 2006. **SUMMARY:** Florida Administrative Code Section 9J-5.012(3)(b)(8), requires that all Florida coastal jurisdictions provide for the creation of Post Disaster Redevelopment Plans (PDRPs) through the Coastal Management Element of their respective Comprehensive Plans. The County's original PDRP, adopted in 1996, has been totally revamped, rewritten, updated and expanded to be fully compliant with the federal Disaster Mitigation Act of 2000, to better adhere to revised state guidelines, and to reflect "best planning practices." The scope and content of the plan have been expanded to address critical issues not addressed in the original document, especially as they relate to catastrophic disasters such as Hurricane Katrina in the Gulf and to certain multi-jurisdictional issues. The revised PDRP dated August 2006 is intended to serve as a single reference for guiding pre and post disaster actions and decisions necessary to facilitate and expedite long-term recovery, land-use, reconstruction and economic redevelopment and otherwise create a more sustainable, disaster resilient community. It has been written for

countywide multi-jurisdictional use. The revised PDRP has been reviewed and approved by the County's PDRP Executive Committee and the Florida Department of Community Affairs. Countywide (DW)

DECEMBER 5, 2006

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to:

A) approve an Agreement with the City of Miramar, a municipal corporation of the State of Florida, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative (UASI) to provide \$689,600 in reimbursable funding for various non-law enforcement oriented domestic security activities within Palm Beach County effective until January 31, 2008;

B) approve the standard agreements to be used between the County and various governmental and private agencies that will designate the scope of work and amount of UASI funds provided to each agency on behalf of the Board of County Commissioners;

C) authorize the County Administrator or his designee to execute separate agreements in substantial conformity to the standard agreements to be used between the County and various governmental and private agencies on behalf of the Board of County Commissioners;

D) authorize the County Administrator or his designee to execute programmatic and fiscal reports, future agreements, modifications, or amendments to the agreement with the City of Miramar and the local governmental and private agencies as long as such modifications or amendments do not require funds not previously authorized or approved by the Board of County Commissioners;

E) approve a Budget Amendment of \$698,600 in the EM Grant Fund to recognize the grant award; and

G) approve a Budget Amendment of \$95,150 in the Fire Rescue MSTU Fund to recognize Fire Rescue's portion of grant award.

SUMMARY: This Agreement provides a means of funding various domestic security activities within the County using federal Urban Area Security Initiative (UASI) funds through the City of Miramar as the Ft. Lauderdale UASI's fiscal agent. The total funds provided to Palm Beach County agencies by the UASI (\$2,383,087) represents 24% of the total Ft. Lauderdale UASI grant (\$9,980,000), and will be used to support and strengthen the County's ability to plan for, and respond to, acts of terrorism. The UASI awarded \$698,600 to the County, which will be used to fund fire, health, emergency

management, and other approved anti-terrorism activities. The Sheriff's Office received an equivalent amount of \$698,600 to fund direct law enforcement activities and an award of \$985,887 to fund the Regional Security Project. Future funding will be determined based on a competitive need process. No County match is required. Countywide (DW)

DECEMBER 5, 2006

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. **Staff recommends motion to approve:** an Agreement with Lakes of Delray, Inc. for provision of transportation service (via Palm Tran Routes 70 and 81) to residents of Lakes of Delray at the per dwelling rate (1,408 units) of \$4.30 per month for the period February 1, 2007, through January 31, 2008 and \$4.40 per month for the period February 1, 2008, through January 31, 2009. **SUMMARY:** Lakes of Delray, Inc. has contracted for bus service for residents since the inception of the development of Lakes of Delray. The Agreement rate of \$4.30 per dwelling unit per month during the first year of the proposed agreement represents a 2.5% increase over the contract for the prior year ending January 31, 2007 and the second year rate of \$4.40 per dwelling unit per month represents a 2.5% increase over the first year. Payments of the per unit rates are in lieu of residents paying individual fares into the fareboxes on Palm Tran Routes 70 and 81. The commencement date of this new Agreement is February 1, 2007 and the termination date is January 31, 2009. District 5 (DR)

2. **Staff recommends motion to approve:**
 - A)** an Assignment of Interest from the Palm Beach Metropolitan Planning Organization (MPO) in a \$2.3 Million Joint Participation Agreement (JPA) (No. 23689319401) with State of Florida Department of Transportation (FDOT) for the development of the Intermodal site, which approval is conditioned upon County's receipt of the fully executed amendment to the JPA revising the project purpose and description; and
 - B)** Budget Amendment of \$2,300,000 in Palm Tran's operating budget to recognize the JPA funds.

SUMMARY: Palm Beach Metropolitan Planning Organization (MPO) applied for and received an FDOT JPA in the amount of \$2,300,000. The JPA is to be used for the Intermodal facility construction in downtown West Palm Beach. Because Palm Tran is responsible for the property and has been actively working with Palm Beach County Facilities Management on the design of the intermodal facility, the MPO feels that it would be more appropriate for the JPA to be administered by Palm Tran. Countywide (DR)

BB. INTERNAL AUDITOR

1. **Staff recommends motion to adopt:** a Resolution amending Resolution R2006-2138, establishing a Budget Advisory Committee by changing the terms of appointment of the members from three (3) years to two (2) years and by deleting the provisions requiring staggered terms of the members. **SUMMARY:** At its October 24, 2006 meeting, the Board discussed concerns with the original resolution as adopted and decided to revise the provisions regarding member terms and eliminate the provision requiring staggered terms. Countywide (PFK)

DECEMBER 5, 2006

3. CONSENT AGENDA APPROVAL

CC. SHERIFF

1. **Staff recommends motion to:**

A) accept National Institute of Justice “DNA Backlog Reduction Program” grant in the amount of \$118,830;

B) accept Amendment to extend the grant period from October 1, 2006 to September 30, 2007;

C) accept Amendment to remove Special Condition No. 15 of the original award which prohibited the recipient to obligate, expend, or draw down any funds under this cooperative agreement; and

D) approve Budget Amendment of \$118,830 increasing the Sheriff’s Grant Fund.

SUMMARY: The National Institute of Justice (NIJ) Forensic Casework DNA Backlog Reduction Program under the President’s DNA Initiative provides funds to hire additional full time laboratory employees. The grant is for a period of five (5) years, however, a restriction on the use of the funds impacted the first year. An amendment has been executed which removes that restriction, and funding is being recognized. The grant is renewable annually for four (4) additional years subject to appropriation of the President’s Initiative Program. The NIJ funds may be used for a maximum of 75% of the approved salary and benefits for each newly hired staff member. The Sheriff’s Office will fund the 25% remaining cost of the two full time forensic laboratory employees in FY 2007. No additional County funds are required. Countywide (DW)

2. **Staff recommends motion to approve:** a Budget Transfer of \$56,700 from the Law

Enforcement Trust Fund (LETF) to the Palm Beach County Sheriff's Office for donations to support the safe neighborhood, crime prevention, and drug abuse prevention/education/treatment programs of various non-profit organizations. **SUMMARY:** Florida Statute 932.7055 requires that no less than 15% of the LETF's previous year's revenues be used for the support or operation of drug abuse education, drug prevention, crime prevention, and safe neighborhood initiatives. The PBSO's FY 2007 estimated donation requirement is \$173,914.93. 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 \$243,240. The Sheriff's Office certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a spreadsheet indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective agency.
Countywide (DW)

<u>Organization</u>	<u>Amount</u>
Redemptive Life Urban Initiative Corporation- Midnight Basketball Program	\$50,000
West Palm Beach Public Library	\$ 1,700
Florida FBI National Academy Conference	<u>\$ 5,000</u>
Total Amount of Donations	\$56,700

DECEMBER 5, 2006

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

3. **Staff recommends motion to:**

A) accept a Florida Department of Transportation Highway Safety grant for I-95 Corridor enforcement in the amount of \$25,000 for the period of October 11, 2006, through September 30, 2007; and

B) approve a Budget Amendment of \$25,000 increasing the Sheriff's Grant Fund.

SUMMARY: The Florida Department of Transportation (DOT) has awarded a Highway Safety grant to the Palm Beach County Sheriff's Office (PBSO) in the amount of \$25,000. This is the second year of a three year grant program. The funds will be used to pay the partial salary and benefits of one (1) full-time law enforcement officer assigned to enforce traffic laws on the I-95 Corridor. This enforcement will be a combined agency effort, whereby other local agencies, including Boca Raton Police Department, Boynton Beach Police Department, and the Florida Highway Patrol, will be participating in this

effort. The PBSO will be reimbursed for personnel expenses totaling \$25,000. The required match is 25% which the PBSO will provide in the amount of \$8,333. No additional County funds are required. Countywide (DW)

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

A) accept a Victims of Crime Act (VOCA) Agreement with the State of Florida, Office of the Attorney General in the amount of \$53,960 for the PBSO's Domestic Violence Advisor Program for the period October 1, 2006, through September 30, 2007; and

B) approve a Budget Amendment of \$53,960 in the Sheriff's Grants Fund.

SUMMARY: The State of Florida, Office of the Attorney General (OAG) is acting as a pass-through agency for the Victims of Crime Act (VOCA). This VOCA grant will be used to continue to allow for a victim advocate allocation to concentrate on the victim population in Palm Beach County. This position will continue to coordinate services with PBSO officers and other municipal agencies to offer crisis intervention, lethality assessments and safety plans. The PBSO will be reimbursed for personnel expenses totaling \$53,960. The required match is 20%, which the PBSO will provide in the amount of \$13,490 to cover the remaining salary and benefits package of the Domestic Violence Advocate. No additional County funds are required. Countywide (DW)

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

A) accept a Florida Department of Law Enforcement Office of Criminal Justice grant in the amount of \$60,000 for the Domestic Violence Program for the period of October 1, 2006 through September 30, 2007; and

B) approve a Budget Amendment of \$60,000 in the Sheriff's Grants Fund.

SUMMARY: On September 18, 2005 the Palm Beach County Sheriff's Office (PBSO) received an award to continue its Domestic Violence Program. The Domestic Violence Program will continue to concentrate on the domestic violence victim population in Palm Beach County through the use of the domestic violence investigator position. No additional County funds are required. Countywide (DW)

DECEMBER 5, 2006

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

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

A) accept a Florida Department of Law Enforcement Office of Criminal Justice grant in the amount of \$14,730 for the Westgate Community Justice Service Center (CJSC) Treatment Project for the period of October 1, 2006, through September 30, 2007; and

B) approve Budget Amendment of \$14,730 increasing the Sheriff's Grants Fund.

SUMMARY: The Florida Department of Law Enforcement (FDLE) awarded a Byrne Grant Memorial Justice Assistance Grant (JAG) to the Westgate CJSC on on September 27, 2006 for the period of October 1, 2006 to September 30, 2007. The program addresses non-violent misdemeanor offenses and ordinance violations that erode the quality of life of a community. Residents are offered on-site social services and the licensed therapist assesses offenders with high risk behaviors. No additional County funds are required. Countywide (DW)

7. **Staff recommends motion to approve:** an Amendment to the National Institute of Justice "Solving Cold Cases with DNA Program" Cooperative Agreement to extend the grant period from November 30, 2006 to May 31, 2007. **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) awarded the PBSO an additional \$182,330 (R2006-1503) 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 and the Violent Crimes Bureau 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 (Combined DNA Index System) 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 been made available for spending. However, due to the delay in approval of our required FONSI EA (Finding of No Significant Impact, Environmental Assessments), we are requesting a no-cost 6 month extension. There is no grant match required, nor are any County funds required in FY 2007. Countywide (DW)

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DECEMBER 5, 2006

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

- A. Proclamation in recognition of the dedicated public service of Judge Roger B. Colton (Sponsored by Commissioner Greene)
- B. Proclamation in recognition of the dedicated public service of Judge William A. Bollinger (Sponsored by Commissioner Greene)
- C. Proclamation in recognition of the dedicated public service of Judge Gary L. Vonhoff (Sponsored by Commissioner Greene)
- D. Certificate of Congratulations to Mr. Ray Graziotto, President, Seven Kings Holdings, Inc. (Loggerhead Marina) in recognition of receiving the "Clean Marina" award from the Florida Department of Environmental Protection (Sponsored by Commissioner Newell)
- E. Certificate of Commendation to Vera Farrington in recognition of volunteer service (Sponsored by Commissioner McCarty)
- F. Proclamation declaring December 2006 as "Catholic Charities of Palm Beach Affordable Housing Month for Elders" in Palm Beach County (Sponsored by Commissioner Koons)
- G. Proclamation honoring the Holocaust Survivors Club of Boca Raton on its 25th Anniversary (Sponsored by Commissioner Aaronson)

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DECEMBER 5, 2006

5. REGULAR AGENDA

A. ADMINISTRATION

1. [Staff requests Board direction:](#)

A) the draft FY '07 State Legislative Program; and

B) a local bill amending Section 10, Chapter 2006-328 relating to the Town of Loxahatchee Groves.

SUMMARY: Staff requests the Board's review of the draft FY '07 State Legislative Program, which includes issues that have been submitted by Board members and County staff, and identification of legislative and appropriations priorities. The Legislative Program outlines the issues that the County's Legislative Affairs Department in conjunction with the County's lobbyists will be working on for the Board in the upcoming Legislative Session. The local bill addresses minor revisions to Florida Statutes regarding the applicability of Palm Beach County ordinances within the Town of Loxahatchee Groves and clarifying corporate boundaries of the Town. Countywide (DW)

2. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, encouraging the Florida Legislature to adopt into law, legislation that would establish a dedicated funding source of sufficient amount in Miami-Dade, Broward and Palm Beach counties, with the proceeds going to the South Florida Regional Transportation Authority (SFRTA). **SUMMARY:** This Resolution encourages the Florida Legislature to adopt into law legislation that would establish a dedicated funding source of \$50 million with the proceeds going to the SFRTA. Countywide (DSW)

3. **Staff recommends motion to approve:** the First Amendment to the FY 2006 - 2007 Annual Action Plan, which will provide funding to four (4) businesses under the Community Development Block Grant (CDBG) Economic Development Set-Aside Program. **SUMMARY:** The proposed Amendment will allow for the funding of four (4) businesses, which were recommended for funding by the Overall Economic Development Program (OEDP) Sub-Committee under the CDBG Set-aside Program for Economic Development. The four (4) businesses will create a minimum of 51 new full-time equivalent jobs. The Set-Aside funding recommended will leverage \$1,979,500 in city and private investments. The individual funding recommendations are as follows: a) Bryan Boysaw & Associates - \$60,000; b) Hartman Windows & Doors, LLC. - \$100,000; c) MD Now Medical Centers, Inc. - \$150,000; and d) Tripp Electric Motors, Inc. - \$400,000. Districts 1, 2, 6 & 7 (DW)

DECEMBER 5, 2006

5. REGULAR AGENDA

B. COMMUNITY SERVICES

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

A) a waiver of the Purchasing Code requirements for competitive selection of professional and consulting services; and

B) a Contract for Consulting/Professional Services for homeless program planning with Langton Associates in the amount of \$88,000; and

C) a Budget Transfer of \$44,000 from unallocated Financially Assisted Agency funds to establish budget for year one of the two-year contract.

SUMMARY: This Contract with Langton Associates is for consulting services to develop a Homeless and Housing Strategic plan to address homelessness and attainable housing. The need for this plan is the result of a 2002 Federal mandate requiring communities to develop a 10-year plan to end homelessness. Langton Associates has 11 years of experience related to homeless issues in Palm Beach County. They have specific expertise in homeless service planning which justifies the waiver of the competitive selection process. In the first year, Langton Associates will conduct a comprehensive analysis of homelessness and related housing issues, assist with organization of a new homelessness advisory board, and provide a briefing to the BCC in a workshop setting. In the second year, a formal written 10-year strategic plan will be presented to the BCC for review and approval. Section 2-54(h) of the Purchasing Code allows for the waiver of competitive selection for professional and consultant services upon recommendation of the County Administrator. Funding for this contract will come from Countywide Community Revitalization Team (CCRT) and FAA. (Human Services) Countywide (TKF)

2. **Staff recommends motion to conceptually approve:** establishment of a Homeless Advisory Board to address homelessness and related housing issues in Palm Beach County. **SUMMARY:** The impetus for developing a Homeless Advisory Board stems from the federal mandate that communities implement plans to end homelessness. This Board would serve as liaison to the BCC as well as facilitate coordination of a vision and adoption of the ten (10) year strategic plan to end homelessness. The purpose of developing a Homeless Advisory Board is to achieve consensus on dealing with this multi-faceted and complex issue and to help secure funding for projects identified in the strategic plan. Additionally, the Board will be accountable for tracking and reporting the progress in achieving the goals and objectives outlined in the plan. Staff will be recommending that the Advisory Board include representatives from the public sector (local and state government); homeless/formerly homeless individuals; advocates; business interests and funders. A resolution defining the Advisory Board membership, functions, and operating parameters will be brought to the BCC at a future date. The current Division of Human Services will provide staff support to this Board. (Human Services) Countywide (TKF)

DECEMBER 5, 2006

5. REGULAR AGENDA

C. CRIMINAL JUSTICE COMMISSION

TIME CERTAIN - 10:30 A.M.

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

A) an Interlocal Agreement in the amount of \$661,125 with the City of West Palm Beach as a partner to implement the Youth Violence Prevention Project in the targeted area; and

B) Budget Transfer of \$661,125 to establish budget for the project.

SUMMARY: On July 13, 2006, the BCC provided direction to the Criminal Justice Commission to develop a budget for the Youth Violence Prevention Project including the commitments from the five cities at greatest risk for future violence. Riviera Beach City Council, West Palm Beach City Commission and Lake Worth City Commission have approved their Youth Violence Prevention Project Implementation Plans for FY '07. Belle Glade and Boynton Beach will be forthcoming. The funds will establish Youth Empowerment Centers in Riviera Beach, West Palm Beach and Lake Worth, a Justice Service Center in Riviera Beach, an Assistant State Attorney for gun crimes, a juvenile violent offenders program, and for joint law enforcement operations with multiple revenue sources. The City of West Palm Beach has committed \$1,000,000 to this project for FY 2007. It is intended that the funding for this project be maintained for three (3) years.

The Youth Empowerment Center in West will be located at the Northwood Center, 729 Pinewood Avenue, located directly across from the DeGeorges Boys and Girls Club. This proposal incorporates teen-specific programs operated at both the Northwood Center and the DeGeorges campus, which includes a multi-purpose building for teen and youth activities, an interactive wet playground, gymnasium, outdoor playground, tennis courts, open fields and picnic pavilions. Additionally, the formation of a Northwood Youth Empowerment Center Teen Council has helped define the needs and wants of the teens in the community. The program incorporates employment services, educational opportunities, tutoring, mentoring, and the other components of the Youth Violence Prevention Plan. District 7 (DW)

DECEMBER 5, 2006

5. REGULAR AGENDA

C. CRIMINAL JUSTICE COMMISSION

TIME CERTAIN - 10:30 A.M.

2 **[Staff recommends motion to approve:](#)**

A) an Interlocal Agreement in the amount of \$168,677 with the City of Lake Worth as a partner to implement the Youth Violence Prevention Project in the targeted area; and

B) a Budget Transfer of \$168,677 to establish budget for the project.

SUMMARY: On July 13, 2006, the BCC provided direction to the Criminal Justice Commission to develop a budget for the Youth Violence Prevention Project including the

commitments from the five (5) cities at greatest risk for future violence. Riviera Beach City Council, West Palm Beach City Commission and Lake Worth City Commission have approved their Youth Violence Prevention Project Implementation Plans for FY '07. Belle Glade and Boynton Beach will be forthcoming. The funds will establish Youth Empowerment Centers in Riviera Beach, West Palm Beach and Lake Worth, a Justice Service Center in Riviera Beach, an Assistant State Attorney for gun crimes, a juvenile violent offenders program, and for joint law enforcement operations with multiple revenue sources. The City of Lake Worth has committed \$122,500 to this project for FY 2007. It is intended that the funding for this project be maintained for three (3) years.

The City of Lake Worth is committing space at the Osborne Community Center to be used as the Youth Empowerment Center. After-school activities, tutoring, mentoring, job skill, and employment services will be offered. Law Enforcement plays an important role in that the community officer would be very visible in the Center and children will learn to see them as an asset.

The Community Policing division has officers in each section of the community as well as in the schools and in association with neighborhood associations. They will provide a variety of programs through the Police Athletic League program in concert with the Recreation Department in the Youth Empowerment Center. Districts 3 & 7 (DW)

TIME CERTAIN - 10:30 A.M.

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

A) an Interlocal Agreement in the amount of \$656,638 with the City of Riviera Beach as a partner to implement the Youth Violence Prevention Project in the targeted area; and

B) a Budget Transfer of \$656,638 to establish budget for the project.

SUMMARY: On July 13, 2006, the BCC provided direction to the Criminal Justice Commission to develop a budget for the Youth Violence Prevention Project including the commitments from the five (5) cities at greatest risk for future violence. Riviera Beach City Council has approved their Youth Violence Prevention Project Implementation Plan for FY '07. The funds will establish Youth Empowerment Center and a Justice Service Center in Riviera Beach. The City of Riviera Beach has committed \$582,616 to the project. It is intended that the funding for this project be maintained for three (3) years.

The Youth Empowerment Center in Riviera Beach will be located at the Lindsay Davis Center and the Justice Service Center will be located at JAY Ministries. This proposal incorporates teen-specific programs operated at the Lindsay Davis Center. Additionally, the formation of a Youth Empowerment Center Teen Council has helped define the needs and wants of the teens in the community. The program incorporates employment services, educational opportunities, tutoring, mentoring, and the other components of the Youth Violence Prevention Plan. The Justice Service Center incorporates employment services, educational programs, and social services for juvenile and youthful adult offenders. District 7 (DW)

DECEMBER 5, 2006

5. REGULAR AGENDA

D. ENGINEERING

1. Staff recommends motion to:

A) accept a Right-of-Way Warranty Deed; and

B) **approve** payment of \$1,500,000 for Warranty Deed Parcels 100 and 165.

SUMMARY: The County made an appraised value offer of \$1,296,000, but the property owner did not accept it and made a counter-offer of \$1,500,000, a difference of \$204,000. The Engineering & Public Works Department has reviewed the \$1,500,000 counter-offer and recommends approval. These parcels are required for the planned roadway construction project of Northlake Boulevard from east of Seminole Pratt Whitney Road to east of Coconut Boulevard. District 6 (PM)

E. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve on preliminary reading and advertise for a public hearing on December 19, 2006 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code, Chapter 17, Article II, Occupational License Taxes; changing the term “occupational license tax “ to “business tax”; defining the term “receipt” as it relates to business taxes; amending provisions to conform; providing for repeal of laws in conflict; providing for savings clause; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for captions; and providing for an effective date. **SUMMARY:** The Laws of Florida have renamed the “Local Ordinance License Tax Act” to “Local Business Tax Act” effective January 1, 2007. Local governments will now levy a “local business tax” and will issue business tax receipts, as opposed to issuing an occupational license. As a result of this change, it is necessary to amend the terminology in the County Occupational Licensing Ordinance, which shall be known as the Palm Beach County Business Tax Ordinance. Countywide (RB)

DECEMBER 5, 2006

5. REGULAR AGENDA

F. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to:**

A) **adopt** a Resolution approving the third Amendment to the State Housing Initiative

Partnership (SHIP) Local Housing Assistance Plan (LHAP) for Fiscal Years 2004-2005; 2005-2006; 2006-2007 (R2004-0741); the recommended definition of Essential Services Personnel; revisions to the funding levels for strategies in the LHAP for Fiscal Years 2004-2005; 2005-2006; 2006-2007 indicating an increase in the maximum award for the Special Needs Replacement Housing Program from \$20,000 to \$50,000; and

B) approve Budget Amendment indicating an increase in funding received from the State, and increase funding level for the Purchase Assistance Program (PAP) from \$2,187,977 to \$4,121,260 for Fiscal Year 2006-2007.

SUMMARY: The State of Florida through the Florida Housing Finance Corporation mandates every local government benefiting from the newly appropriated Community Workforce Housing Innovation Pilot (CWHIP) Program funding to establish a definition for Essential Services Personnel by adopting language to identify essential services personnel. CWHIP promotes the creation of public-private partnerships to finance and manage workforce housing and requires the coordinated efforts of all levels of government, private sector developers, financiers, business interests and service providers. The proposed definition was developed and recommended by the Commission on Affordable Housing Advisory Committee (CAHAC), the Housing Leadership Council, the Business Forum and other representatives of the local housing industry and service providers. The definition for Essential Services personnel is required to be adopted by Resolution prior to submittal to the Florida Housing Finance Corporation for approval. The recommended language is specified in the LHAP. Countywide (TKG)

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RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE CHILD CARE FACILITIES BOARD

DECEMBER 5, 2006

6. BOARD OF COUNTY COMMISSIONERS SITTING AS THE CHILD CARE FACILITIES BOARD

A. HEALTH DEPARTMENT

1. **Staff recommends motion to approve:** appointment of one (1) member to the Child Care Advisory Council to fill the position vacated by the resignation of M.J.Steele, effective December 5, 2006. This is an at-large appointment.

Appointment: Seat No.: Requirement: Recommended by:
Kendra Barnes 6 Parent of a child Commissioner Koons

SUMMARY: The Child Care Advisory Council is comprised of seven (7) members who serve at the pleasure of the Board of County Commissioners. One (1) of the required appointment categories must be filled by a member who at the time of appointment is the parent of a child in a child care facility. This appointment does not have a term limit. Ms. Barnes has a child in day care presently, and currently works in a field related to child development as a Resource Teacher/Team Leader in the Department of Early Learning for the School District of Palm Beach County. She has expressed interest in serving on the Council and satisfies the requirements as set forth in Chapter 59-1698, Special Acts, Laws of Florida, as amended by Chapter 77-620, Laws of Florida. Countywide (GB)

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RECESS AS THE CHILD CARE FACILITIES BOARD

RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

DECEMBER 5, 2006

7. BOARD APPOINTMENTS

**A. COUNTY ADMINISTRATION
(Treasure Coast Regional Planning Council)**

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

A) reappoint the following members to the Treasure Coast Regional Planning Council:

Regular Reappointments:

Nominees	Seat No.	Requirement
Commissioner Karen Marcus	1	Palm Beach County Official
Commissioner Jeff Koons	2	Palm Beach County Official
Commissioner Warren Newell	3	Palm Beach County Official

Alternate Reappointments:

Commissioner Addie L. Greene	1A	Palm Beach County Official
Commissioner Mary McCarty	2A	Palm Beach County Official

B) appoint the following member as an alternate to the Treasure Coast Regional Planning Council:

One (1) vacancy	3A	Palm Beach County Official; and
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C) ratify the following members from the Palm Beach County League of Cities to the Treasure Coast Regional Planning Council:

Regular Appointments:

Nominee Seat No. Requirement

Councilmember Joni Brinkman	4	Palm Beach County Official
Mayor Samuel J. Ferreri	5	Palm Beach County Official
Mayor Karen J. Golonka	6	Palm Beach County Official
Councilmember Dr. Carmine Priore	7	Palm Beach County Official
Mayor Maury Jacobson	8	Palm Beach County Official

Alternate Appointments:

Nominee Seat No. Requirement

Councilmember Fred Pinto	4A	Palm Beach County Official
Vice Mayor Retha Lowe	5A	Palm Beach County Official
Commissioner John Workman	6A	Palm Beach County Official
Mayor David Lodwick	7A	Palm Beach County Official
Councilor Robert Gottlieb	8A	Palm Beach County Official

SUMMARY: The Treasure Coast Regional Planning Council has requested the Palm Beach County Board of County Commissioners submit its appointments for the coming year. Currently, the County's regular appointees are Commissioners Karen Marcus, Jeff Koons and Warren Newell. The alternates are Commissioners Addie L. Greene, Mary McCarty with a vacant seat (No. 3) left by the departure of the former Commissioner in District 6. In accordance with the Treasure Coast Regional Planning Council policy, the Board is also requested to ratify the Palm Beach County League of Cities appointments to the Regional Planning Council before their annual meeting in December. Countywide (RPB)

DECEMBER 5, 2006

7. BOARD APPOINTMENTS

**A. COUNTY ADMINISTRATION (Cont'd)
(Small Business Assistance Advisory Committee)**

- Staff recommends motion to approve:** appoint of one (1) representative to Seat N. 3, to complete the remaining term of approximately three (3) months ending February 24, 2007 and an additional two (2) years ending February 24, 2009:

<u>Appoint</u>	<u>Seat</u>	<u>Seat Designation</u>	<u>Nominated By:</u>
<u>No.</u> Jackie P. Haygood	3	Certified Woman Business Commissioner	Greene Owner

SUMMARY: The Small Business Assistance Advisory Committee was established by Section 2-80-21 through 2-80.34 of the Palm Beach County Code and adopted on

October 1, 2002. On October 17, 2006, a memorandum was sent to the Board of County Commissioners which advised that the terms of Seat No. 3 was available because the current representative sold her business and was no long a certified woman business owner. Countywide (TKF)

**B. FIRE RESCUE
(Fire Rescue Advisory Board)**

1. **Staff recommends motion to approve:** appointment of Jay Robert Littman to the Fire Rescue Advisory Board, Seat No. 5 to complete a term, beginning on December 5, 2006, through February, 24, 2008:

Nominee Position Seat No. Nominated By

Jay Robert Littman	Business	5	Commissioner Newell
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SUMMARY: The Fire Rescue Advisory Board was created by Resolution No. R89-1661 and revised by R92-596 on April 28, 1992. Appointments to this seven (7) member board are for three (3) year terms, and represents specific fields of expertise. Mr. Littman will be replacing previous board member Robert Blomquist, who represented the Business Category. Countywide (SGB)

DECEMBER 5, 2006

7. BOARD APPOINTMENTS

**C. HOUSING & COMMUNITY DEVELOPMENT
(Commission On Affordable Housing)**

1. **Staff recommends motion to adopt:** a Resolution appointing three (3) members representing the Active Residential Builder (Seat No.1); Active Banker or Mortgage Banker (Seat No.2); and Real Estate Profession(Seat No.6) to the Palm Beach County Commission on Affordable Housing Advisory Committee (CAHAC) beginning on December 5, 2006, through December 6, 2009:

Nominee Category Seat No. Nominated By

Stuart Scharaga	Active Residential Builder	1	Comm. K. Marcus Comm. A. Greene Comm. J. Koons Comm. A. Aaronson
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Diane Peterson	Active Banker Or Mortgage Banker	2	Comm. K. Marcus Comm. A. Greene
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Comm. J. Koons
Comm. A. Aaronson

Peter Applefield Rep. of Real Estate
Profession

6

Comm. K. Marcus
Comm. A. Greene
Comm. J. Koons
Comm. A. Aaronson

SUMMARY: The CAH Advisory Committee 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 CAH Advisory Committee is to make program and funding recommendations to the BCC for its Local Housing Assistance Plan(LHAP). The three committee members were absent for three (3) meetings which constitute automatic termination of membership from the CAHAC. Their absences were due to the demands of their businesses and employers at the time of the CAHAC meetings. They desire be appointed to the CAHAC and have been invaluable contributors in shaping the policy and direction of the advisory committee. Countywide (TKF)

DECEMBER 5, 2006

7. BOARD APPOINTMENTS

D. INTERNAL AUDITOR (Budget Advisory Committee)

1. **Staff recommends motion to make six (6) appointments:** to the Budget Advisory Committee to represent Commission Districts 1, 2, 4, 5, 6 and 7 from the nominees listed below:

<u>Nominee</u>	<u>Background</u>	<u>Nominated by</u>
Not Yet Determined		Comm. Marcus
Ken Neilson	Internal Audit	Comm. Koons
John A. (Jack) Warner	Executive Consultant	Comm. McCarty
Arthur Bernstein	Former Banker	Comm. Aaronson
Not Yet Determined		Comm. Santamaria
Not Yet Determined		Comm. Greene
Andy Charnoubi	Accounting/Finance	Self
Jay H. Abrams, Ph.D.	Municipal Credit Analyst	Self
John Parsons	Sales/Marketing	Self
Randolph A. Roy	VP & Treasurer, Moody's	Self
Richard C. Hitchins	Accounting	Self
Richard Rampell	Accounting	Self

SUMMARY: At its October 3, 2006 meeting, the Board approved a resolution (R2006-

2138) establishing the Budget Advisory Committee, appointing Commissioner Newell chairman and directing staff to present this agenda item to appoint six (6) members. The resolution requires a super majority vote to approve each appointee who will represent the district on the Committee. The members will serve two (2) year terms and are required to "possess special expertise and experience in business or government". The resolution also states that the Commissioner serving as Chair will not have an appointment to the Committee. Countywide (PFK)

**E. PLANNING, ZONING & BUILDING
(Construction Board of Adjustment and Appeals)**

1. **Staff recommends motion to approve:** the reappointment of the following named individual to the Construction Board of Adjustment and Appeals (CBAA) for a three (3) year term from January 1, 2007 to January 1, 2010:

NomineeSeatRequirement

Ron Dixon 5Engineer

SUMMARY: Ron Dixon is reappointed by the Construction Industry Management Council of Palm Beach County. The nomination represents the engineer member of the Board as required by the Palm Beach County Ordinance 2002-005, as amended, Palm Beach County Amendments to the Florida Building Code, 2004 Edition. Countywide (DW)

DECEMBER 5, 2006

7. BOARD APPOINTMENTS

**E. PLANNING, ZONING & BUILDING (Cont'd)
(Building Code Advisory Board)**

2. **Staff recommends motion to approve:** reappointment of the following individual to the Building Code Advisory Board (BCAB) for a three (3) year term from January 1, 2007 to January 1, 2010:

NomineeSeatRequirement

Gary Kozan 8Plumbing Contractor

SUMMARY: Gary Kozan is reappointed by the Construction Industry Management Council of Palm Beach County. The nomination represents the plumbing contractor cited in the Special Act establishing the Building Code Advisory Board. Countywide (GB)

F. COMMISSION DISTRICT APPOINTMENTS

DECEMBER 5, 2006

8. MATTERS BY THE PUBLIC - 2:00 P.M.

DECEMBER 5, 2006

9. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

DECEMBER 5, 2006

10. COMMISSIONER COMMENTS

A.District 1 - COMMISSIONER KAREN T. MARCUS

B.District 2 - COMMISSIONER JEFF KOONS, VICE CHAIR

C.District 3 - COMMISSIONER WARREN H. NEWELL

D.District 4 - COMMISSIONER MARY MCCARTY

E.District 5 - COMMISSIONER BURT AARONSON

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

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

Proclamation declaring December 10, 2006 as "Alpha Phi Alpha Fraternity Day" in Palm Beach County (Sponsored by Commissioner Greene)

11. ADJOURNMENT

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

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

DECEMBER 5, 2006

PAGE ITEM

- 19 3I-4 **DELETED: Staff recommends motion to approve:** The Commission on Affordable Housing Single Family Development Assistance Program recommended awards, totaling \$2,000,000 ... (Added on as 5F-2) (HCD)
- 19 3I-5 **REVISED SUMMARY:** This Amendment is a continuation of prior recommendations from the Commission on Affordable Housing's Advisory Committee, on the implementation of the HHRP. The ~~maximum award proposed~~ revisions for maximum award levels to owner households are as follows: Extremely Low Income (30% or less of the area median) will increase from \$50,000 to \$75,000; Very Low Income (31% to 50% of the area median income) will increase from \$45,000 to 55,000; Low Income (51% to 80% of the area median income) will increase from \$35,000 to \$45,000; and Moderate Income (81% to 120% of the area median income) will increase from \$30,000 to \$40,000. Funding Additionally, proposed revisions to the funding for the following Strategies will be reduced as follows: ...
- 20 3K-1 **DELETED: Staff recommends motion to approve: A)** Change Order No. 1 with John J. Kirlin, Inc. Florida Division for the Northern Region Pumping Facility in the deductive amount of \$1,445,412.56...(Further staff review) (WUD)
- 20 3K-3 **REVISED SUMMARY:** Lion Country Safari owns a small wastewater treatment facility. Plant operation and maintenance activities were previously contracted to the Village of Wellington. The Village has decided not to renew the contract. Lion Country Safari has requested that the Department provide operation and maintenance services for the wastewater treatment plant. Under this Agreement, the Department will operate and maintain these facilities for one (1) year, with the option of renewal for one (1) additional year, provided Lion Country Safari has committed, in writing, to connect to the County's wastewater system. Lion Country Safari will pay the Department for all direct costs plus other chemical, labor and material charges as necessary. Costs for the first year are projected to be approximately ~~\$30,000~~ \$15,000. Charges for subsequent years will be adjusted upward by 10%, provided a Developer Agreement is executed by Lion Country Safari, ~~or by 100% in the event a Developer Agreement is not executed~~. Capital improvements required at the facilities are not included in this Agreement. Either party may cancel the Agreement with a 90-day written notice. District 6 (MJ)
- 29 4H **ADD-ON:** Proclamation declaring December 17, 2006 as "Animal Rights Day" in Palm Beach County (Sponsored by Commissioner Koons)

- 29 4I **ADD-ON:** Presentation of check for \$1 million from South Florida Water Management District for the Lake Region Water Treatment Plant project.
- 29 4J **ADD-ON:** Presentation of check for \$1 million from the South Florida Water Management District for the Century Village (WPB) Reuse project.
- 29 4K **ADD-ON, CONTINUED FROM NOVEMBER 21, 2006, PUBLIC HEARING - 9:30A.M.:** **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners (BCC) of Palm Beach County, Florida, enacting historic site designation for one (1) property. **SUMMARY:** The Resolution will authorize the designation of one (1) historic property: a segment of Old Indiantown Road that crosses through Philo Farms Subdivision lots A to T inc/less road right-of-way through lots J, T, I & S (PCN:00-41-40-35-01-024-0010). This property has been recommended for historic site designation by the County's Historic Resources Review Board (HRRB). If designated, this historic resource would be added to the Palm Beach County Register of Historic Places. In addition any alterations, demolition, renovations or other construction activity would require approval of a "Certificate of Appropriateness" and/or a "Certificate to Dig" from the County Archaeologist. District 1 (RB)
- 30 5A-4 **ADD-ON:** **Staff:**
- A) recommends motion to receive and file** Report on Posse Site RFP; and
- B) request Board direction** on Conflict Issues regarding Land Development Consultants.
- SUMMARY:** Regarding the Posse Site, staff recommends that no further Board action be taken. The property has been sold and payment received. Review indicates that notwithstanding some procedural issues the RFP was fair and produced a good result. Procedures will be tightened to avoid the issues that arose in this case.
- The participation of Kilday & Associates in this RFP process and the appearances of conflict that have arisen in regards to Mecca and other projects raises the question of who can provide land development related consultant services, including traffic engineering, to the County. The Board needs to discuss and provide direction to staff as to criteria for considering conflict situations. Countywide (LB)
- 34 5E-2 **ADD-ON:** **Staff recommends motion to approve:**
- A)** Budget Amendment of \$7,965,000 in the \$7.965 Million Sunshine Loan No. 8 Environmentally Sensitive Lands 2006 Capital Fund to record loan proceeds, capital projects, costs of issuance and transfers to the debt service reserve and debt service funds;
- B)** Budget Amendment of \$136,169 in the \$7.965 Million Sunshine Loan No. 8 Environmentally Sensitive Land 2006 Debt Service Reserve Fund to record reserve for future debt service payments;

C) Budget Amendment of \$293,017 in the \$7.965 Million Sunshine Loan No. 8 Environmentally Sensitive Land 2006 Debt Service Fund to record interest, recurring issue costs and reserve for future debt service payments;

D) Budget Transfer of \$289,934 in the General Fund from the General Fund Contingency to the \$7.965 Million Sunshine Loan No. 8 Environmentally Sensitive Lands 2006 Debt Service Fund for debt service payments; and

E) Budget Amendment of \$2,600,000 in the Capital Outlay Fund to recognize a transfer from the Natural Areas Fund for capital improvements to various Natural Area sites.

SUMMARY: On October 12, 2006, the Board adopted a Resolution (R2006-2300), authorizing the negotiation of a loan in an amount not-to-exceed \$17 Million from the Sunshine State Governmental Financing Commission for the purchase of the RV Holding property. In order to maximize the use of the remaining bonds proceeds in the 1999 and 2001A Land Conservation Bonds Funds to purchase the three parcels of land in the Cypress Creek Natural Area, certain capital projects were shifted to the Natural Areas Fund and only \$7.8 Million plus closing costs is initially needed from the Sunshine Loan for RV Holding. The Budget Amendments record the \$7.965 Million Sunshine Loan and the Budget Amendment in the Capital Outlay Fund recognizes a transfer from the Natural Areas Fund for capital improvements at various Natural Area sites that was approved by the Board on November 21, 2006. The FY 2007 debt service for the Sunshine Loan is being funded from General Fund Contingency. Countywide (PFK) (OFMB)

35 5F-1 **DELETED: Staff recommends motion to: A) adopt** a Resolution approving the third Amendment to the State Housing Initiative Partnership (SHIP) Local Housing Assistance Plan (LHAP) for Fiscal Years 2004-2005; 2005-2006; 2006-2007 (R2004-0741)....(Further staff review, moved to December 19, 2006) (HCD)

35 5F-2 **ADD-ON: Staff recommends motion to conceptually approve:** The Commission on Affordable Housing Single Family Development Assistance Program recommended awards, totaling \$2,000,000 to the following:

Houston Realty and Investments, Inc. "Amelia Estates" - 30 units. \$800,000
District 6

Northwest Riviera Beach Community Redevelopment Corp.
"Brooks Subdivision" - 5 very low units and 13 low to moderate
income units. District 7 \$700,000

Northwood Renaissance, Inc. "Village Centre" - 10 low income and
20 moderate income units. District 7 \$400,000

Housing Trust LLC "La Perla" - 28 low income and 20 moderate

income units. District 2\$100,000

SUMMARY: Palm Beach County receives an annual allocation of \$7,454,289 from the State of Florida to implement various affordable housing programs and related activities. The Single Family Development Program (home ownership) falls under this allocation. The Single Family Development Assistance Program provides assistance to eligible developers of home ownership developments serving very low, low and moderate-income households with the goal of increasing the number of affordable owner housing units available to income eligible residents. This is achieved through a reduction in the purchase price charged by the builder/developer to the amount of SHIP funds given. The CAHAC Committee reviewed the proposals received and ranked each proposal in accordance with their approved rating criteria under this program. The numeric scores for each proposal received were as follows: Housing Trust, LLC, “La Perla” (126 points), Houston Realty and Investments, Inc. “Amelia Estates” (125 points), Northwood Renaissance, Inc. “Village Centre” (121 points), and Northwest Riviera Beach Community Redevelopment Corp. “Brooks Subdivision” (111 points). These scores were out of a possible 250 points. During the Commission on Affordable Housing’s Advisory Committee (CAHAC) meeting held November 16, 2006, the above funding recommendations were made. Although the CAHAC subcommittee recommended different funding allocations, the CAHAC is recommending the above listed amounts. Each developer agreed to accept the award as recommended by the CAHAC and indicated the projects could move forward even though the recommended allocations are less than their requested amounts, with the exception of Housing Trust LLC. Districts 2, 6 & 7 (TKF)

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5F-3

ADD-ON: Staff recommends motion to adopt: a Resolution approving the Fourth Amendment to the LHAP for Fiscal Years 2004-2005, 2005-2006 and 2006-2007 to include the recommended definition of Essential Services Personnel. **SUMMARY:** The State of Florida through the Florida Housing Finance Corporation has mandated every local jurisdiction looking to benefit from the newly appropriated Community Workforce Housing Innovation Pilot (CWHIP) Program funding to establish a definition for “Essential Services Personnel” by adopting language to identify such essential services personnel. Countywide (TKF)

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5G-1

ADD-ON: Staff requests Board direction: regarding letter proposal from Secretary Lewis (Florida Department of Management Services) dated October 20, 2006 regarding; 1) co-locating public uses on the State’s Dimick Block within the proposed West Palm Beach Transit Oriented Development District; and 2) requesting additional funding in the amount of \$2,900,000 for the construction of the new replacement Health Department facilities. **SUMMARY:** On July 18, 2006, the Board held a workshop to update three (3) County facilities master plans. With respect to the Government Hill Master Plan, the Board indicated support to consider meeting the County’s need for four (4) acres on Government Hill in a different location within the City’s Transit Oriented Development District. On October 11, 2006, State and County staff, representatives of the City, Health Department and Health Care District met to work through the planning aspects of

co-locating the public uses on the Dimick Block. On October 20, 2006, Secretary Lewis sent a letter detailing the basic deal terms in the form of a proposal to the County which includes the consensus land allocation plan. While the physical aspects of the consensus Dimick Land Allocation Plan are feasible, staff believes that the financial aspects of the business terms presented by Secretary Lewis to implement the transaction between the State and County are beyond the terms previously contemplated by the Board and the proposal as currently presented is not one that staff can recommend the Board conceptually approve. (FDO Admin) Countywide/District 7 (JM) (FD&O)

37 7A-1

REVISED MOTION/TITLE: Staff recommends motion to:

A) reappoint the following members to the Treasure Coast Regional Planning Council: ...

Regular Reappointments: (Pick 3 of 4)

Nominees	Seat No.	Requirement
Commissioner Karen Marcus	1	Palm Beach County Official
Commissioner Jeff Koons	2	Palm Beach County Official
Commissioner Warren Newell	3	Palm Beach County Official
Commissioner Addie L. Greene		Palm Beach County Official

Alternate Reappointments:

Commissioner Addie L. Greene	1A	Palm Beach County Official
Commissioner Mary McCarty	2A	Palm Beach County Official

B) appoint the following member as an alternate to the Treasure Coast Regional Planning Council:

One (1) vacancy <u>or two (2) vacancies</u>	1A	Palm Beach County Official;
	3A	<u>Palm Beach County Official; and</u>

40 7D-1

REVISED TITLE: Staff recommends motion to make six appointments: to the Budget Advisory Committee to represent Commission Districts 1, 2, 4, 5, 6 and 7 from the nominees listed below:

Nominee	Background	Nominated by
Robert C. "Budd" Kneip	Private Consultant	Comm. Marcus
Ken Neilson	Internal Audit	Comm. Koons
John A. (Jack) Warner	Executive Consultant	Comm. McCarty
Arthur Bernstein	Former Banker	Comm. Aaronson
Steve Templeton	Accounting	Comm. Santamaria
Carolyn Williams-Smith	Accounting	Comm. Greene
Andy Charnoubi	Accounting/Finance	Self
Jay H. Abrams, Ph.D.	Municipal Credit Analyst	Self
John Parsons	Sales/Marketing	Self
Randolph A. Roy	VP & Treasurer, Moody's	Self
Richard C. Hitchins	Accounting	Self
Richard Rampell	Accounting	Self

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 (*).