

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

SEPTEMBER 11, 2007

**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 8 - 49)**
- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 50)**
- 5. PUBLIC HEARINGS - 9:30 A.M. (Pages 51 - 52)**
- 6. REGULAR AGENDA (Pages 53 - 62)**
TIME CERTAIN – 2:15P.M. (Permitting Process Regarding Mining Impacts within EAA Study)
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- 7. BOARD OF COUNTY COMMISSIONERS SITTING AS THE ENVIRONMENTAL CONTROL BOARD (Page 63)**
- 8. BOARD APPOINTMENTS (Pages 64 - 67)**
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to receive and file:** Resolution No. 007-8 of the Town Commission of the Town of Gulf Stream, Florida, supporting House Bill 1363 entitled "Organized Criminal Activity," which renames and amends the "Criminal Street Gang Prevention Act of 1996" as the "Organized Crime Group Prevention Act of 2007."

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

A) expenditure in the amount of \$120,000 to assist in the installation and twenty (20) years maintenance of twenty (20) cobra head street lights within the Dillman Heights Countywide Community Revitalization Team (CCRT) area;

B) Budget Transfer of \$68,000 from the Transportation Improvement Fund Reserves for District 2 to the Capital Outlay Fund for \$40,000 and \$28,000 in the CCRT Street Lighting Maintenance Fund;

C) Budget Transfer of \$52,000 in the Capital Outlay Fund OCR Street Lighting Program to the CCRT Street Lighting Maintenance Fund;

D) Budget Amendment of \$40,000 in the Capital Outlay Fund to recognize and appropriate the transfer from the District 2 reserve funds; and

E) Budget Amendment of \$80,000 in the CCRT Street Lighting Maintenance Fund to recognize and appropriate the transfer of \$52,000 from the Capital Outlay Fund and the transfer of \$28,000 from District 2 reserve funds.

SUMMARY: This street lighting project was initiated by members of the Dillman Heights neighborhood group and the total amount of funding provided for this project is \$120,000. Based on Office of Community Revitalization (OCR) staff review, it was determined that the installation of these streetlights would help reduce area crime, enhance pedestrian safety and facilitate safer vehicular movement. District 2 (AH)

3. **Staff recommends motion to approve:** execution of the First Amendment to the Interlocal Agreement creating the Palm Beach Workforce Development Consortium, authorizing the execution of such other documents as may be necessary to complete the transactions contemplated hereby; and providing an effective date. **SUMMARY:** Public Law 105-220 enacted by the Congress of the United States effective August 1998, which Act is known as the Workforce Investment Act (“WIA”), established a program to provide universal access to workforce development services for the businesses and citizens of Palm Beach County. Countywide (TKF)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

4. **Staff recommends motion to approve:** a \$149,243 Contract with Florida Atlantic University Board of Trustees (FAU) from October 1, 2007 to September 30, 2008 to establish measurable benchmark performance standards, assess businesses and citizens input, and conduct a research on the fiscal effects of the Palm Beach County Strategic Economic Development Plan on local and county governments. **SUMMARY:** In Fiscal Year 2007, FAU assisted in establishing a monitoring system for the BCC-approved Strategic Economic Development Plan’s action items. The proposed \$84,243 Contract with FAU will assist in the implementation of the County’s adopted Strategic Economic Plan. The services outlined for this Contract are to: a) refine and implement

the monitoring system of action items listed in the Strategic Plan; b) continue to develop the process for confirming lead agency and partner participation; c) ascertain timelines for projects and task completion accordingly in conjunction with EDO; d) establish focus/partner groups, identify participants, set up process for refining data and input collection as well as identifying progress and impediments; e) research for and recommend economic indicators for the County to measure the success in moving toward its economic goals. FAU will conduct a feasibility study by evaluating other U.S. indicator systems and their applicability to Palm Beach County; and f) provide an analysis of the net fiscal contributions of the Palm Beach County Strategic Economic Development Plan that includes net fiscal contributions on local and county governments and a fiscal impact analysis of the net costs versus revenues across seven economic development thrusts. Countywide (DW)

5. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, authorizing the submittal of six (6) regional projects from the 21st Century Palm Beach County Strategic Economic Development Plan to be included in the Treasure Coast Regional Planning Council's 2007 Comprehensive Economic Development Strategy (CEDS) Plan to include: 1) A Regional Storm Water Drainage Project in the Urban Redevelopment Area; 2) Lake Region Water Treatment Plant and Water Transmission and Distribution System; 3) Canal Redevelopment for Marine Industry Development; 4) A Regional Inland Port; 5) A Pilot Project for a Public Ferry System; and 6) An International Research Institute. **SUMMARY:** Treasure Coast Regional Planning Council prepares the CEDS Plan as required by the US Department of Commerce, Economic Development Administration (EDA) for Indian River, Martin, Palm Beach and St. Lucie Counties. The six (6) projects are covered in the Board approved 21st Century Palm Beach County Strategic Economic Development Plan. In order to be eligible for EDA funding over the next five (5) years, regional projects must be identified in the 2007 CEDS Plan. District 6 (DW)

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners= meetings: None
3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller=s Office. Countywide
4. **Staff recommends motion to authorize:** the Clerk's office to sell 18 shares of Time Warner Cable shares in the most expeditious and cost effective manner. **SUMMARY:** Approval of the sale of said shares will provide final disposition of shares received by the Department of Engineering and Public works as part of Adelphia's bankruptcy settlement. The sale is recommended because Common Stock is not an authorized investment for County funds, as outlined in the County Investment Policy. As of July 31,

2007, the price per share of Time Warner Cable was \$38.15 for a total of \$686.70.
Countywide (PFK)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to receive and file:** a Report of plat recordations from April 1, through June 30, 2007. **SUMMARY:** This is a quarterly summary of subdivision plats recorded during the past fiscal quarter as required by the Department of Engineering and Public Works Policies and Procedures Manual Item No. ED-0-11, governing administrative approval of plats by the County Engineer. Countywide (MRE)

2. **Staff recommends motion to approve:**
 - A) a Budget Transfer of \$42,967 in the Municipal Service Taxing Unit (MSTU) District Fund "C" from Reserves to Redding Road Watermain (Project); and

 - B) a \$37,060.84 Task Agreement under the Annual MSTU Districts "A" through "E" Agreement dated April 10, 2007 (R2007-0462) with Civil Design, Inc. for engineering, surveying, geotechnical and permitting for the Project.

SUMMARY: In accordance with the MSTU Ordinance (94-11), final re-petitions have been received by a majority (greater than 51%) of the property owners requesting potable water service improvements be accomplished for Redding Road. This complies with the existing MSTU Program Policies and Procedures. District 3 – MSTU "C" (PFK)

3. **Staff recommends motion to approve:** An Agreement with Stonehaven Estates Homeowners Association Incorporated (Community) for traffic control jurisdiction to be performed by the Palm Beach County Sheriff's Office. **SUMMARY:** This Agreement authorizes the Palm Beach County Sheriff's Office to provide traffic control enforcement services within the above-referenced private residential Community. District 6 (MRE)

4. **Staff recommends motion to approve:** an Agreement with 1950 Congress Avenue, LLC (1950) to provide funds of up to \$1,000,000 toward the replacement of the Old Boynton Road Bridge over the E-4 Canal. **SUMMARY:** 1950 is widening Old Boynton Road from Congress Avenue to Boynton Beach Boulevard, and Palm Beach County (County) has programmed funds to replace the Old Boynton Road Bridge over the E-4 Canal. This Agreement will allow the County to reimburse 1950 with these funds. District 3 (MRE)

5. **Staff recommends motion to approve:** an Amendment to the Financial Assistance

Agreement (R2006-1226) with the Town of Lake Park (Town), for an extension of the completion date for engineering and beautification design. **SUMMARY:** The original Agreement provides for a reimbursement to the Town in an amount not-to-exceed \$160,000 for the Town's engineering and beautification design for Park Avenue from Seventh Street to Federal Highway. This Amendment with the Town will extend the completion date from June 30, 2007 to June 30, 2008. The completion date of the engineering and beautification design has been delayed due to Town staff turnover. District 1 (MRE)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

6. **Staff recommends motion to terminate:** the Interlocal Agreement with the Loxahatchee Groves Water Control District concerning a signage program dated January 5, 1993 (R93-15D). **SUMMARY:** Palm Beach County entered into an Interlocal Agreement with Loxahatchee Groves Water Control District on January 5, 1993. In accordance with this Agreement, the County furnished standard traffic control signs and the District installed and maintained them. On March 30, 2007, the geographical territory of the District was incorporated into the Town of Loxahatchee Groves. In accordance with Florida Statute 316.006 (2), the new municipality has the original jurisdiction over all streets and highways located within its boundaries, except state roads, and may place and maintain any necessary standard traffic control devices on these streets and highways. As a result of the incorporation of the new town, the County no longer has the authority or responsibility to furnish or install traffic control devices on any streets or highways within the boundaries of the Town of Loxahatchee Groves. District 6 (MRE)

7. **Staff recommends motion to approve:** Supplemental Agreement No. 4 to Project Agreement R2003-1492 in the amount of \$127,056.57 with Metric Engineering, Inc. (MEI) for professional services. **SUMMARY:** This Supplemental Agreement will provide the services necessary for the preparation of plan revisions for 45th Street from Jog Road to east of Haverhill Road (Project). Districts 6 & 7 (PFK)

8. **DELETED**

9. **Staff recommends motion to approve:** Establishment of an impact fee credit with G.L. Homes for Canyon Lakes, Canyon Isles, and Canyon Springs, for the construction of Lyons Road from Boynton Beach Boulevard south to the L-28 Canal. **SUMMARY:** Canyon Lakes, Canyon Isles, and Canyon Springs (Fogg Projects) have development order conditions to construct Lyons Road and Acme Dairy Road. All three (3) projects will have access to both Lyons Road and Acme Dairy Road. G.L. Homes is requesting roadway impact fee credit for the construction of Lyons Road. The cost for the

construction of Lyons Road from Boynton Beach Boulevard south to the L-28 Canal was approximately \$4,200,000. The three (3) projects will generate approximately \$6,000,000 in road impact fees. District 5 (LB)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

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

A) a Budget Amendment of \$49,340 in the Municipal Service Taxing Unit Street Improvement Program (MSTU) District "C" Fund to recognize a Utility Reimbursement from the City of Palm Springs and appropriate it to Clinton Boulevard and Cambridge Street Paving and Drainage;

B) a Budget Transfer of \$250,260 in the MSTU District "C" Fund from Reserves to Kidd and McConnell Street Paving & Drainage (\$74,725) and Clinton Boulevard and Cambridge Street Paving and Drainage (\$175,535); and

C) a Contract with J.W. Cheatham, LLC, in the amount of \$1,130,536.05 for paving and drainage improvements to Kidd Street, 2nd Street, McConnell Street, Clinton Boulevard and Cambridge Street (Project).

SUMMARY: The Project consists of all work necessary to improve paving and drainage for five (5) roads in central Palm Beach County. The improvements for Kidd Street, 2nd Street, McConnell Street, Clinton Boulevard and Cambridge Street, all within Kenwood Estates, include twenty (20) feet of asphalt pavement and the associated drainage system. Two (2) of the roads, Clinton Boulevard and Cambridge Street, also include construction of 5-foot sidewalks on both sides of the roadways. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the project by J.W. Cheatham, LLC, is 17.33% overall. Districts 2 & 3 (MRE)

11. **Staff recommends motion to adopt:** a Resolution vacating a 5' X 20' anchor easement located within Lot 8, Waterway Vista as recorded in Plat Book 25, Page 158, Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located north of PGA Boulevard and west of Ellison Wilson Road. The vacation of this anchor easement will increase the buildable lot area, allowing the septic tank to be constructed in the property's front yard. District 1 (PFK)

12. **Staff recommends motion to approve:** a Contract not-to-exceed the total value of \$465,000 for task orders which may be issued to Southeast Attenuators, Inc., the lowest responsive, responsible bidder for the Annual Guardrail Contract. **SUMMARY:** The Annual Guardrail Contract consists of furnishing and installing guardrail,

furnishing guardrail products, removing and disposing of "old" guardrail and/or resetting of existing guardrail. Small Business Enterprise (SBE) goals were established at 15% of the overall contract amount. The sole bidder, Southeast Attenuators, Inc. failed to achieve any SBE participation. Countywide (MRE)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

13. Staff recommends motion to approve:

A) an Interlocal Agreement with the City of Lake Worth (City) for future road work on 10th Avenue North and the transfer of jurisdictional responsibility of 10th Avenue North to the City; and

B) a Budget Transfer of \$210,000 in the Transportation Improvement Fund from Reserves for District 3 to City of Lake Worth/10th Avenue North from I-95 to North of Federal Highway.

SUMMARY: The City has agreed to assume maintenance responsibility for 10th Avenue North from the east right-of-way of I-95 to the west right-of-way of North Federal Highway, upon acceptance of this Agreement by the County. The County agrees to fund and construct the improvements shown in Exhibit "A" of the Interlocal Agreement. However, the County will construct the improvements only after the City has entered into a License Agreement with the Florida East Coast Railway Company (FEC) to assume payment of the maintenance for the crossing on 10th Avenue North. Districts 3 & 7 (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to receive and file: the official Transcript for the closing of the \$8,160,000 Sunshine State Governmental financing Commission Tax-Exempt Commercial Paper Revenue Notes (Palm Beach County, Program for Parks Improvements) Series J, as authorized by Resolution R2006-1512 adopted on August 15, 2006. **SUMMARY:** The closing occurred October 19, 2006. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

2. Staff recommends motion to receive and file: the official Transcript for the closing of the \$17,000,000 Sunshine State Governmental financing Commission Tax-Exempt Commercial Paper Revenue Notes (Palm Beach County, Program for Environmentally Sensitive Lands) Series J, as authorized by Resolution R2006-2300 adopted on October 17, 2006. **SUMMARY:** The closing occurred December 6, 2006. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

3. **Staff recommends motion to receive and file:** the official Transcript for the closing of the \$36,000,000 Palm Beach County, Florida, Variable Rate Revenue Bonds (Saint Andrew's School of Boca Raton, Inc. Project), Series 2007 (the "Bonds"), as authorized by Resolution R2007-0906 adopted on June 6, 2007. **SUMMARY:** The closing occurred June 14, 2007. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)
4. **Staff recommends motion to receive and file:** the Certificate of Airport Consultant for the Palm Beach County Airport System Revenue Bonds (the "Airport Bonds") related to the issuance of the County's Variable Rate Demand Airport Revenue Bonds (Galaxy Aviation Project, Series 2007) (the "Galaxy 2007 Bonds"). **SUMMARY:** The Airport Bonds require the filing with the Clerk of a Certificate of Airport Consultant in connection with the issuance of the Galaxy 2007 Bonds. This Certificate of Airport Consultant should now be received and filed in the Minutes Department. Countywide (PFK)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

5. **Staff recommends motion to approve:** a Settlement in the amount of \$129,850, including attorney's fees, but excluding costs, in the eminent domain action styled Palm Beach County v. Maria Mink, et al., Case No. 502006CA010149XXXMB, for business damages as to Southern Gardens Nursery, operated by this business tenant on parcel 103. **SUMMARY:** The County has negotiated a business damage settlement in the amount of \$129,850, including attorney's fees, but excluding costs, subject to the approval of the Board of County Commissioners, for business damages to Southern Gardens Nursery being operated on parcel 103. Pursuant to Section 73.015, Florida Statutes (2006), the business tenant made an initial good faith offer in the amount of \$194,266 to settle its business damage claim. Pursuant to the same Statute, the County timely made a counter business damage offer in the amount of \$70,000. At mediation, the County entered in to a proposed business damage settlement in the amount of \$115,000, subject to approval of the Board of County Commissioners. Attorney's fees in the amount of \$14,850 were calculated mathematically pursuant to Florida law, making the total settlement amount, inclusive of attorney's fees, but excluding costs, \$129,850. If this settlement is approved, the County would be required to pay \$129,850 to fully fund this settlement, excluding costs, because in the case of business damages there is no initial deposit made into the Registry of the Court. District 6 (PM)
6. **Staff recommends motion to approve:** a Settlement in the amount of \$161,962, including attorney's fees, but excluding costs, in the eminent domain action styled Palm Beach County v. Maria Mink, et al., Case No. 502006CA010149XXXMB, for the taking of parcels 104/238/304, owned by Ronald L. Schwartz, Cheryl K. Schwartz and occupied by a business tenant, Country West Landscaping, Inc. **SUMMARY:** The County has negotiated a settlement in the amount of \$161,962, including attorney's fees, but excluding costs, subject to the approval of the Board of County Commissioners, for parcels 104/238/304, which includes compensation for the land taken and all damages

of any type, including business damages. The County previously deposited \$86,100 as its initial good faith deposit and estimate of value for the land taken and the improvements thereon. The proposed settlement is \$145,000 for the land taken, the improvements, and all other damages, including business damages, plus attorney's fees in the amount of \$16,962, calculated mathematically pursuant to Florida law. The total settlement including attorney's fees, but excluding costs, is \$161,962. If this settlement is approved, it would require the County to pay an additional \$75,862 to fully fund the settlement, excluding costs. District 6 (PM)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** Standard Agreement No. IR007-9500 for the Respite for Elders Living in Everyday Families (RELIEF) program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2007, through June 30, 2008, in the amount of \$102,058. **SUMMARY:** The RELIEF Standard Agreement will allow the County, through its Division of Senior Services (DOSS), a lead agency, to provide an expansion of currently available in-home respite, specifically evening and weekend respite, in order to increase the ability of a family unit to continue to care for a homebound elderly individual beyond the basic provisions of current public programs. Under this Agreement, DOSS will directly provide 14,077 volunteer service hours at a unit reimbursement rate of \$7.25 for each hour of in-home respite, and each hour of training provided to volunteers. The unit rate provides a stipend for the RELIEF volunteers of \$2.55 per hour, plus \$2.50 daily for meal expense and \$.485 a mile for travel allowance. RELIEF services are funded with \$102,058 in state funds provided through the AAA agreement and additional County funds in the amount of \$69,132 are needed to cover staff salaries and administrative costs not covered by the Agreement. The Agreement spans two (2) County fiscal years. Sufficient funding is available in the FY 2007 budget to meet County obligations. County funding required to meet FY 2008 obligations has been requested in the FY 2008 budget process. (DOSS) Countywide (TKF)

2. **Staff recommends motion to approve:** Amendment No. 001 to Standard Agreement No. IA007-1 (R2007-0119; dated February 6, 2007) for the Older Americans Act (OAA) Program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. for the period January 1, 2007, through December 31, 2007, increasing the agreement amount by \$76,634 for a new total not-to-exceed the amount of \$1,976,742 for various supportive services to seniors. **SUMMARY:** This Amendment will increase OAA-IIIB In-Home Services by \$2,106; C1 Congregate Meals by \$74,272; C2 Home Delivered Meals by \$263; and decrease IIIE-G1 Adult Day Care by \$7. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provide OAA services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5 & 7 south of Hypoluxo Road (TKF)

3. **Staff recommends motion to approve:** Contract with 211 Palm Beach Treasure Coast, Inc. in an amount not-to-exceed \$45,707 for the period October 1, 2007, through September 30, 2008, for supportive services to homeless persons. **SUMMARY:** 211 Palm Beach Treasure Coast, Inc. will provide homeless individuals access to a toll free Homeless Helpline and an intake worker 24 hours per day, 7 days a week for 365 days a year. The intake worker screens appropriate referrals for the Homeless Outreach Teams (HOT), accesses other available resources and enters all data into the Client Management Information System (CMIS), a centralized computer database. The Homeless Helpline will work in conjunction with the 211 Information System. Payment is based on a unit cost and the estimated number of appointments scheduled for the HOT. A total of \$45,707 in County funds is included in the FY 2008 budget. County obligations under this Contract are subject to budget approval. (Human Services) Countywide (TKF)

4. **Staff recommends motion to approve:** Contract with The Center for Family Services of Palm Beach County in an amount not-to-exceed \$47,514 for the period of October 1, 2007, through September 30, 2008, for emergency shelter services to homeless persons. **SUMMARY:** The Center for Family Services will coordinate emergency after hours' shelter placement and food, including the provision of transportation and ongoing case management to homeless persons until alternate placement can be arranged. A total of \$47,514 in County funds is included in the FY 2008 budget. County obligations under this Contract are subject to budget approval. (Human Services) Countywide (TKF)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. **Staff recommends motion to approve:** Contract with Christians Reaching Out to Society (CROS) Ministries, Inc. in an amount not-to-exceed \$42,548 for the period of October 1, 2007, through September 30, 2008, to provide gleaning services. **SUMMARY:** CROS Ministries will recruit and coordinate gleaning opportunities through local church, civic and non-profit agencies, in the County to develop strong neighborhood relationships, opportunities and support systems. Gleaning is the gathering of excess produce after the fields have been harvested. The produce is transported to the Daily Food Bank to be distributed to homeless shelters, day care centers, senior centers, and emergency food pantries. This project is a collaboration between the County, CROS and United Way to bring fresh produce into low income neighborhoods as fresh fruit and vegetables are usually too expensive and/or of poor quality in these areas. The addition of these resources adds much needed nutrition to the diet and promotes health and wellness. A total of \$42,548 in County funds is included in the FY 2008 budget. County obligations under this Contract are subject to budget approval. (Human Services) Countywide (TKF)

6. **Staff recommends motion to approve:** Contract with Gulfstream Goodwill Industries, Inc. in an amount not-to-exceed \$34,005 for the period October 1, 2007, through September 30, 2008, for supportive services to homeless persons. **SUMMARY:** Goodwill Industries, Inc. will provide case management services to thirty (30) homeless individuals through the Transitional Housing program, Project SUCCESS. Case management services are a vital link to meet the needs of the homeless individual to overcome the numerous barriers that have led to their homelessness. A total of \$34,005 in County funds is included in the FY 2008 budget. County obligations under this Contract are subject to budget approval. (Human Services) Countywide (TKF)
7. **Staff recommends motion to approve:** Contracts with the following vendors for the period of October 1, 2007, through September 30, 2008 for support services to homeless individuals:
- A)** Oakwood Center of the Palm Beaches, Inc. in an amount not-to-exceed \$ 42,330;
and
- B)** Comprehensive Alcoholism Rehabilitation Programs, Inc. (CARP) in an amount not-to-exceed \$42,330.
- SUMMARY:** Oakwood Center of the Palm Beaches, Inc. and Comprehensive Alcoholism Rehabilitation Programs, Inc. (CARP) provide special population staffing that target homeless persons. Separate contracts are provided for these two (2) agencies. Each contract will receive \$42,330. A total of \$84,660 in County funds is included in the FY 2008 budget. County obligations under these contracts are subject to budget approval. (Human Services) Countywide (TKF)
8. **Staff recommends motion to approve:** Contract with Oakwood Center of the Palm Beaches, Inc. in an amount not-to-exceed \$73,318 for the period of October 1, 2007, through September 30, 2008, for services to homeless individuals. **SUMMARY:** Oakwood Center of the Palm Beaches, Inc. will provide supportive services through the Homeless Assertive Community Treatment Team to include case management, employment counseling, medication management, benefits counseling, peer counseling and group counseling. These services are provided to homeless individuals who are severely mentally ill or dually diagnosed and have been placed in permanent housing through the Housing and Urban Development (HUD) Shelter Plus Care grant programs. A total of \$73,318 in County funds is included in the FY 2008 budget. County obligations under this Contract are subject to budget approval. (Human Services) Countywide (TKF)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

9. **Staff recommends motion to approve:** Contract with The Lord's Place in an amount not-to-exceed \$63,000 for the period of October 1, 2007, through September 30, 2008,

for support services to homeless persons. **SUMMARY:** The Lord's Place will provide supportive services to a maximum of 78 homeless individuals in an effort to reduce recidivism of single, chronic homeless males through Operation Jump Start. The project's objective is to reduce the "revolving door" syndrome of chronic homeless males by extending emergency shelter from 30 to 60 days; educating and motivating participants towards change that will create self-sufficiency through an intensive day program; and evaluating the effectiveness of a low demand program in engaging and creating change in the chronic homeless population. Case management services are a vital link to meet the needs of the homeless individual to overcome the numerous barriers that have led to their homelessness. A total of \$63,000 in County funds is included in the FY 2008 budget. County obligations under this Contract are subject to budget approval. (Human Services) Countywide (TKF)

10. **Staff recommends motion to approve:** Contract with the United Way of Palm Beach County in an amount not-to-exceed \$25,000 for the period October 1, 2007, through September 30, 2008 to support the Community Food Alliance. **SUMMARY:** The County continues to partner with the United Way to provide staff support of the Palm Beach County Community Food Alliance. This Alliance implements the Countywide Community Food Security Action Plan to decrease hunger in Palm Beach County. This action plan was developed as a result of the 2004 Food Security Survey. Funding from the County will be matched by United Way for the support of the salary/benefits and related expenses of the Community Food Alliance Coordinator. County obligations under this Contract are subject to budget approval. (Human Services) Countywide (TKF)
11. **Staff recommends motion to approve:** Contract with United Way of Palm Beach County, Inc. (United Way) for the period October 1, 2007, through September 30, 2008, in an amount not-to-exceed \$25,000 to provide disaster recovery services. **SUMMARY:** This Contract with United Way will support staffing and related expenses for the Disaster Recovery Coalition. United Way agrees to provide oversight as the fiscal agent for the Coalition and direct supervision of coalition personnel. The Coalition will provide disaster response and recovery services in support of the Palm Beach County Comprehensive Emergency Management Plan. County obligations under this contract are subject to budget approval. (Human Services) Countywide (TKF)
12. **Staff recommends motion to adopt:** Resolution delegating authority to the County Administrator, or his designee to sign the Fiscal Year 2008 HIV Emergency Relief Grant Application and any other necessary documents. **SUMMARY:** The County has been notified that it is one of the Eligible Metropolitan Areas (EMA) which will receive funds under the Part A HIV Emergency Relief Grant. The grant application for FY 2008 must be submitted to the U.S. Department of Health and Human Services by October 15, 2007. To ensure that the grant application deadline is met, the delegation of authority to sign the application is requested. (Ryan White) Countywide (TKF)
13. **Staff recommends motion to approve:** Contract for consulting/professional services with Audrey Greenwald for the period of October 1, 2007, through September 30, 2008, in an amount of \$28,860 for speech and language services to Head Start children. **SUMMARY:** Audrey Greenwald will provide speech/language therapy by appropriate

licensed therapists to Head Start children. The provider is required to bill Medicaid for evaluations and services for children who are Medicaid eligible. Funding consist of \$23,088 (80%) in Federal funds and \$5,772 (20%) in County funds. The County's portion is included in the FY 2008 budget. (Head Start) Countywide (TKF)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

14. **Staff recommends motion to approve:** Consulting /Professional Services Contract with Multilingual Psychotherapy Centers, Inc. for the period October 1, 2007, through September 30, 2008, in an amount of \$36,000 for mental health services for Head Start and Early Head Start children. **SUMMARY:** Multilingual Psychotherapy Centers, Inc. will provide mental health services to Head Start/Early Head Start children and their families. Funding consists of \$28,800 (80%) in Federal funds and \$7,200 (20%) in County funds. The County's portion is included in the FY 2008 budget. (Head Start) Countywide (TKF)

15. **Staff recommends motion to approve:** Contract for provision of Ryan White Part A HIV Health Support Services with Treasure Coast Health Council, Inc. for the period March 1, 2007, through February 29, 2008, totaling \$190,020 for Emergency Relief Formula funds to provide Care Council support and program support services. **SUMMARY:** Treasure Coast Health Council, Inc. provides the staff and program support necessary for the HIV Care Council as part of the grant award requirements established by the Department of Health and Human Services Health Resources and Services Administration (HRSA). Funding is provided under the Ryan White Part A Emergency Relief Formula and no County funds are required. (Ryan White) Countywide (TKF)

16. **Staff recommends motion to approve:** Amendment No. 001 to the Contract for Consulting/Professional Services with Joseph L. Morse Geriatric Center-Just Checking Program (R2006-1095; dated June 20, 2006) for the period July 1, 2007, through June 30, 2008, for a not-to-exceed amount of \$20,040 to execute the first renewal option. **SUMMARY:** This Amendment exercises the first renewal option for professional/consultation services with Joseph L. Morse Geriatric Center-Just Checking Program. It allows the Division of Senior Service (DOSS) to continue to meet the Area Agency on Aging Palm Beach/Treasure Coast, Inc., (AAA) counseling services requirements of the Community Care for the Elderly (CCE) grant by providing mental health counseling services to clients on an individual basis at the same rate of \$60 per hour. Funding consists of \$18,036 (90%) in State funds and \$2,004 (10%) in County matching funds. The County match funds are included in the current and the tentative FY 2008 budget. No additional County funds are required. In the area south of Hypoluxo Road, Ruth Rales Jewish Family Services of South Palm Beach County (RRJFSSPBC) currently provides CCE services under similar grants from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5 & 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

17. Staff recommends motion to approve:

A) Amendments to the following Delegate Agencies/Contract Provider/Child Care Provider contracts as indicated below totaling \$89,139:

1) Amendment No. 1 to Apostolic Child Development Centers, Inc. (R2006-1091) for \$3,036 for a new total not-to-exceed agreement amount of \$256,208;

2) Amendment No.1 to Florence Fuller Child Development Centers, Inc. (R2006-1892) for \$2,537 for a new total not-to-exceed agreement amount of \$194,861;

3) Amendment No.1 to The Kings Kids Early Learning Center, Inc. (R2006-1093) for \$3,408 for a new total not-to-exceed amount of \$286,746;

4) Amendment No.1 to A Step Above Learning Center, Inc. d/b/a A step Above Learning Center (R2006-1090) for \$2,066 for a new total not-to-exceed amount of \$166,226;

5) Amendment No. 2 to Florence Fuller Child Development Centers, Inc. (R2006-1891) for \$14,828 for a new total not-to-exceed amount of \$1,014,664;

6) Amendment No.1 to Hispanic Human Resources Council, Inc. (R2006-1893) for \$28,685 for a new total not-to-exceed amount of \$1,941,032;

7) Amendment No. 1 to Emmanuel Child Development Center Inc. (R2006-1092) for \$2,390 for a new total not-to-exceed amount of \$200,790;

8) Amendment No. 2 to YWCA of Palm Beach County, Inc. (R2006-1895) for \$7,887 for a new total not-to-exceed amount of \$540,456;

9) Amendment No. 2 to Education Development Center, Inc. d/b/a My First Steps Preschool (R2006-1885) for \$8,139 for a new total not-to-exceed amount of \$560,557;

10) Amendment No. 2 to The Union Missionary Baptist Church, Inc. (R2006-1094) for \$3,201 for a new total not-to-exceed amount of \$277,575;

11) Amendment No.1 to Apostolic Child Development Centers, Inc. (R2006-1889) for \$8,448 for a new total not-to-exceed amount of \$571,629;

12) Amendment No. 1 to Hispanic Human Resources Council, Inc. (R2006-1884) for \$3,088 for a new total not-to-exceed amount of \$208,948;

13) Amendment No.1 to Family Central, Inc. (R2006-1890) for \$1,426 for a new total not-to-exceed amount of \$114,517;

B) Budget Amendment of \$218,399 for the Head Start /Early Head Start programs to recognize a Cost of Living Adjustment (COLA) award from the Department of Health and Human Services/Administration for Children, Youth and Families (HHS /ACYF) for the period October 1, 2006, through September 30, 2007.

SUMMARY: Head Start /Early Head Start has applied for and received a COLA award of \$218,399 (Head Start \$193,578, Early Head Start \$24,821) from the Department of Health and Human Services, Administration for Children and Families. This award is to provide for a 1.5% increase to Head Start and Early Head Start budgets and is distributed to the delegate agencies, contract providers and child care providers listed above (\$89,139); there is a pending amendment to one (1) additional delegate agency (\$16,133) not listed, and the remaining \$113,127 allocated for Head Start/Early Head Start for materials supplies, equipment, food and dietary and training. A required County match of \$54,600 is included in the current budget. A Budget Amendment is needed to align the County budget with the award. (Head Start) Countywide (TKF)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. **Staff recommends motion to approve:** the Sale of all common stock shares held by the County, arising from bankruptcy distributions of US Airways and Northwest Airlines. **SUMMARY:** US Airways filed for bankruptcy protection on August 11, 2002 with outstanding payments to the County's Department of Airports in the amount of \$154,975.66. Northwest Airlines filed on September 14, 2005 owing \$40,557.06. Under Chapter 11 of the United States Bankruptcy Code, debtors are granted relief from paying outstanding debts at the time of bankruptcy filing. Pursuant to the Plans of Reorganization from the respective companies and as approved by the US Bankruptcy Court, pro rata shares of common stock were issued to general unsecured creditors. The County's estimated stock value for US Airways and Northwest Airlines is \$24,465 and \$17,491, respectively, before transaction fees. Additional distributions are not expected. All Airport fees subsequent to the respective filing dates have been paid on a timely basis by both airlines. Under the terms and conditions of the County's Airline-Airport Use and Lease Agreement, unpaid debt is charged to all airline companies operating at Palm Beach International Airport (PBIA) as a component of terminal rents and landing fees. Therefore, the Department has recovered the value of the unpaid pre-petition debt through ongoing rates and charges. Countywide (PM)

2. **Staff recommends motion to approve:**
 - A)** Fifth Amendment to Airport Building/Ground Lease Agreement (R93-1323D) with Aircraft Service International, Inc., (ASII) extending the term of the agreement for an additional five (5) years to June 30, 2016; and

 - B)** Second Amendment to Fuel Farm Facilities Lease Agreement (R99-2004D) with

Aircraft Service International, Inc., extending the term of the agreement for an additional five (5) years to June 30, 2016.

SUMMARY: The Department of Airports is requesting approval to amend ASII's Airport Building/Ground Lease Agreement and ASII's Airport Fuel Farm Facilities Lease Agreement to extend both agreements for an additional five (5) years to June 30, 2016. The Board approved an extension to both agreements on August 15, 2006 to provide ASII with time to amortize its cost of bringing its fuel storage facilities into compliance with Florida Department of Environmental Protection requirements. Due to an increase in costs of the project, ASII is requesting a five (5) year extension to its agreements. ASII will be making an investment of \$2.871 million dollars on the project. Countywide (JB)

3. **Staff recommends motion to approve:** a List of twelve (12) charitable organizations to benefit from proceeds (coins) from the fountain at Palm Beach International Airport during the period of October 1, 2007, through September 30, 2008. **SUMMARY:** On March 14, 1989, the Board approved the concept of collecting contributions from the Airport's fountains on a monthly basis and contributing the funds to a different local charitable organization recommended by the Department of Airports in conjunction with the Community Services Department and approved by the Board. The Department of Airports recommends the non-profit organizations listed on Attachment "A" of the Agenda Item, provided by the Community Services Department to receive contributions for the coming year commencing October 1, 2007. Average monthly contributions for the past year have been approximately \$100. In addition, the list will be provided to The Paradise Shops, the Airport's retail operator, who will send the contribution from the fountain in its main gift shop along with an additional contribution of \$250 to the listed pursuant to its concession agreement. Countywide (AH)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. **Staff recommends motion to receive and file:** six (6) original Agreements for the Department of Airports:
 - A)** Consent to Assignment of North County General Aviation Airport Executive Hangar Lease Agreement with Sunrise Instruments & Avionics, Hangar No. 11250-07, effective August 9, 2007;
 - B)** Agreement to Terminate Hangar Lease Agreement with Saratoga Sky, LLC for Hangar No. 5, Building 11740, effective July 23, 2007 with a termination date of July 31, 2007 (amending R2006-0973);
 - C)** Air Freight Building Lease Agreement with Bullet Delivery of West Palm Beach, Inc., effective August 9, 2007;

D) Airline-Airport Use and Lease Agreement with US Airways, Inc., effective July 25, 2007;

E) Federal Aviation Administration Grant Agreement No. 3-12-0085-047-2007 of \$1,003,531 for “EIS Phase 2 – Additional Services including supplemental analysis of air quality, historic resources, noise, and additional public involvement” at Palm Beach International Airport, effective August 8, 2007; and

F) Federal Aviation Administration Grant Agreement No. 3-12-0086-007-2007 of \$142,500 for “Runway 33 Threshold Improvements: Restripe runway 15 threshold” at Palm Beach County Park Airport (Lantana), effective August 16, 2007.

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the BCC in R95-846, R96-1465, R2004-1367, R2005-2444 and R2006-2086. Countywide (AH)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

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

A) adopt a Resolution authorizing the issuance of a Public Improvement Revenue Bond Anticipation Note, Series 2007 in the principal amount of not exceeding \$20,100,000 in anticipation of the issuance of not exceeding \$170,000,000 Public Improvement Revenue Bonds, heretofore authorized by Resolution No. R2007-1228 of the Board adopted July 24, 2007, for the purpose of expediting the financing of the costs of acquisition, renovation, construction and equipping of Criminal Justice and Public Improvement Facilities and all other costs necessary or incidental thereto; approving the form of and authorizing the execution and delivery of a loan agreement providing for the terms and payment of such Bond Anticipation Note; providing for the rights, security and remedies of the holder thereof; making certain covenants and agreements therewith; authorizing the negotiated sale of the Bond Anticipation Note pursuant to a loan agreement with the successful bidder; authorizing the proper officials of the County to do all other things deemed necessary or advisable in connection with the issuance of such Bond Anticipation Note; and providing for an effective date; and

B) approve a Budget Amendment of \$20,045,000 in the \$20 Million Public Improvement Revenue Bond Anticipation Note, Series 2007 Capital Fund to record the proceeds of the note and the cost of issuance.

SUMMARY: On July 24, 2007, the Board adopted a Resolution No. R2007-1228 authorizing the issuance of Public Improvement Revenue Bonds in the principal amount not-to-exceed \$170 Million for the purpose of financing the costs of acquisition, renovation, construction, and equipping of additional criminal justice and public

improvement facilities. At that time, Facilities Development and Operations requested approval of a \$20 Million Bond Anticipation Note for the funding of the projects until the bonds are issued in February 2008. The County's Financial Advisor has requested bids from qualified lending institutions and the low bidder will be determined on September 4, 2007. The Budget Amendment sets-up the capital proceeds and the expected costs of issuance. Countywide (PFK)

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

A) a Budget Transfer of \$14,070,848 in the Public Building Improvement Fund from Future Construction Reserves to the Transfer to the General Fund; and

B) a Budget Amendment of \$14,070,848 in the General Fund to recognize the Transfer from the Public Building Improvement Fund and to increase Contingency Reserves.

SUMMARY: This budget transfer and amendment are necessary to move available funds in the Public Building Improvement Fund to the General Fund. These funds are available for transfer as a result of the reduction of a number of previously funded capital projects, and this recommendation is consistent with the Board's direction during our budget workshops. These funds will be used to help offset the property tax revenue reductions that have come about as a result of the "tax reform" approved by the Florida Legislature. Original funding for these de-funded projects was provided by a transfer from the General Fund. Countywide (PFK)

SEPTEMBER 11, 2007

3. **CONSENT AGENDA APPROVAL**

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

3. **Staff recommends motion to approve:** a Budget Transfer from school impact fee reserve accounts to school impact fee appropriation accounts for the following school impact fee funds:

<u>Fund</u>	<u>Amount</u>
School Impact Fee Zone 1	\$ 826,000
School Impact Fee Zone 2	\$1,327,000
School Impact Fee Zone 3	\$1,333,000
School Impact Fee Zone 4	\$ 659,000

SUMMARY: Estimated impact fees budgeted in reserve accounts cannot be appropriated until funds have been collected. The Budget Transfer allows for the appropriation of collected impact fees and allows the County to remit funds to the School District. Countywide (LB)

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

A) a Budget Transfer of \$93,648 in the Park Improvement Fund eliminating the balance

in FY 2007 District 3 Recreation Assistance Program (RAP) funding;

B) a Budget Amendment of \$93,648 in the General Fund recognizing an increase in the Contingency Reserves; and

C) a Budget Transfer of \$211,268 in the Transportation Improvement Fund eliminating the balance in FY 2007 District 3 District Improvement Program (gas tax) funding.

SUMMARY: Commissioner Kanjian has requested that the balances in FY 2007 District 3 RAP and gas tax funding be eliminated. The balances are being returned to the General Fund Contingency Reserve and the Transportation Improvement Fund Reserve for Future Projects, respectively. District 3 (PFK)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

1. Staff recommends motion to approve:

A) Amendment No. 1 to the Interlocal Agreement (R2006-1346) with the West Palm Beach Downtown Development Authority (DDA);

B) a Budget Transfer of \$25,025 to Palm Tran from reserves in the Public Building Improvement Fund to increase the transfer outline to Palm Tran Operations Fund; and

C) a Budget Amendment of \$25,025 in the Palm Tran Operations Fund recognizing the transfer from the Public Building Improvement Fund and increasing the salary budget line.

SUMMARY: The vertical expansion of the Judicial Center Parking Garage is expected to be completed in the spring of 2008; therefore, the interim parking solution of parking jurors at the Palm Beach County Convention Center needs to be extended. Amendment No. 1 is a six (6) month extension to the Interlocal Agreement with the DDA to continue transporting jurors back to the Convention Center. The cost to the County is identical to the DDA's costs. The County may terminate the agreement with the DDA with thirty (30) days written notice if the entire extension period is not needed. Palm Tran, which transports jurors from the Convention Center to the Courthouse in the morning shall continue its route from the Convention Center to the Courthouse through the end of March 2008 at a cost of \$25,025. The budget transfer and amendment are necessary to reflect payment to Palm Tran in lieu of formal agreement and invoice. The costs of both will be handled by the contingency established in the interim parking solution account and by the construction project contingency. The County's use of the Courthouse Commons parking garage will also be extended via separate approval through the end of March 2008. (FDO Admin) District 7 (JM)

2. **Staff recommends motion to approve:** Amendment No. 2 to Contract with The Gordian Group, Inc. (R2005-1489) to implement the second and final renewal for consulting/professional services and increase the not-to-exceed limit from \$265,000 to \$355,000. **SUMMARY:** Amendment No. 2 is the second and final renewal allowed by the contract. The Gordian Group provides professional services required to implement the Job Order Contract (JOC) system to facilitate renovation, repair, and/or maintenance improvement projects. Compensation is 1.5% of the dollar value of work orders issued to all JOC contractors. This Amendment is being processed now, due to the not-to-exceed limit having been reached after only eight (8) months of the twelve (12) month renewal term. This last renewal also increases the not-to-exceed limit by \$90,000 for a total of \$355,000 to reflect the estimated value of work orders to be issued in the next 12 months. Amendment No. 2 is a renewal to the Contract for Consulting/Professional Services, which was awarded to the Gordian Group, Inc. on August 16, 2005 and previously amended on December 5, 2006. All other terms of the original contract remain in effect. (FD&O Admin) Countywide (JM)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. **Staff recommends motion to approve:** Supplement No. 2 to Consultant Services Authorization (CSA) No. 1 to Contract with Miller-Legg & Associates, Inc. (R2005-0954) in the amount of \$159,714.30 to provide additional engineering and architectural services associated with Palm Tran's West Palm Beach Intermodal Transfer Facility (ITF). **SUMMARY:** Supplement No. 2 will include final engineering design for construction document preparation, regulatory permitting and bidding assistance, and complete construction administration services for the development and construction of a new bus loop and associated public transportation passenger services adjacent to the existing Seaboard Train Station in downtown West Palm Beach. The ITF, which is to be operated and maintained by Palm Tran, is designed to enhance the public ground transportation network and bring together the commuter rail and bus systems in a manner that facilitates transfer between the different modes of public transportation. These services are required to complete the design and effectively administer all construction activities. In accordance

class=Section2>

- 3.with the Federal Transit Administration's grant fund requirements, Miller-Legg will comply with all pertinent federal obligations and complete the Representations and Certifications form. Miller-Legg will provide SBE participation of 30.4% for this Authorization. When combined with all previous authorizations, the cumulative SBE participation is 18.4%, exceeding the 15% goal. (Capital Improvements Division) District 7 (JM)
4. **Staff recommends motion to approve:** a continuing services Contract with Hedrick Brothers Construction for construction management services for various capital projects. **SUMMARY:** This Contract provides for construction management services associated

with the design and construction of various capital projects, which may include new construction, additions, or renovations from \$400,000 to \$25,000,000. Once a project is assigned to Hedrick, a task authorization for preconstruction services will be authorized and Hedrick will prepare a Guaranteed Maximum Price (GMP) for the construction phase. The GMP will include the cost of work required by the construction documents and the construction manager's fee associated with project construction. Individual GMPs will be implemented as work orders to this annual contract and will be presented to the appropriate approval authority. The Contract is for a period of two (2) years with three (3) - one (1) year renewal options. SBE goals for the projects will be 15%. (Capital Improvements Division) Countywide (JM)

5. **Staff recommends motion to approve:** Contract with West Construction, Inc. for the construction of Dick Moroso Waterway Park in the amount of \$2,476,321. **SUMMARY:** This Contract will provide for the construction of a new waterway park along Broadway in Riviera Beach, providing public boat access to the Intracoastal Waterway south of Phil Foster Park. The improvements include construction of a boat launching basin with floating docks and three (3) public boat ramps, associated parking, a restroom building, two (2) gazebos and associated site improvements. The SBE goal for this project is 15%. The West Construction, Inc. bid includes participation of 19.9%. The contract time is 485 calendar days to substantial completion. (Capital Improvements Division) District 7 (JM)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. **Staff recommends motion to approve:** a Budget Amendment of \$96,334 in the Public Building Improvement Fund recognizing funds received from Palm Beach Community College (PBCC) and increasing the project budget line. **SUMMARY:** The funds received reflect PBCC's share of consultant services costs associated with the preparation of the re-zoning, subdivision plan and Environmental Resource Permit (ERP) for the 20-Mile Bend property. The pursuit of these approvals was made necessary as a result of the April 10, 2007 acquisition of approximately 100 acres of land from the South Florida Water Management District for the ultimate development for four separate uses (Law Enforcement Training Facility, Public Shooting Park, PBCC Public Safety Training Complex, and SFWMD Field Station). The land acquisition agreement required the County to pursue these approvals on behalf of all uses and the funding reimburses the County for the PBCC costs associated with the 21.5 acres of this property that will be developed by PBCC as a Public Safety Training Complex. (FDO Admin) District 6 (JM)
7. **Staff recommends motion to approve:** a Grant of Easement in favor of the Village of Wellington (Village) and the Acme Improvement District for a water main and sewer main serving the County's Wellington Library. **SUMMARY:** The County recently completed construction of the Wellington Library expansion located at the northwest corner of

Forest Hill Boulevard and Royal Fern Drive. Construction included installation of an extension of the water and sewer mains serving the Library. This Grant of Easement will provide for a perpetual and exclusive easement for the recently installed lines. The easement area is approximately 32' x 111' (3,552 square feet / 0.08 acres) and begins at Royal Fern Drive and continues west into the County property. This easement is being granted at no charge, as it will provide water and sewer service to the County facilities. (PREM) District 6 (JMB)

8. **Staff recommends motion to approve:** an Agreement for Purchase and Sale with the City of Belle Glade to acquire a 1.76 acre parcel of improved land at 525 SW 2nd Street in Belle Glade for \$1. **SUMMARY:** On December 20, 2005, the Board approved an Interlocal Agreement (R2005-2442), with the City of Belle Glade for Fire Protection and Emergency Medical Services. The Interlocal Agreement provided for the conveyance to the County of the City's existing fire station. Staff has completed due diligence, including a Phase I Environmental Site Assessment and title work, and no problems were discovered. In the event the County stops providing fire rescue services to the City, the City is obligated to repurchase the property for \$1, plus the fair market value of the improvements to the station made by the County, as determined by an appraisal. Closing is expected to occur within ten (10) days of Board approval. (PREM) District 6 (JMB)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. **Staff recommends motion to:**

A) adopt a Resolution authorizing the conveyance of the County's interest in 0.0266 acres of land to the City of Lake Worth, without charge and with a reservation of mineral rights, but without rights of entry and exploration; and

B) approve a County Deed in favor of the City of Lake Worth.

SUMMARY: The City of Lake Worth (City) has requested the conveyance of 0.0266 acres of surplus County-owned property located at the corner of 13th Avenue North and Federal Highway in Lake Worth. The City has leased the property from the County since 1976 (R76-1097), for public beautification, landscaping, and maintenance purposes at an annual rate of \$1. The term of the Lease Agreement expires November 23, 2036. In order for the City to continue its maintenance of the property without monitoring the Lease Agreement and requesting extensions to the term of the Lease Agreement, the City has requested the County convey the property to the City. There is no identified County use for the property and, pursuant to F.S. 125.38, the County is authorized to convey property to a municipality at no charge. The assessed value of the property is \$2,200. The conveyance to the City is subject to the following: i) the property shall be

used solely for public beautification, landscaping, and maintenance purposes; ii) the reservation of an easement for the County to operate and maintain a traffic control device; and iii) the County having the right to repurchase the property for \$1 should another County purpose be identified. Staff believes that this property will be more appropriately managed and maintained by the City. The County will retain mineral and petroleum rights in accordance with F.S. 270.11, without rights of entry and exploration. (PREM) District 3 (HJF)

10. **Staff recommends motion to approve:** BMC Replat No. 1. **SUMMARY:** In 2003, the County entered into an Agreement (R2003-0313) to sell 8.5 acres of property at the northeast corner of Belvedere Road and Military Trail to Belvedere Military Corporation (BMC). This property was incorporated into the Wal-Mart commercial shopping center. The Agreement with BMC required BMC to replat the entire project, including a small portion of the project which is still owned by the County. The County is required to execute the Plat as property owner. This action will close out all obligations of BMC and the County under the Agreement. (PREM) District 2 (HJF)

11. **Staff recommends motion to approve:** the Notice of Cancellation of Lease Agreement (R2005-1714) with Habitat for Humanity Palm Beach County, Inc. **SUMMARY:** On September 15, 2005, the Board approved a tri-party Lease Agreement with Habitat for Humanity Palm Beach County, Inc. and Truth, Responsibility, Unity, Training, Hope & Success, Inc. (TRUTH) for .33 acres of land located at 1031 and 1033 State Street, West Palm Beach for the operation of its 4-H Youth Community Garden Program. The term of the Lease Agreement will expire on March 21, 2008. TRUTH was dissolved in September 16, 2005, and has not participated in the community garden since that date. Due to the loss of funding through the 4-H Youth Community Garden Program, the Cooperative Extension Services Department has requested the cancellation of the Lease Agreement, which had an annual rental rate of \$1. The County has the right to cancel this Lease Agreement for any reason upon sixty (60) days prior written notice. (PREM) District 7 (HJF)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

12. **Staff recommends motion to approve:** a Utility Easement Agreement in favor of BellSouth Telecommunications, Inc. d/b/a AT&T Florida (BellSouth) for telephone and data lines providing communication service for the Parks & Recreation Department's Administration Building at John Prince Memorial Park (Building). **SUMMARY:** The County completed construction of new administrative offices for the Parks and Recreation Department in 2005. The construction required installation of new telephone and data lines. BellSouth requires a perpetual non-exclusive easement for the lines. The easement area commences near the Congress Avenue entrance to Park, continues through the Park along the main driveway, and culminates near the northwest corner of the Building. The easement area is approximately 3,300' in length by 10' wide, and

contains a total of 33,336 square feet (.77 acres). This easement is being granted at no charge, as it is required to provide communication service to County facilities. (PREM) District 3 (JMB)

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

A) a Utility Easement Agreement in favor of the City of Lake Worth to provide electrical service to the Parks & Recreation Department's Administration Building at John Prince Memorial Park (Building); and

B) a Utility Easement Agreement in favor of the City of Lake Worth to provide water service to the Building.

SUMMARY: The County completed construction of new administrative offices for the Parks and Recreation Department in 2005. The construction required installation of new electrical and water lines to service the Building. The City of Lake Worth requires perpetual non-exclusive easements for these lines. The electrical service easement area is approximately 567' in length by 10' wide, and contains a total of 5,672 square feet (.13 acres). The water service easement area is approximately 535' in length by 12' wide, and contains a total of 6,382 square feet (.15 acres). Both easements commence at the southern right-of-way of Sixth Avenue South, and continue southerly to the Building. Both easements are being granted at no charge, as they are required to provide services to County facilities. (PREM) District 3 (JMB)

14. **Staff recommends motion to approve:** a Utility Easement Agreement in favor of BellSouth Telecommunications, Inc. d/b/a AT&T Florida (BellSouth) for communication service at the Club Managers Association of America Therapeutic Recreation Complex at John Prince Memorial Park (the "Complex"). **SUMMARY:** In January 2007, the County completed renovations to the County's Complex, located at 2728 Lake Worth Road in Lake Worth. The renovations included installation of new phone and data lines. BellSouth requires a perpetual non-exclusive easement for the new lines. The easement area commences at the southern right-of-way of Lake Worth Road near the entrance to the Complex and continues southeasterly through the site culminating at the western portion of the recreation center building. The easement area is approximately 115.39' in length by 10' wide, and contains a total of 1,036 square feet (0.024 acres). This easement is being granted at no charge, as it is required to provide communication service to the County facilities. (PREM) District 3 (JMB)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

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

A) a Utility Easement Agreement in favor of the City of Lake Worth for electric service to serve the Club Managers Association of America Therapeutic Recreation Complex at John Prince Memorial Park (the “Complex”); and

B) a Utility Easement Agreement in favor of the City of Lake Worth for water service to the Complex.

SUMMARY: In January 2007, the County completed renovations to the County’s Complex, located at 2728 Lake Worth Road in Lake Worth. The renovations included installation of new electric and water lines. The City of Lake Worth requires perpetual non-exclusive easements for their lines. Both easements are 10' in width, commence at the southern right-of-way of Lake Worth Road near the entrance to the Complex, and continue southerly through the site culminating near the southeast corner of the gymnasium. Both easements are being granted at no charge, as they are required to provide services to the County facilities. (PREM) District 3 (JMB)

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

A) an Agreement for Purchase and Sale (Agreement) with Magno C. Braga and Marcia S. Braga to acquire a 0.25 acre parcel in the Watergate Mobile Home Estates community in Boca Raton for \$151,000; and

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

SUMMARY: Mr. and Mrs. Braga own a 0.25 acre lot located at 10537 West Sandalfoot Boulevard in unincorporated Boca Raton, which is improved with a mobile home that will be demolished post-closing. The property is being purchased for development of a Countywide Community Revitalization Team (CCRT) neighborhood park. Staff obtained an appraisal which valued the property at \$155,000. This Agreement contains a forty-five (45) day inspection period to complete necessary due diligence. In the event any problems are discovered, the County has the option to terminate the Agreement. The County shall be responsible for title insurance and closing costs estimated to be \$1,144. Closing is expected to occur within sixty (60) days of Board approval. Demolition of the mobile home is estimated to cost \$6,000. (PREM) District 5 (JMB)

17. **Staff recommends motion to approve:** a Utility Easement Agreement in favor of

Florida Power and Light Company (FPL), for underground electrical service for Parcel A at the South County Regional Park. **SUMMARY:** The County is constructing an amphitheater and golf course on Parcel A of the South County Regional Park. FPL requires an easement for the installation of underground power lines and a pad-mounted transformer to provide service to the golf course clubhouse, amphitheater and lift stations. The easement area traverses the Park property and is approximately 7,730 feet in length by 10' wide and contains a total of 77,300 square feet (1.77 acres). The easement is non-exclusive and is being granted to FPL at no charge, as it provides service to the Park’s improvements. (PREM) District 5 (JMB)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

18. Staff recommends motion to approve: a Service Agreement with the Lake Worth Drainage District (LWDD) to provide drainage services for a portion of Parcel A at the South County Regional Park. **SUMMARY:** The County is developing a golf course and amphitheater on Parcel A of the South County Regional Park. Drainage services for the Park are provided by the LWDD. However, a 4.75 acre portion of Parcel A lies outside the boundaries of the LWDD. The LWDD is requiring the County to incorporate the 4.75 acres into LWDD's service boundary by filing a Special Act with the Florida Legislature. In the interim, the LWDD is requiring the County to enter into a Service Agreement with LWDD. The term of the Service Agreement will automatically terminate upon approval of the Special Act. LWDD has the unilateral right to cancel the Service Agreement upon thirty (30) days written notice. The County is responsible for all expenses and costs associated with the preparation of the Service Agreement, including but not limited to attorney's fees, recording fees and administration fees which shall not exceed \$600. The LWDD will execute the Service Agreement after Board approval. (PREM) District 5 (HJF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. **DELETED**

2. Staff recommends motion to receive and file:

A) an Agreement with The Haven, Inc., for the period of July 18, 2007 to January 31, 2008, to provide \$85,665 under the 2005 Disaster Recovery Initiative Program for the purchase and installation of one generator and a fuel storage tank at their foster care facility; and

B) an Agreement with Delray Elderly, L.P., for the period of July 31, 2007 to May 31, 2008, to provide \$150,000 under the 2005 Disaster Recovery Initiative Program for the purchase and installation of five emergency generators for their residential buildings and clubhouse.

SUMMARY: On February 16, 2007, Palm Beach County entered into an Agreement with the Florida Department of Community Affairs (DCA) to receive up to \$19,035,920, for various projects to be funded under the 2005 DRI Program. The two (2) agreements provided herein are funded under the Agreement with DCA. The County Administrator executed these two (2) agreements under the authority provided by the Palm Beach County Board of County Commissioners on July 18, 2006, via Resolution No. R2006-1351. **These are Federal CDBG funds which do not require local matching funds.** Districts 4 & 5 (TKF)

3. **Staff recommends motion to approve:** Amendment No. 001 to an Agreement (R2006-0990) with the City of West Palm Beach in connection with the 2004 Disaster Recovery Initiative Program, to extend the expiration date from July 30, 2007 to January 31, 2008, for the expenditure of \$970,000 in Community Development Block Grant (CDBG) funds. **SUMMARY:** The Amendment provides an extension of six (6) months to the term of the existing Agreement for the Carver Canal storm drainage improvements in the City of West Palm Beach. The work will include canal excavation, storm water pipes, pavement removal and restoration, demolition and installation of sidewalk, curbs, gutters, pavement marking, signage, and sodding. The Agreement provides construction funding made available under the 2004 Disaster Recovery Initiative Program which uses Federal CDBG funds from the United States Department of Housing and Urban Development. The time extension is requested due to delays in pre-construction activities. **These are Federal funds that require no local match.** District Z (TKF)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

4. DELETED

5. **Staff recommends motion to:**

A) adopt a Resolution: a) authorizing the County Administrator to execute a project proposal for funding to the State under the 2005 CDBG Disaster Recovery Initiative (DRI 3) Supplemental Appropriation addressing Hurricane Wilma: a grant agreement with DCA and any necessary amendments, certifications and all other documents related to the project proposal and the implementation of DRI projects; b) authorizing Palm Beach County Department of Housing and Community Development to be the lead agency in the preparation and submission of the project proposal to the State; c) authorizing the County Administrator to sign interlocal agreements when needed, and grant agreements and amendments thereto, with organizations selected to receive funding; and

B) approve a Budget Amendment of \$17,258,279 in the DRI 3 - Wilma Fund contingent upon the actual grant award.

SUMMARY: In early 2007, the Department of Community Affairs (DCA) announced the availability of \$100,066,518 in Community Development Block Grant Disaster Recovery funding that was made available to the State by the U.S. Department of Housing and Urban Development. These DRI funds are to be distributed to counties and municipalities throughout the State to assist in recovery from Hurricane Wilma, which struck on October 25, 2005. Palm Beach County is eligible to receive up to \$17,258,279 of this funding. While all municipalities, non-profits, and County departments are eligible to participate in the DRI, DCA will only accept one (1) project proposal from the Palm Beach County geographic area. The County has been designated by the State as the lead agency. Eligible activities include residential repair/rehabilitation and hardening,

infrastructure repair and improvements, and program administration. In correspondence dated August 9, 2007, Palm Beach County HCD notified all County departments and municipalities of the availability of the DRI funds. In a Notice of Funding Availability (NOFA) published on August 12, 2007, the general public and non-profits were informed of the availability of DRI funding. Given the short notification period for submission of the project proposal, staff believes that execution of documents by the County Administrator would expedite appreciably the project submittal process and enhance the chances of meeting the September 30, 2007 submission deadline. **These are Federal CDBG funds that require no local match.** Countywide (TKF)

6. **Staff recommends motion to adopt:** a Resolution approving the mid-year budget amendments to the Westgate/Belvedere Homes Community Redevelopment Agency's (CRA) FY 2006/2007 budget as follows: a) Budget amendment increasing the Redevelopment Trust (Operating) Fund by \$241,014; and b) Budget amendment increasing the Construction Fund by \$125,000. **SUMMARY:** The CRA's FY 2007 budget approved October 3, 2006 (R2006-1206) projected Tax Increment Financing (TIF) revenues of \$2,250,279. The actual TIF revenues based on the Partial Extended Taxable Values for 2006 were \$2,211,793 a decrease of \$38,486. The amendment for the Operating Fund adjusts the budget for a new TIF amount; additional revenue of \$80,000 in rental income; and \$7,500 in donations; and for a \$200,000 increase in the audited fund balance brought forward. The amendment for the Construction funds adjusts the budget to reflect a \$125,000 increase. District 2 (TKF)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to receive and file:** one (1) Agreement for Emergency Generator Purchase, Operation and Maintenance received during the month of May 2007: Indian Spring Master Association. **SUMMARY:** On March 14, 2006, the Board of County Commissioners delegated the authority to execute Emergency Generator Purchase, Operation and Maintenance Agreements (Agreements) to the County Administrator or his designee. The County Administrator has delegated this approval to the Palm Beach County Water Utilities Department Director. These Agreements provide property owners with the ability to donate funds to purchase emergency generators for lift stations located within their community. The Department will assign the community its generator(s), locate the generator(s) on-site during hurricane season, and operate and maintain the generator(s) during emergencies. By executing such Agreements, the Department is able to expedite its goal of providing a higher level of emergency response service throughout its service area. Power outages that occur during hurricanes and other emergencies require the Department to operate a system of emergency generators at wastewater pump stations to prevent wastewater from backing up into streets, swales, and residents' homes. Due to the great number of lift stations and limited staffing resources, the Department is not able to place an emergency generator at every lift station. These Agreements will increase the number of generators available to the Department during emergencies. Countywide (MJ)

2. **Staff recommends motion to approve:** Consultant Services Authorization No. 2 to the Contract with Keshavarz & Associates, Inc. (R2007-0460) for engineering services for the Glades Replacement Hospital Water Main Extension Project in the amount of \$182,443.15. **SUMMARY:** This Consultant Services Authorization provides for the surveying, civil engineering design and permitting services for the Glades Replacement Hospital Water Main Extension Project. The water main will be installed along Hooker Highway from the future Lake Region Water Treatment Plant and south along Main Street (SR 80/SR 15) connecting to the existing City of Belle Glade water main. This pipeline will provide fire flow to the Glades Replacement Hospital and the proposed expansion of the West County Detention Center. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. The contract with Keshavarz & Associates, Inc. provides for SBE participation of 97% overall. This Authorization includes 100% overall participation. The cumulative SBE participation, including this Authorization, is 100% overall. (WUD Project No. 07-084) District 6 (MJ)

3. **Staff recommends motion to approve:** a Reclaimed Water Development Agreement with KRG/Atlantic Delray Beach, LLC. **SUMMARY:** KRG/Atlantic Delray Beach, LLC (“KRG”) is developing property within the County’s Mandatory Reclaimed Water Service Area, and therefore is required to enter into a Reclaimed Water Development Agreement (“Agreement”). On January 31, 2007, KRG entered into Alternative Water Supply Funding Program Grant Agreement No. 4600000617 (“Grant”) with the South Florida Water Management District for the construction of various reclaimed water pipelines, including approximately 4,000 linear feet of twenty (20) inch reclaimed water main on Atlantic Avenue from west of the Florida Turnpike to east of Lyons Road in Delray Beach (“Reclaimed Water Main”). KRG anticipates receiving \$500,000 from this Grant. The County has already constructed the Reclaimed Water Main to serve properties in the area, including those owned by KRG. KRG agrees to forward \$313,103 of the Grant to reimburse the County for the County’s cost of constructing the Main. The special condition to this Agreement clarifies the terms associated with that reimbursement. District 5 (MJ)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont’d)

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

A) a Contract with Florida Design Contractors, Inc. to construct the Southern Region Water Reclamation Facility (SRWRF) Short term Odor Control Improvements and the Water Treatment Plant (WTP) No. 3 Odor Control Improvements in the amount of \$2,805,750;

B) Change Order No. 1 to this Contract in the deductive amount of \$829,097.20, deleting materials and equipment for the purpose of sales tax recovery and designating

Florida Design Contractors, Inc., as the County's agent for the inspection and receipt of the materials;

C) Purchase Orders with vendors of the materials and equipment in the amount of \$782,120; and

D) a Budget Transfer of \$2,200,000 in the Water Utilities Capital Improvement Fund.

SUMMARY: On July 17, 2007, four (4) bids were received for construction of the SRWRF Short term Odor Control Improvements and the WTP No. 3 Odor Control Improvements with Florida Design Contractors, Inc. being the low bidder in the amount of \$2,805,750. This Contract provides for process improvements and a second headwork's odor scrubber at the SRWRF. The Water Utilities Department (WUD) may utilize Florida blending at WTP No. 3 due to the water shortage which increases the need for additional odor scrubber. By approving Change Order No. 1 to this Contract, and purchasing the associated materials and equipment directly from the vendor listed in the purchase orders, total sales tax savings of \$46,977.20 can be achieved. Staff and consultants have reviewed the bids and recommend award to Florida Design Contractors, Inc. as the lowest responsive and responsible bidder in the amount of \$2,805,750. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. This Contract with Florida Design Contractors, Inc. provides for SBE participation of 17.82% overall. (WUD Project No. 06-091 and 07-045) District 5 (JM)

5. **DELETED**

6. **Staff recommends motion to approve:** Change Order No. 3 to the Contract with Lanzo Construction, Inc. (R2006-2466) for the Northern Region Utility Pipeline Phase III decreasing the contract price by \$16,029.66 and increasing the contract time by seven (7) days. **SUMMARY:** Change Order No. 3 authorizes the Contractor to perform additional work and deleting certain work consisting of items 1 through 3 outlined in the description of work for the Northern Region Utility Pipeline Project Phase III. Total change orders to date, excluding the \$3,631,703.07 sales tax recovery program change order, equal \$114,974.44 (1.24% increase). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.00% overall. This Change Order includes zero SBE participation. The contract with Lanzo Construction Co. provides for SBE participation of 15.60%. (WUD Project No. 05-061) District 1 (JM)

SEPTEMBER 11, 2007

3. **CONSENT AGENDA APPROVAL**

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

7. **Staff recommends motion to receive and file:** three (3) Standard Development Agreements and two (2) Standard Development Renewal Agreements complete with executed documents received during the months of June and July 2006:

Standard Development Agreement

- | | |
|---|------------------|
| A) Isla Verde, LLC and Shoppes at Isla Verde, Ltd | 01-01194-000 |
| B) Okee Property West, LLC and Okee Property East, | LLC 01-01195-000 |
| C) Andrea Ricardel, Individually and Andrea E. Ricardel,
Vincent J. Ricardel and Adam C. Ricardel, Trustees | 02-01114-000 |

Standard Development Renewal Agreement

- | | |
|--|--------------|
| D) The Oaks at Boca Raton Venture, L.P. | 09-01029-R01 |
| E) Charlse/Watt Communities III, Inc. | 09-01029-R03 |

SUMMARY: The terms and conditions for Standard Development Agreements are outlined in the Water Utilities Department's Uniform Policies and Procedures Manual. The Board of County Commissioners delegated the authority to execute various types of Standard Development Agreements to the Department Director including potable water and wastewater agreements (R93-1619); reclaimed water agreements (R96-0228); and additional conditions for potable water, wastewater, and reclaimed water agreements (R2003-0539). After these agreements are executed by the developer and the Department, they must be recorded by the County Clerk's Office. This agenda item recommends the Board receive and file the agreements so they may be properly recorded. Countywide (SF)

8. **Staff recommends motion to approve:** a Potable Water and Wastewater Development Agreement with Spots, Inc. **SUMMARY:** Spots, Inc. (Spots) desires to enter into a Potable Water and Wastewater Development Agreement (Agreement) for the reservation of potable water and wastewater capacities for their Morgan Hotel project (Project). This urban infill project is located on the east side of Congress Avenue and north of Summit Boulevard in West Palm Beach. In order to obtain wastewater service, Spots is required to upsize an existing off-site wastewater force main (Main). One parcel (00-43-44-05-08-002-0010) included in the Project was assessed for the construction of the Main. As part of the special assessment a lien was placed against the parcel; Spots has satisfied that lien. However, the existing Main is not sufficient to meet the projected needs of the Project while maintaining adequate wastewater capacity for the parcels originally assessed. Spots will construct an oversized force main to serve the Project and still provide the original wastewater capacity of the Main to serve the remaining assessed parcels. The Palm Beach County Water Utilities Department (Department) has agreed to credit \$35,000 against Connection Fees, which include a credit for the special assessment lien satisfied by Spots and credit for the required construction associated with removal of the existing Main and replacement with oversized facilities. Under the Agreement, Spots agrees to release the County from any claims related to the special assessment and the Department-required demolition of the existing Main and subsequent construction of the new oversized force main. District 3 (MJ)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

9. **Staff recommends motion to approve:** an Interlocal Agreement with the Beeline Community Development District related to the construction of a replacement potable water main ~~having payment is~~. **SUMMARY:** On February 15, 2005, the County entered into an agreement (R2005-0366) with the Beeline Community Development District (District) to acquire the District's exclusive utility service area, utility system assets (exclusive of the District's potable water and wastewater plants which will be decommissioned), customer base, and service area. The closing date for the acquisition is on or before September 30, 2007. The District has approached the Palm Beach County Water Utilities Department (Department) to replace an existing potable water main to serve the Sikorsky testing area, as the existing potable water main serving the Sikorsky testing area is in disrepair. This Interlocal Agreement provides the terms and conditions relating to the work, which will be constructed by the Department's in-house construction crew at a cost of \$425,000, to be reimbursed by the District. The Department recommends utilizing the in-house construction crew based on timing considerations requiring the completion of the construction prior to the closing date. This project is exempt from the provisions of Section 255.20, Florida Statutes, as this project qualifies as the repair or maintenance of an existing public facility. District 1 (MJ)

L. **ENVIRONMENTAL RESOURCES MANAGEMENT**

1. **Staff recommends motion to:**

A) approve Lease Agreement with the City of Lake Worth for the management of an approximate 100-acre City tract referred to as the Snook Islands Natural Area as well as cover the cost of the construction of public use facilities estimated to cost \$1,164,500;

B) approve a Budget Transfer in the Capital Outlay Fund increasing the Snook Islands Natural Areas Project by \$339,500 and decreasing Pond Cypress Natural Area (\$39,500), Yamato Scrub (\$250,000) and Lake Park Scrub (\$50,000);

C) approve a Budget Transfer in the \$25M Parks and Cultural Facilities 2003 Bond Fund in the amount of \$600,000 from the Boynton Beach Boat Ramp project to the Snook Islands project; and

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

SUMMARY: This Agreement provides for the long-term management and maintenance of the 100 acre Snook Islands Natural Area situated along the eastern shore of the Lake Worth Municipal Golf Course. In addition, several public use facilities are planned including one or more kiosks, a boardwalk and observation platform, fishing pier and floating docks. The County will cover the costs of the public use facilities estimated at \$939,500 from the \$25M Parks and Cultural Facilities 2003 Bond Fund and the Natural Areas Fund, with the City obligated to pay \$225,000 for the demolition of the old portion of the bridge along the western shore. The project funding reductions in the Natural Areas Fund are from projects nearing capital completion and will not be negatively affected. District 3 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to:

A) approve a downward Budget Amendment of \$130,000 in the General Fund for decreased revenue funding associated with the close out of Task Assignment AP5, Change Order No. 2 expiring June 30, 2007 for the Aquatic Vegetation Control Program of State Fiscal Year 2007; and

B) approve an upward Budget Amendment of \$274,239 in the General Fund to recognize revenue provided by Task Assignment AP6 effective July 1, 2007 for the Aquatic Vegetation Control Program of State Fiscal Year 2008.

SUMMARY: Task Assignment AP5 to Contract SL977 (R2002-1748) has been decreased by \$130,000 to a close-out amount of \$405,330 through Change Order No. 2 from the Florida Department of Environmental Protection. Task Assignment AP6 for \$274,239 has been received effective July 1, 2007 for State Fiscal Year 2008. These Task Assignments provide funding to control Vegetation in Lake Clark, Lake Ida, Lake Osborne and Pine Lake. Countywide (SF)

3. Staff recommends motion to approve:

A) Change Order No. 5 decreasing the construction Contract (R2005-0263) with The Murphy Construction Co. (Murphy) in the amount of \$286,776 primarily for quantity underruns for the Ocean Ridge Natural Area Project No. 2005056 (Project); and

B) Amendment to the construction Contract (R2005-0263) with Murphy in the amount of \$241,230 resolving disagreements with Murphy on the Project and increasing the scope of work on two (2) jetties and a breakwater.

SUMMARY: On February 1, 2005, the Board entered into a \$2,757,762 Contract with The Murphy Construction Co. to construct an environmental restoration project and public use facility along the Lake Worth Lagoon in Ocean Ridge. Four (4) change orders totaling \$66,396.65 were issued. Change Order No. 5 accounts for final quantities and revisions to the original Project. The Amendment is a negotiated resolution of a disagreement primarily over the rock quantity and Contract time. Staff recommends that the Board approve this Amendment, which waives \$103,160 in liquidated damages and requires Murphy to enhance two (2) jetties and a breakwater to complete the Project. The new Contract amount is \$2,778,612.65, a net decrease of \$45,546. The Contract contains 2.6% Small Business Enterprise (SBE) participation. District 4 (JM)

4. **Staff recommends motion to approve:** a Contract with the Palm Beach County Sheriff's Office (PBSO) to provide continued law enforcement services on County-owned

conservation lands and natural areas for a period of thirty-six (36) months beginning October 1, 2007 and ending September 30, 2010. **SUMMARY:** Approval of this Contract will provide three (3) full-time deputies (reduced from five (5) because of budgetary cut-backs) properly trained to patrol the County's conservation lands and natural areas. Funding of \$282,667.78 for this Contract is included in the FY 2008 budget request. The Contract provides that additional deputies may be added to this Contract if outside funding sources can be arranged. Countywide (SF)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

5. **Staff recommends motion to approve:** Cooperative Service Agreement (Agreement) with the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) for services to control destructive or nuisance animals throughout the County, for a term of five (5) years, not-to-exceed \$553,280. **SUMMARY:** APHIS/WS will monitor and assist the County in controlling destructive wild and feral animals that are jeopardizing human health and safety, preying on threatened and endangered species or damaging ecologically sensitive lands or public resources in County parks and natural areas. This Agreement is similar to a previous Agreement the County had with APHIS/WS, with the exception of three (3) articles. The three (3) articles in the previous agreement dealt with the location of legal proceedings for any legal actions necessary to enforce the Agreement, the costs associated with enforcement of the terms of the Agreement and a severability clause providing that if one section of the Agreement was found invalid, it would not affect the remaining portions of the Agreement. APHIS/WS has informed the County that they will not alter their standard agreement which they use in providing services to numerous other state and local governmental agencies throughout the country. Those three (3) articles are not in their standard agreement and therefore, are not included in the Agreement. Staff from the Department of Environmental Resources Management (ERM) has found that APHIS/WS has the most qualified personnel, has the appropriate equipment, and is the most effective at providing the desired services at the most reasonable cost. ERM recommends continuing to use the services of APHIS/WS in accordance with the terms of their standard Agreement format. The County will reimburse APHIS/WS for services rendered not-to-exceed \$108,160 in FY 2008; \$110,240 in FY 2009 and FY 2010; and \$112,320 in FY 2011 and FY 2012. It is anticipated that ERM will provide no more than \$93,160 and that the Parks and Recreation Department will provide no more than \$15,000 in FY 2008. Countywide (SF)

6. **Staff recommends motion to approve:** Statement of Responsibilities with the U.S. Army Corps of Engineers (Corps) and Humiston and Moore Engineers (H&M) for the development of an Environmental Impact Statement (EIS) for the Singer Island Erosion Control Project. **SUMMARY:** The Singer Island Erosion Control Project is designed to construct a series of segmented breakwaters along a section of shoreline determined by the Florida Department of Environmental Protection (FDEP) to be "critically eroded."

These shore parallel structures are designed to promote accretion of sand in efforts to restore the beach to the 2001 profile. Due to potential impacts to exposed nearshore hardbottom, the Corps has determined an EIS is required as part of the federal permitting process. In anticipation of the Corps' consultant selection and to minimize further delays in the permitting process, H&M was contracted (R2007-0174) and has begun compiling and collecting data to be incorporated into the EIS. The Statement of Responsibilities is required to authorize H&M to complete the EIS for the Corps on behalf of the County. District 1 (SF)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. **Staff recommends motion to approve:** Sovereignty Submerged Lands Lease Renewal (502637596) with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Lessor) for submerged lands at Juno Beach Park for the period April 2, 2007, through April 2, 2012. **SUMMARY:** The County owns and operates the Juno Beach Pier which was constructed over sovereign lands of the State of Florida. The Board of County Commissioners initially entered into a five year Sovereignty Submerged Lands Lease with the State for the lands under the Juno Beach Pier on October 7, 1997 (R97-1024D). The lease was renewed in 2002 for an additional five (5) year period (R2002-0674). The County is now renewing its lease with the State for an additional five (5) year period. The lease renewal allows the County to operate a public fishing pier and non-water dependent bait shop and vending area exclusively to be used for fishing and passive recreational activities only in conjunction with an upland public park without fueling facilities, without a sewage pump out facility, and without liveaboards. The lease requires a \$525 processing fee and an annual lease fee of \$4,604.51. The annual fee for the remaining years of the lease shall be adjusted pursuant to provisions of Section 18-21.011 of the Florida Administrative Code. All lease fees are budgeted by the Parks and Recreation Department under annual operating expenses for Juno Beach Park. District 1 (AH)
2. **Staff recommends motion to approve:** Agreement with Boynton Beach Faith Based Community Development Corporation for the period September 11, 2007, through October 12, 2007, in an amount not-to-exceed \$3,500 for operational expenses for the Peace Makers After School Program. **SUMMARY:** This funding is to help offset expenses for the Peace Makers After School Program, which was held at Galaxy and Poinciana Elementary Schools from September of 2006 through June of 2007. The program served 40 at-risk third and fifth graders, with 20 participants per school. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to September 25, 2006. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)
3. **Staff recommends motion to approve:** Agreement with Delray-Boynton Academy, Inc. for the period September 11, 2007, through December 24, 2007, in amount not-to-exceed \$2,000 for the student trip to the International Youth Summit. **SUMMARY:** This funding is to help offset costs incurred by Delray-Boynton Academy, Inc., which sponsored a student trip to the International Youth Summit in Birmingham, Alabama, held from June 22 through June 24, 2007. Forty (40) students from Palm Beach County participated in the trip. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to June 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

4. **Staff recommends motion to approve:** Agreement with the City of Delray Beach for the period September 11, 2007, through December 30, 2007, in an amount not-to-exceed \$6,000 for funding of Crest Theatre and Entertainment Pavilion rental for the 2007 Delray Beach Film Festival. **SUMMARY:** This funding is to offset the cost of a theatre and pavilion rental for public screening of films shown at the 2007 Delray Beach Film Festival held from March 13 through March 18, 2007, at Old School Square. The films were viewed by approximately 2,000 people. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to March 14, 2007. Funding is from the Recreation Assistance Program (RAP) District 4 Funds. District 4 (AH)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

5. **Staff recommends motion to approve:** Agreement with Lake Lytal Lassie League, Inc. for the period September 11, 2007, through December 30, 2007, in an amount not-to-exceed \$5,000 for funding of uniforms and equipment. **SUMMARY:** This funding is to help offset the cost of uniforms and equipment for team members who play in the Lake Lytal Lassie League girls' softball program. The League serves approximately 100 participants. The Agreement allows for reimbursement of eligible project costs incurred subsequent to October 1, 2006. Funding is from Recreation Assistance Program (RAP) District 2 Funds. District 2 (AH)
6. **Staff recommends motion to receive and file:** First Amendment to Agreement (R2006-2489) with the Jewish Community Center of the Greater Palm Beaches, Inc. for senior citizen field trips. **SUMMARY:** This fully executed First Amendment to Agreement extends the project completion date from November 30, 2006, to September 30, 2007, and the Agreement ending date from February 28, 2007, to December 30, 2007, in order to allow additional time to accommodate dates of payment and completion of the reimbursement process. The Amendment is in accordance with Resolution R2005-1738 authorizing the delegation of authority for amending RAP agreements to the County Administrator or his designee. All other terms of the Agreement remain the same. Funding for the project is from the Recreation Assistance Program (RAP) District 2 Funds. District 2 (AH)
7. **Staff recommends motion to approve:** Agreement with Milagro Foundation, Inc. for the period September 11, 2007, through December 30, 2007, in an amount not-to-exceed \$5,000 for the STARS Program. **SUMMARY:** This funding is to help offset the cost of the STARS cultural arts and education program offered by Milagro Foundation, Inc. The STARS Program serves 40-50 youth at its on-site program and 100-130 youth through its outreach programs. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to June 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 7 (AH)
8. **Staff recommends motion to approve:** Agreement with Boca Raton's Promise – The Alliance For Youth, Inc., for the period September 11, 2007, through December 7, 2007, in an amount not-to-exceed \$4,000 for funding of Boca Raton's Promise summer camps. **SUMMARY:** This funding is to offset the cost of summer camp programs sponsored by Boca Raton's Promise. The camp opportunities were provided for 55 youth. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to May 10, 2007. Funding is from the Recreation Assistance Program (RAP) District 4 (\$2,000) and District 5 (\$2,000) Funds. Districts 4 & 5

(AH)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

9. Staff recommends motion to:

A) receive and file a fully executed Florida Recreation Development Assistance Program project grant agreement for Glades Pioneer Park Aquatic Center Phase II;

B) approve Budget Amendment of \$200,000 within the Park Improvement Fund to establish budget for the approved grant; and

C) execute a Notice of Limitation of Use dedicating the project site for outdoor recreation for the use and benefit of the public for a period of 25 years.

SUMMARY: On October 3, 2006, the Board authorized submission of a Florida Recreation Development Assistance Program (FRDAP) grant application for improvements associated with the Phase II development of the Glades Pioneer Pool and Splash Park (R2006-2129). The Board also authorized the County Administrator or his designee to execute the grant Project Agreement (Florida Department of Environmental Protection Agreement No. F8012) and other standard state and/or federal grant forms related to this project if the grant was approved. This grant was approved, the Project Agreement has been fully executed, and it is being submitted to the Board to receive and file. The grant agreement and Florida Administrative Code 62D-5.059 require a Notice of Limitation of Use be recorded in the public records dedicating the project site to outdoor recreation for the use and benefit of the public for a period of 25 years as part of the closeout documentation. District 6 (AH)

10. Staff recommends motion to receive and file: executed Independent Contractor Agreements received during the months of July and August.

A) Joy Deco Enterprises, Inc., Drama & Dance, Coconut Cove Recreation Center. (JOYDECO1126330907525400A); and

B) Cathy Weech, Computer Lab Class, Therapeutic Recreation Center. (WEECH11315808075204A).

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 02-2103 and 07-0409, and is now being submitted to the Board to receive and file. Countywide (AH)

11. **Staff recommends motion to approve:** Agreement with Expanding and Preserving Our Cultural Heritage, Inc. for the period September 11, 2007, through December 30, 2007, in an amount not-to-exceed \$1,600 for funding of a stage for the Spady Living Heritage Day Festival. **SUMMARY:** This funding is to help offset costs paid by Expanding and Preserving Our Cultural Heritage (EPOCH), Inc. for the Spady Living Heritage Day Festival to be held on September 22, 2007. This event is anticipated to attract approximately 5,000 participants. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to October 1, 2006. Funding is from the Recreation Assistance Program (RAP) District 4 Funds. District 7 (AH)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

12. **Staff recommends motion to approve:** Amendment No. 013 to the Agreement with the School District of Palm Beach County (R94-1661D dated November 15, 1994) for funding in the amount of \$288,000 to the Middle School After-School Program for the period October 1, 2007, through September 30, 2008. **SUMMARY:** This Amendment provides for the fourteenth year of funding and program support for the School District of Palm Beach County Middle School After-School Program, and increases the number of middle schools from 35 to 36 participating in the after-school program. The annual funding amount was decreased by \$62,000 in response to legislatively mandated budget cuts. Attachment 2 of the Agenda Item identifies each of the 36 middle schools within the school district scheduled to receive \$8,000. The funds shall support recreation related activities within the after school program. Countywide (AH)
13. **Staff recommends motion to approve:**
- A)** Interlocal Agreement with the City of Delray Beach for the period September 11, 2007, through September 10, 2010, in an amount not-to-exceed \$250,000 for funding of the Delray Beach Miracle League Field; and
- B)** Budget Transfer of \$250,000 within the \$25M GO Parks and Cultural Improvements Bond Fund - 2003 to Delray Beach Miracle Field.
- SUMMARY:** This Agreement provides funding for construction of the Delray Beach Miracle League Field located at Miller Park in Delray Beach. Funding is from the 2002 \$50 Million Recreational and Cultural Facilities Bond referendum – District 4. District 4 (PK)
14. **Staff recommends motion to approve:** Agreement with Delray Beach Playhouse, Inc. for the period September 11, 2007, through December 30, 2007, in an amount not-to-exceed \$10,000 for funding of a children's musical production. **SUMMARY:** This funding is to offset the cost of a children's musical production at Delray Beach Playhouse, which took place on July 20 and July 22, 2007. Approximately 100 participants took part in the production, which was viewed by an audience of approximately 2,000 people. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to May 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 4 Funds. District 4 (AH)

N. LIBRARY

1. **Staff recommends motion to:**

A) approve an Application to the Florida Department of State, Division of Library and Information Services, for State Aid to Libraries in an estimated amount of \$1,066,227 for FY 2008;

B) approve the Agreement for State Aid to Libraries; and

C) authorize the Chairperson of the Board of County Commissioners to execute any other necessary forms and certifications.

SUMMARY: The State provides an annual operating grant to eligible libraries based upon their annual operating expenditures from local funds. Estimated State Aid revenue has been included in the County Library=s FY 2008 proposed budget. Countywide (TKF)

SEPTEMBER 11, 2007

3. **CONSENT AGENDA APPROVAL**

N. **LIBRARY** (Cont'd)

2. **Staff recommends motion to:**

A) approve two (2) Public Library Construction Grant applications totaling \$1 million to the Florida Department of State, Division of Library and Information Services for the following Library Expansion Program (LEP) projects: West Boca Branch Library; West Lantana (Lawrence Road Branch); and

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

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

SUMMARY: These grants are being resubmitted as they were not funded in the State=s FY 2007 budget. Each grant application is for \$500,000 with local matching funds of \$500,000. If awarded, grant funds will be used towards the cost of construction, thus freeing up other funds for furnishing and equipping these libraries. The projected cost of each project is: West Boca Branch-\$11,811,063; and West Lantana (Lawrence Road Branch)-\$15,303,143. These projects will be completed whether the grants are funded or not. The operational costs will be funded through the Library's operating budget. Countywide (TKF)

P. **COOPERATIVE EXTENSION SERVICE**

1. **Staff recommends motion to approve:** an Agreement with the Palm Beach Soil and Water Conservation District in an amount not-to-exceed \$79,000 to provide soil and water resource conservation services for FY '08. **SUMMARY:** This Agreement provides

funding for the Palm Beach Soil and Water Conservation District's ("District") Resource Conservation Activities. The District provides resource conservation services to rural, agricultural, and urban communities to facilitate soil and water conservation in Palm Beach County. Services include soil information and technical assistance to improve water quality and quantity and soil planning in Palm Beach County. Countywide (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. **Staff recommends motion to approve:** the First Amendment to the Weed and Seed Interlocal Agreement with the City of West Palm Beach (R2007-0706); dated May 1, 2007 to extend the Weed and Seed contract period from September 30, 2007 to September 30, 2008 and to increase the amount of the agreement by an additional \$100,000. **SUMMARY:** On May 1, 2007, the Board of County Commissioners (BOCC) approved a contract with the City of West Palm Beach to provide \$50,000 to support the Weed and Seed "seeding" efforts for the period April 1, 2007 through September 30, 2007. The Criminal Justice Commission (CJC) recommends the use of an additional \$100,000 from the Criminal Justice Reserve Fund for the continuation of "seeding" services and to extend the existing contract period to September 30, 2008. District 7 (DW)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

2. **Staff recommends motion to approve:** the Second Amendment to the Weed and Seed Interlocal Agreement with the City of Delray Beach (R2005-2433); dated December 20, 2005 to extend the Weed and Seed contract period from September 30, 2007 to September 30, 2008 and to increase the amount of the agreement by an additional \$100,000. **SUMMARY:** In FY 2006, the Board of County Commissioners (BCC) approved a contract with the City of Delray Beach to provide \$100,000 to support the Weed and Seed "seeding" efforts for the period October 1, 2005 through April 30, 2007. On June 16, 2007, the BCC approved the extension of the contract period to September 30, 2007 and increased the contract amount by \$50,000. The Criminal Justice Commission (CJC) recommends the use of an additional \$100,000 from the Criminal Justice Reserve Fund for the continuation of "seeding" services and to extend the existing contract period to September 30, 2008. District 7 (DW)
3. **Staff recommends motion to approve:**
A) the First Amendment to the Weed and Seed Interlocal Agreement with the City of Belle Glade (R2005-2434); dated December 20, 2005 to extend the Weed and Seed contract period from May 31, 2007 to September 30, 2007 and to increase the amount of the agreement by an additional \$14,291; and

B) a Budget Transfer of \$14,291 in the Criminal Justice Reserve Fund.

SUMMARY: In FY 2006, the Board of County Commissioners (BCC) approved a contract with the City of Belle Glade to provide \$38,000 to support the Weed and Seed “seeding” efforts for the period December 1, 2005 through May 31, 2007. The Criminal Justice Commission (CJC) recommends the use of an additional \$14,291 from the Criminal Justice Reserve Fund for the continuation of “seeding” services and to extend the existing contract period to September 30, 2007. District 6 (DW)

S. FIRE RESCUE

1. Staff recommends motion to approve:

A) the U.S. Department of Homeland Security’s 2007 Assistance to Firefighters Grant award in the amount of \$304,000, with a local match of \$76,000, for a total project cost of \$380,000; and

B) a Budget Amendment of \$304,000 in the Fire Rescue MSTU Fund. This Amendment will recognize the grant revenue of \$304,000 and establish the grant appropriation budget of \$380,000 for the designated purchases, including the \$76,000 from contingency reserve for Fire Rescue’s matching share.

SUMMARY: The 2007 Assistance to Firefighters Grant (AFG) Program is a competitive grant program designed to assist local fire departments in protecting citizens and firefighters against the effects of fire and fire-related incidents. This grant program funds activities such as purchasing firefighting equipment, personal protection equipment, training, firefighting vehicles, and firefighter/first responder safety projects. On June 5, 2007, the Board ratified the Chair’s approval of the grant application (R2007-0903). On July 27, 2007, the County received notification of the award from the US Department of Homeland Security. This award will be used to purchase forty (40) thermal imaging cameras (TIC’s) and provide a minimum of eight (8) hours of training for all 1,250 firefighters in their care, use, and maintenance. TIC’s are an immediate safety tool to quickly identify fire conditions, determine structural integrity, identify trapped or missing fire victims and firefighters, identify the need for ventilation, and evaluate effective overhaul. Countywide (SB)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEM SERVICES

1. Staff recommends motion to:

A) approve Supplement to IBM Corporation Customer Agreement (ICA) for IBM S/390 software programs and support for the period October 1, 2007, through September 30,

2008, in the amount \$307,815; and

B) authorize the County Administrator or his designee, ISS Director, to increase services not-to-exceed 10% of the contract value (\$30,782), to provide for any unforeseen changes to the inventory that could arise during the contract period.

SUMMARY: This Supplement to the IBM ICA (R94-247D) provides for the ongoing annual software license charge for our current mainframe processor and data storage equipment. The configuration of the IBM mainframe system software for the coming contract period has been thoroughly reviewed prior to developing this agreement. The maximum amount is structured in two portions: (1) \$307,815 based on the current inventory of IBM S/390 software, and (2) a 10% contingency \$30,782, to provide for any unforeseen changes to the inventory that could arise during the contract period. This supplement covers the period October 1, 2007, through September 30, 2008. Countywide (PFK)

X. PUBLIC SAFETY

1. **Staff recommends motion to receive and file:** Interlocal Agreement with the Town of Juno Beach pertaining to the use of the Geographic-based Alert and Notification System, "Dialogic." **SUMMARY:** The Board of County Commissioners (BCC), approved this agreement on August 16, 2005 (Agenda Item 3X1) authorizing the County Administrator, or his designee, to sign Dialogic agreements with the municipalities on behalf of the BCC. District 1 (DW)
2. **Staff recommends motion to receive and file:** Amendment No. 1 to the Contract with Children's Health Care Associates, P.A. for the period of October 1, 2007 to September 30, 2008 for professional/medical services to the residents of the Highridge Family Center for an annual cost of \$54,000. **SUMMARY:** This Contract provides physical examinations, diagnosis, and treatment of illnesses of the residents of the Highridge Family Center. Agenda item 3X1 on July 23, 2006 (R2006-1321) authorized the County Administrator or his/her designee to execute the contracts on behalf of the Board of County Commissioners. District 7 (DW)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

Z. RISK MANAGEMENT

1. **Staff recommends motion to approve:** the write-off of 49 outstanding uncollected property damage claim receivables in the amount of \$114,310.23 which were outstanding on September 30, 2003. **SUMMARY:** These claims are against third parties that have allegedly caused damage to county property. Included in the list are claims for which a compromise and settlement was reached for less than the full amount

because, after further review of the claim, it was determined that liability was subject to apportionment among the parties or the party in question was not at fault. Since the claims are over three (3) years old, Risk Management desires to remove them from the active LGFS accounts receivable ledger. The Office of Financial Management and Budget's collections coordinator has reviewed the listing of uncollected claims and concurs with Risk Management that these claims should be written-off the active accounts receivable ledger and moved over to the uncollectible claims receivable ledger database. The approval of this item will allow the County's finance division to remove these receivables from the County's active accounts receivable ledger. Risk Management shall maintain the uncollectible claims database to which these accounts will be transferred. Countywide (TKF)

2. **Staff recommends motion to approve:** the purchase of airport liability insurance, for the period October 10, 2007, through October 10, 2008 purchased through the County's contracted broker, Arthur J. Gallagher & Co. for a total cost of \$327,285.45. **SUMMARY:** The estimated total cost of \$327,285.45 for airport liability insurance represents a 1% decrease over the expiring premium of \$329,917. Countywide (TKF)

3. **Staff recommends motion to approve:** a Budget Amendment of \$8,572,871 in the Employee Health Insurance Fund to reflect an adjustment for balance brought forward. **SUMMARY:** The purpose of this amendment is to adjust the FY 2007 budget to reflect the difference between actual and estimated revenues and expenditures of FY 2006. This adjustment is being made to reflect the true fund balance of the account, which has not been reflected in the FY 2007 budget. Of the additional balance brought forward, \$3,000,000 is being allocated to Claims Expense to cover estimated FY 2007 expenditures and the balance of \$5,572,871 is being budgeted in Reserve for Insurance Claims. Countywide (TKF)

AA. PALM TRAN

1. **Staff recommends motion to approve:** a two (2) year Agreement with the School District of Palm Beach County (School Board) to provide annual and semester bus passes available to certain students as a means of transportation services for the 2007-2008 school year at the annual pass rate of \$330 or \$165 per pass for the second semester and for the 2008-2009 school year at the annual pass rate of \$350 or \$175 for the second semester. **SUMMARY:** The School Board has contracted for annual bus passes as a means of transportation for students since August 1998. The Agreement rate of \$330 for the first year represents an 18% increase over the previous agreement rate. The Second year rate of \$350 represents a 6% increase over the first year's rate. Payment of annual school passes is in lieu of School Board's students paying individual fares into the fare boxes on Palm Tran routes. The Agreement will establish pricing for school bus passes through the end of school year 2009. Countywide (DR)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN (Cont'd)

2. **Staff recommends motion to:**

A) approve a Funding Agreement with the School Board of Palm Beach County to provide funding of field trips for Title I Elementary Schools within Palm Beach County for field trips provided during fiscal year 2005-2006 and 2006-2007;

B) approve a Budget transfer of \$100,000 in the Transportation Improvement Fund from Reserve for District 2 to Cabana Colony – Local Drainage; and

C) approve Budget transfer of \$100,000 in the Capital Outlay Fund from Cabana Colony – Local Drainage to Title I Elementary School Field Trips.

SUMMARY: Palm Beach County through Palm Tran is agreeing to reimburse the School Board of Palm Beach County for transportation for educational field trips for Title I Elementary Schools located within Palm Beach County. The Agreement will provide assistance for schools which meet need criteria based on the Title I requirements. Palm Beach County will reimburse the School Board at a rate of \$30 per hour and \$1 per mile. Countywide (DR)

BB. INTERNAL AUDITOR

1. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, rescinding Resolution R2006-2138; as amended by R2006-2672, providing for creation and membership of the Budget Advisory Committee; dissolving the Budget Advisory Committee; and providing an effective date.

SUMMARY: At its August 21, 2007 meeting, the Board approved the dissolution of the Budget Advisory Committee. This Resolution implements that decision. Countywide (PFK)

CC. SHERIFF

1. **Staff recommends motion to:**

A) accept a Florida Department of Law Enforcement Office of Criminal Justice grant in the amount of \$33,505 for the Palm Beach County Sheriff's Office (PBSO) Bomb & SWAT Build-out for the period of June 1, 2007 through January 31, 2008; and

B) approve a Budget Amendment of \$33,505 in the Sheriff's Grants Fund.

SUMMARY: On July 10, 2007, the Palm Beach County Sheriff's Office (PBSO) received an award to purchase equipment and supplies under the Florida Domestic Security Strategic Plan. These funds and related equipment, which have been approved by FDLE for purchase, will be used to implement the PBSO Bomb & SWAT Build-out. The purpose of the PBSO Bomb & SWAT Build-out is to maintain specialized equipment and replace items that have exceeded their useful lifespan for Bomb and SWAT teams.

It is the intention of PBSO to fully expend these funds in FY 2007. There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (DW)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

2. Staff recommends motion to:

A) accept a Florida Department of Law Enforcement Office of Criminal Justice grant in the amount of \$49,600 for the Buffer Zone Protection Plan for the period of May 1, 2007, through August 30, 2007; and

B) approve a Budget Amendment of \$49,600 in the Sheriff's Grants Fund.

SUMMARY: On June 15, 2007, the Palm Beach County Sheriff's Office (PBSO) received an award to purchase equipment under the Regional Domestic Security Strategic Plan. These funds and related equipment, which have been approved by FDLE for purchase, will be used to implement the Buffer Zone Protection Plan. The purpose of the Buffer Zone Protection Plan is to protect, secure and reduce the vulnerability of identified critical infrastructure and key resource sites. There is no match requirement associated with this award. No additional County funds are required. Countywide (DW)

3. Staff recommends motion to:

A) accept a South Florida High Intensity Drug Trafficking Area (HIDTA) Violent Crimes and Drug Trafficking Organization (VCDTO) initiative in the amount of \$30,000 for the period of July 1, 2007, through June 30, 2008; and

B) approve a Budget Amendment of \$30,000 in the Sheriff's Grants Fund.

SUMMARY: On June 29, 2007, the Palm Beach County Sheriff's Office (PBSO) received an award from the South Florida (HIDTA) (VCDTO). The funds provided will be used to pay overtime incurred by law enforcement officers participating in a multi-agency operation. There is no additional allocation needed, no matching funds required, and no County funds required. Countywide (DW)

4. Staff recommends motion to:

A) accept a U.S. Department of Justice Project Safe Neighborhood grant in the amount of \$44,125 for the Midnight Hoops Program for Fremd Village for the period of July 1, 2007, through March 31, 2008; and

B) approve a Budget Amendment of \$44,125 in the Sheriff's Grants Fund.

SUMMARY: On June 29, 2007, the Palm Beach County Sheriff's Office (PBSO) received an award under the Miami Coalition for a Safe and Drug-Free Community. These funds will be used to purchase lighting and develop a basketball and prevention education program for youth in and around the Fremd Village Housing community in Pahokee. There is a match that will be provided through donations and volunteer time in the amount of \$109,713. No additional positions are needed and no County funds are required. District 6 (DW)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

5. **Staff recommends motion to receive and file:** Grant Adjustment Notice amending the Florida Department of Law Enforcement's State Homeland Security Grant to extend the ending grant period from June 30, 2007 to December 31, 2007. **SUMMARY:** The Board of County Commissioners accepted this grant on April 11, 2007 (R2007-0571). The Department of Homeland Security awarded funds to the Florida Department of Law Enforcement (FDLE) under the "State Homeland Security Grant." The Palm Beach County Sheriff's Office (PBSO) will utilize all equipment purchased through this grant program for the purpose of protecting the citizens of Palm Beach County and neighboring communities. The PBSO will work in partnership with local, state, and federal agencies in joint efforts to combat and respond to terrorist attacks. There is no required match. No County funds are required. Countywide (DW)

6. **Staff recommends motion to approve:** a Budget Transfer of \$11,000 from the Law Enforcement Trust Fund (LETF) to the Palm Beach County Sheriff's Office (PBSO) to expend earned interest income from the FY 2004 residual program generated income (PGI). **SUMMARY:** On May 1, 2007, the Palm Beach County Board of County Commissioners accepted a Budget Transfer in the amount of \$129,283 from the State Law Enforcement Trust Fund (LETF) to the Palm Beach County Sheriff's Office (PBSO) to expend FY 2004 residual Program Generated Income (PGI). Under the terms of the Agreement between the Florida Department of Law Enforcement and PBSO, PBSO expended all funds generated through the operation of the Multi-Agency Narcotics Unit program. The award was fully expended in FY 2007; however, under the terms of the Agreement PBSO is required to spend \$11,000 that represents earned interest income from the funds. The current State LETF balance is \$917,878. Approval of this request will reduce the State LETF balance to \$906,878. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. No additional positions are needed and no County funds are required. Countywide (DW)

7. **Staff recommends motion to:**

A) ratify the Chairperson's signature on the Drug Farm Phase II Enhancement Grant award in the amount of \$50,000 for the period of July 1, 2007, through June 30, 2008; and

B) approve a Budget Amendment of \$50,000 increasing the Sheriff's Grant Fund.

SUMMARY: The purpose of the program is to assist units of local government to develop and implement residential substance abuse treatment programs in local correctional facilities in which prisoners are incarcerated for a period of time sufficient to permit substance abuse treatment. The Phase II segment of the Sheriff's Drug Farm will benefit from this continued funding by enhancing the treatment parameters to include: Domestic Violence Reduction, Anger and Stress Management, Effective Parenting, and Job Skills Enhancement. The PBSO will exceed the 25% match requirement by providing \$73,615 through its approved operating budget. No additional positions are needed and no County funds are required in FY 2007 or FY 2008. Countywide (DW)

SEPTEMBER 11, 2007

3. CONSENT AGENDA APPROVAL

DD. TOURIST DEVELOPMENT COUNCIL

1. **Staff recommends motion to approve:** Agreement with Palm Beach County Cultural Council in the amount of \$435,000 from October 1, 2007 through September 30, 2008, for services relating to the administration of one cultural grant program for non-profit organizations within the County. **SUMMARY:** The County shall provide an amount not-to-exceed Four Hundred and Thirty-Five Thousand Dollars (\$435,000) to fund certain of the activities of these organizations as determined by the Council pursuant to a process established herein and approved by County. Of the \$435,000 in County funding, up to Four Hundred Thousand Dollars (\$400,000) will be applied to Category C-Level I (Small and Emerging Organizations, Children's and Multicultural projects). A portion of the remaining funds, not-to-exceed 10% of the total amount, may be used by the Council to administer the program. In the event some funds are unspent, the Council will reallocate funds to support cultural programs in underserved areas of the County. Countywide (MC)

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SEPTEMBER 11, 2007

4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A. Proclamation declaring October 2007 as "Domestic Violence Awareness Month" in Palm Beach County. (Sponsored by Commissioner Santamaria)

- B. Proclamation declaring October 16, 2007 as “National Childhood Hunger Day” in Palm Beach County. (Sponsored by Commissioner Marcus)
- C. Proclamation declaring September 22, 2007 as “Spady Living Heritage Day” in Palm Beach County. (Sponsored by Commissioner McCarty)
- D. Proclamation declaring September 2007 as “Sickle Cell Month” in Palm Beach County. (Sponsored by Commissioner Greene)
- E. The Palm Beach Chapter of the Florida Nursery, Growers and Landscape Association wishes to thank the Board of County Commissioners and the Cooperative Extension Service for their support of the industry's GrowSmart! public information campaign during this critical drought period.

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SEPTEMBER 11, 2007

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

CONTINUED FROM JULY 10, 2007

- A. Staff recommends motion to adopt: an Ordinance amending Ordinance No. 85-40, as amended establishing an amended Five-Year Road Program providing for title; purpose; adoption of revised Five-Year Road Plan and revised list of projects contained in Exhibit “A”; implementation of the Plan; modification of Plan; funding of other roadway improvements; interpretation of exhibit; repeal of Laws in Conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date. **SUMMARY:** Since the development and adoption of the County’s Five-Year Road Program on November 13, 2006, the progress and evolution of current and near-term projects has continued to be monitored. Costs and revenues have been updated and in some cases, additional needs have been identified. Revisions are being proposed to modify the Road Program to reflect this updated information. A Public Hearing was held on July 10, 2007 whereas, the Board of County Commissioners agreed to postpone this item until today’s meeting, which could result in the final adoption of the amended Five-Year Road Program. Countywide (MRE)

CONTINUED FROM AUGUST 21, 2007

- B. Staff recommends motion to:
 - A) **adopt** a Resolution abandoning portions of a 30 and a 50 foot wide unimproved right-of-way, lying between Blocks 80 and 81, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, Pages 45-54, Public Records of Palm Beach County, Florida; and

B) approve authorization for the Chairperson to execute the Utility Easement as requested by Palm Beach County Water Utilities Department.

SUMMARY: This petition site is located south of Palmetto Park Road, east of Lyons Road, lying between Sandalfoot Cove Sections 7 & 8 and Boca Rio Heights Developments. The County Engineer is requesting the abandonment to release the public interest in these unimproved rights-of-way. This item was postponed from the public hearing date of August 21, 2007, to revise the legal description and sketch to exclude that portion of the unimproved right-of-way within Palm Beach County's Sandalfoot Cove Park. District 5 (PFK)

C. Staff recommends motion to:

A) adopt a Resolution abandoning a portion of the unimproved 30 foot wide right-of-way, lying between Blocks 80 and 81, as recorded in Palm Beach Farms Plat No. 3, recorded in Plat Book 2, Pages 45-54, Public Records of Palm Beach County, Florida; and

B) approve authorization for the Chairperson to execute the Utility Easement as requested by Palm Beach County Water Utilities Department.

SUMMARY: This petition site is located north of Belvedere Road and east of Benoist Farms Road. The County Engineer is requesting the abandonment per the Board of County Commissioners (BCC) direction given at the public hearing of March 12, 2002, at which time the BCC denied the original petition to abandon this right-of-way. District 2 (PFK)

D. Staff recommends motion to adopt: a Resolution abandoning that portion of the unimproved thirty (30) foot wide right-of-way centered on the south line of Section 11, Township 47, Range 41, adjoining Tracts 40 and 41, Florida Fruit Lands Company's Subdivision No. 2, as recorded in Plat Book 1, Page 102, Public Records of Palm Beach County, Florida.

SUMMARY: This petition site is located south of Kimberly Boulevard (also known as Old Pump House Road) and west of Coral Ridge Road. The owner/petitioner is requesting the abandonment to utilize the unimproved right-of-way within the development of a Planned Unit Development (PUD). District 5 (PFK)

SEPTEMBER 11, 2007

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

E. Staff recommends motion to approve: the alignment of Park Avenue from Congress Avenue to Old Dixie Highway. **SUMMARY:** The approval of the Park Avenue alignment from Congress Avenue to Old Dixie Highway allows the Town of Lake Park and affected property owners to plan for an east/west road in this corridor. The Town currently is considering development approvals on properties where the alignment will be located. Park Avenue West exists today between Military Trail and Congress Avenue, and is shown on the Thoroughfare Map continuing to Old Dixie Highway, a County maintained road. Ultimately, the construction of Park Avenue from Congress Avenue to Old Dixie Highway will provide an additional link in the Thoroughfare System and will reduce traffic volumes on adjacent roadways. However, there is no funding for any portion of the project (design, right-of-way, or construction) in either the

- F.** Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, providing for an amendment to the Palm Beach County Charter concerning the transfer or limit of a service, function, power or authority of a municipality; providing for charter amendment language; providing for referendum and ballot language; providing for form of notice; providing for adoption by the Board of County Commissioners; providing for severability; providing for inclusion in the charter; and providing for an effective date. **SUMMARY:** This Ordinance will place a proposed charter amendment on the November 4, 2008 General Election ballot that will revise how and where future charter amendments will be implemented. If passed, this charter amendment would provide that any approved charter amendment that transfers or limits a service, function, power or authority of a municipality shall be effective in a municipality only if the amendment is also approved by a majority of voters in that municipality voting in the referendum. Countywide (LB)
- G.** Staff recommends motion to adopt: an Amendment to the Village of Palm Springs Public Safety's EMS Certificate of Public Convenience and Necessity (COPCN) from Primary ALS provider to Primary ALS Provider – ALS Transport within the geographical limits of Palm Springs. **SUMMARY:** Medics Ambulance Service currently holds the COPCN for the Village of Palm Springs and contracts with American Medical Response (AMR) for ALS transport for the Village of Palm Springs Public Safety. Palm Springs Public Safety, in order to meet the Level of Service compliance requirements, must be able to provide transport by October 1, 2007 and is, therefore, requesting approval of an amended COPCN. The EMS Advisory Council has not had an opportunity to review this request as they did not have a quorum at its July 27, 2007 meeting and will not hold a meeting until September 20, 2007. Due to the time constraints, the Office of EMS has reviewed the application and found that Palm Springs Public Safety's COPCN should be amended. District 3 (DW)

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SEPTEMBER 11, 2007

6. REGULAR AGENDA

A. ADMINISTRATION

TIME CERTAIN - 2:15P.M.

1. Staff recommends motion to: accept the study "Permitting Process Regarding Mining Impacts within the Everglades Agriculture Area (EAA)"; dated September 2007 and have staff implement the improvements listed in the Conclusions section of the aforementioned report that would provide improved regulation and intergovernmental coordination during the permitting process dealing with mining. **SUMMARY:** On February 6, 2007, the Palm Beach County Board of County Commissioners (BCC) approved staff's recommendation to perform a study that was to evaluate whether or

not the existing permitting process addresses the concerns raised about the impacts of large scale mining within the EAA. Meetings were held with the permitting agencies to discuss the current permitting processes and determine whether or not the current process was sufficient to adequately address the issues that have been raised about mining impacts. Additional comments were received and considered from other public interests. The study presented today is the culmination of those meetings and discussions. Countywide/District 6 (MJ)

2. **Staff recommends motion to approve:** a Contract with Florida Atlantic University Small Business Development Center (SBDC) in the amount of \$94,000 to provide technical assistance and training to small businesses in Palm Beach County for the period of October 1, 2007, through September 30, 2008. **SUMMARY:** This Contract provides Palm Beach County's Small Business Enterprise firms with technical assistance and training in the form of direct consulting services in the areas of finance, marketing, management, construction, human resources, business plans and international trade. In addition, \$50,000 of the \$94,000 contracted amount will secure services to develop federal certifications, such as 8(a), HUBZone and Small Disadvantaged Business; identify federal contract opportunities for local small businesses; and, assist local businesses in submitting bids to local, state, and federal agencies.

On July 3, 2007, the Office of Small Business Assistance completed an audit for Programmatic Efficiency, Financial Accountability, Contract Compliancy and Customer Satisfaction, and concluded that the SBDC satisfactorily provides business consultation services to both start-up and existing businesses. As of July 3, 2007, the SBDC satisfactorily met or exceeded the majority of deliverables for the Scope of Work. All goals were met as of August 31, 2007. Countywide (TKF)

	Deliverables	FY 07 Contracted	Achieved As of 8/31/07	FY 08 Contracted
	SBDC			
1	Management & Technical Assistance Clients	440	658	440
2	Loans Approved	\$1,750,000	\$3,056,430	\$1,750,000
3	Client Profiles	4	3	4
	PTACP			
4	Management & Technical Assistance Clients	65	86	65
5	Procurement Approved	\$3,500,000	\$60,050,974	\$3,500,000
6	Government Procurement Seminars	16	9	16
7	Certification Training	8	12	8
8	Review of RFP/Bid Process	6	7	6

SEPTEMBER 11, 2007

6. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

3. **Staff recommends motion to approve:** a Grant Agreement with the Palm Beach County Resource Center, Inc., (PBCRC) a not-for-profit 501(c)(3) corporation in the amount of \$96,800 for consulting/professional services for the period of October 1, 2007, through September 30, 2008. **SUMMARY:** This Agreement with the PBCRC provides funding for activities and services to assist and develop small businesses in Palm Beach County. The PBCRC provides local businesses with access to capital, technical assistance, and procurement opportunities to assist and develop small businesses in Palm Beach County. Staff has determined that the services and assistance provided. Staff has determined that the services and assistance provided by PBCRC are essential to the small business community.

On June 29, 2007, the Office of Small Business Assistance completed an audit for Programmatic Efficiency, Financial Accountability, Contract Compliancy and Customer Satisfaction, and concluded that the PBCRC has successfully provided business development services to both start-up and existing businesses. As of June 29, 2007, the PBCRC exceeded each of its contracted goals. Countywide (TKF)

	Deliverables	FY 07 Contracted	Achieved (As of 8/30/07)	FY 08 Contracted
1	Loans Approved	\$1,543,500	2,126,457	1,543,500
2	Procurements Approved	4,410,000	10,365,493	4,410,000
3	New Clients Assisted	100	65	100
4	Client Service Hours	3,150	7,271	3,150

B. COMMUNITY SERVICES

1. **Staff recommends motion to accept:** presentation of BCC Roles & Responsibilities as the Governing Board for the Head Start/Early Head Start Programs. **SUMMARY:** The Board of County Commissioners, as the governing board of Head Start/Early Head Start Programs, is required by Federal Head Start Program Performance Standards to be trained to carry out their governance responsibilities effectively. The training will be provided by Mabel Jones of The Jones Connection. (Head Start) Countywide (TKF)

SEPTEMBER 11, 2007

6. REGULAR AGENDA

C. COUNTY ATTORNEY

1. **Staff recommends motion to adopt:** a Resolution authorizing the issuance of up to \$9,500,000 Tax-Exempt Adjustable Mode Revenue Bonds (Caron Foundation of Florida, Inc. Project) Series 2007 (the "Bonds") for the purpose of financing a portion of the cost of acquisition and construction of office and outpatient treatment facilities to be owned and operated by Caron Foundation of Florida, Inc. and the costs of leasehold improvements to certain apartment facilities leased by such corporation; approving the form of and authorizing the execution of a loan agreement, indenture of trust and a bond purchase agreement; awarding the sale of the Bonds by a negotiated sale; approving a trustee for the Bonds; authorizing certain officials and employees of the County to take all actions required in connection with the issuance of the Bonds; making certain other covenants and agreements in connection with the issuance of the Bonds and providing an effective date. **SUMMARY:** On August 21, 2007, the Board of County Commissioners approved the application of Caron Foundation of Florida, Inc.(the "Company") for the issuance of the Bonds. Proceeds of the Bonds will be used to:
i) pay the costs of acquisition, construction, installation and furnishing of certain leasehold improvements to the apartment facilities known as Fairways on the Green located at 2101 Lawson Boulevard, Delray Beach, Florida; ii) pay the costs of the acquisition, build-out, installation and furnishing of an office and outpatient treatment facility known as Beacon Square located at 8051 Congress Avenue, Boca Raton, Florida; and iii) pay the costs of issuance of the Bonds. The Bonds will be payable solely from revenues derived from the Company. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** District 4 (PFK)

SEPTEMBER 11, 2007

6. REGULAR AGENDA

C. COUNTY ATTORNEY (Cont'd)

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

A) payment in the amount of \$375,308 to St. Mary's Medical Center for the cost of providing medical care to an indigent individual who was shot and injured by the West Palm Beach Police Department during his arrest on November 27, 2006. As a result of this shooting, this Defendant is a quadriplegic;

B) continued payment to St. Mary's Medical Center at the Medicaid rate of \$1,472.82 per day for the care of this defendant, from September 11, 2007 forward until the defendant is either released from the criminal court hold on him by either being acquitted or convicted and committed to the custody of the Florida Department of Corrections, upon his release to the Healey Rehabilitation and Nursing Center, or until January 11, 2008, whichever occurs first, in an amount not-to-exceed \$179,684. The budget amendment and transfer for these per diem payments shall only be made through September 30, 2007, the end of our fiscal year. After the beginning of the 2007-2008 fiscal year, an additional budget request will be made for any needed per diem funds required to January 11, 2008 per the above agreement;

C) a Budget Transfer of \$406,237 from the Risk Management Fund to the General Fund; and

D) a Budget Amendment of \$406,237 in the General Fund to provide for this payment for medical services from November 27, 2006 through September 30, 2007.

SUMMARY: Section 901.35, Florida Statutes, provides that the County is responsible for the medical cost of treating a person injured by law enforcement during their arrest when there is no other source of payment. In the past, the County has argued that these indigent medical costs are the responsibility of the Palm Beach County Health Care District because these patients are indigent citizens of the County and, therefore the District is properly “another source of payment” pursuant to Section 901.35, Florida Statutes. However, the Health Care District has refused to pay these medical costs because it has a policy of excluding coverage for indigent persons under arrest and the Circuit Court agreed that the District could pass such a policy. The total cost of the defendant’s care through September 10, 2007 is over a million dollars, and the hospital will accept the Medicaid rate for his treatment through September 10, 2007 of \$375,308. St. Mary’s has filed a Motion to Compel the County to pay these costs in the pending criminal case, and that Motion will be withdrawn upon the approval of this payment. Sufficient funds exist in the Risk Management Fund to cover the cost of this payment. Should the defendant’s situation not change by January 11, 2008, another item will be brought to the Board for additional funding. Countywide (LSJ)

SEPTEMBER 11, 2007

6. REGULAR AGENDA

D. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** up to \$7,500 in foreclosure prevention assistance to Ms. Ruth McMahon to avoid the foreclosure of her home, located at 1021 W 2nd Street, Riviera Beach, Florida 33404. **SUMMARY:** This assistance is being provided under the County’s local SHIP Program which assists income eligible very low and low income homeowners who are facing foreclosure. The goal of this strategy is to prevent foreclosure by paying up to six (6) months delinquent mortgage payments (PITI) to aid in bringing the mortgage current. These funds will be used to pay the delinquent mortgages, including late fees and attorney’s fees, and other foreclosure associated costs. The property must be owner-occupied, and the homeowner must meet SHIP income qualification guidelines. Ms. McMahon lost her employment due to heart surgery and later suffering a stroke. This mortgage assistance program is designed to provide a one time subsidy to eligible applicants. However, Ms. McMahon received \$7,500 in September 2006 from this program; and as a result, this is her second mortgage assistance subsidy request, which was recommended for approval by the CAH Advisory Committee on August 23, 2007. Countywide (TKF)

2. **Staff recommends motion to approve:** additional State Housing Initiative Program (SHIP) funding in the amount of \$13,000 to Greicy Roldan, of the City of Lake Worth, to undertake an emergency rehabilitation project at her home, with a waiver to exceed the maximum funding amount of \$8,000 as established under the policies and procedures of

the Emergency Rehabilitation Program. **SUMMARY:** On July 10, 2007, a bid for \$21,000 was received to perform work under the SHIP funded Emergency Rehabilitation Program at Ms. Roldan's house at 539 Sunrise Court in Lake Worth. Her home has older electrical wiring which has cloth type insulation that has deteriorated to the water heater to develop a short circuit causing smoke in the attic and resulting in a call to the fire department. The proposed scope of work includes rewiring the entire house to current codes, installing a new electrical service and panel, ground fault protection, arc fault protection, and patching and painting walls and ceilings in affected areas. **These requested funds are SHIP funds that require no local match.** District 7 (TKF)

E. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve:

A) the form of an interlocal agreement between Broward County and Palm Beach County relating to public debt for property transferred due to boundary changes; and

B) delegation of signature authority to the County Administrator to execute the Interlocal Agreement.

SUMMARY: On June 26, 2007, the Legislature enacted Chapter 2007-22, Laws of Florida, transferring approximately 2,000 acres of real property, commonly referred to as the wedge property, from Palm Beach County to Broward County. Section 10 of Chapter 2007-22 requires an Interlocal Agreement addressing the apportionment of any outstanding public debt be approved by September 30, 2007. This Interlocal Agreement calls for the payment of \$331,471.13 in satisfaction of that requirement. The delegation of signature authority is requested due to the time constraints for getting both counties to approve the Agreement. Countywide (PFK)

SEPTEMBER 11, 2007

6. REGULAR AGENDA

F. PLANNING, ZONING & BUILDING

- Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on October 16, 2007 at 9:30 a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida repealing Ordinance 2005-006 in its entirety and replacing it with the following: revised Annexation Charter Amendment Implementation Ordinance; providing for purpose; providing for authority; providing for territory embraced; providing for notice to County; providing for procedure in charter regarding voluntary annexation by municipalities; providing for designation of unincorporated rural neighborhoods; providing for applicability of state law; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for enforcement; providing for captions; and providing an effective date. **SUMMARY:** The voters of Palm Beach County approved the Annexation Charter Amendment in November 2004. On April 19, 2005, the Board of County Commissioners adopted Ordinance 2005-006 to implement the charter amendment. Subsequently, several

municipalities challenged the legality of the charter amendment and implementing ordinance. Several provisions in the implementing ordinance were stricken by the circuit court in an order dated June 6, 2005 that was upheld by the Fourth District Court of Appeal in November 2006. The Florida Supreme Court denied review of the case in March 2007. This Ordinance repeals Ordinance 2005-006 in its entirety and replaces it with a new ordinance establishing notice for procedures for all voluntary annexations and designating an Unincorporated Protection Area and Unincorporated Rural Neighborhoods. County staff presented the proposed ordinance to the League of Cities on January 10, 2007 and August 8, 2007. In response to concerns raised by the League, Subsection 5(3) of the Ordinance has been revised to state that the provisions of this section may be the basis for a cause of action invalidating the voluntary annexation. Countywide (RB)

G. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff requests direction:** on proceeding with the design and construction of a Thermal Energy Storage system to supplement the Judicial Center Central Energy Plant (CEP). **SUMMARY:** In June 2007, the Board authorized proceeding with the expansion of the Judicial Center Central Energy Plant (R2007-0871) to serve the Governmental Center and the 1916 Courthouse as well as ultimately the build-out on Block D. The purpose of this phase of the project is to replace the Governmental Center roof mounted chiller plant which has reached its operational life expectancy by replacing and expanding the existing CEP chillers to accommodate the additional load. Also, the replacement of the existing chillers will eliminate the current refrigerant which is now banned by the EPA. As is typical for new and replacement HVAC projects, the County's consultant was tasked to examine the potential of alternative energy and energy cost saving systems including Thermal Energy Storage (TES). A TES system is designed to store cooling energy during "off-peak" hours thereby benefiting from reduced electrical rates. The analysis shows that the TES alternative for this project would reduce ongoing electrical costs by at least \$205,000/yr (before the construction of the Block D Building and \$265,000/annually with the Block D Building) when compared to operating the proposed new central chiller plant without TES. However, there is a net increase in capital cost of \$1.3M and requires the siting of a water storage tank on the property, which not only requires approval from the City of West Palm Beach, but the loss of 20 parking spaces. In order for the design to proceed further, Board direction is required with regard to the inclusion of TES in the further design of the CEP Expansion. Staff is presenting this to the BCC for direction as: 1) this analysis indicates favorable payback terms, but recognizes the immediate capital budget constraints and additional appropriation required; and 2) if chosen for long term financial reasons, the design money is at risk until (and if) the water storage tank is approved by the City. (Capital Improvements Division) Countywide/District 7 (JM)

SEPTEMBER 11, 2007

6. REGULAR AGENDA

H. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff requests:

A) direction on an Agreement for Sale and Purchase with Indiantown-Jupiter Venture, a Florida general partnership, and Walter J. Hatcher and Joyce B. Hatcher, husband and wife and Hatcher Jupiter, L.L.C. for the purchase of approximately 230.54 acres of improved land at a purchase price of \$19,826,440, subject to satisfactory due diligence, a certified survey, and the County's successful closing on a loan to fund acquisition of the property;

B) approval of a Lease Agreement with Walter J. Hatcher and Joyce B. Hatcher, husband and wife, for a 5-year period, plus two (2) additional one (1) year renewal options, on an approximate 6.54-acre improved portion of the property which will be purchased from Hatcher and which includes a residence, for the sum of \$125,000 which amount will be deducted from the County's purchase price payment for the property and a small area where the Hatchers will retain use of barns and sheds for an 18-month period after closing, all conditional upon approval of the Agreement for Purchase and Sale; and

C) authorize staff from the Office of Finance and Budget Department to proceed with securing funds from the Florida Sunshine Fund in an amount not to exceed \$18,000,000 for the purchase of the 230.54± acre Indiantown Jupiter Venture and Walter J. and Joyce B. Hatcher tract of land, and related acquisition costs. Debt service on the Sunshine Fund loan would come from non-ad valorem sources.

SUMMARY: Staff is seeking direction regarding the purchase of 230.54 acres of land which adjoins Riverbend Park and is in close proximity to Cypress Creek Natural Area. A number of potential funding sources are described herein. However, those potential funding sources are not, as of yet, committed and this acquisition may, to a lesser or greater extent, necessitate ad valorem equivalent funding.

On October 3, 2006, the Board approved the acquisition of 251 acres of vacant land from Jupiter Ranch, Inc. for inclusion into the County's Cypress Creek Natural Area. When the acquisition was approved (R2006-2139), the Board directed staff to investigate the possible acquisition and potential use(s) of an approximate 230.54-acre tract south of the Jupiter Ranch tract. This 230.54-acre tract is comprised of 145.94 acres owned by Indiantown-Jupiter Venture (IJV), a Florida general partnership, and 84.60 acres owned by Walter J. Hatcher and Joyce B. Hatcher, husband and wife (Hatcher). The property is bordered to the north by Indiantown Road, to the west by Jupiter Farms Road, and to the east by a Loxahatchee River Environmental Control District parcel and Riverbend Park. Although IJV and Hatcher indicated that they would be willing to sell their land for \$90,000 per acre, or \$20,748,600 for the entire 230.54-acre site, (an amount equivalent to what was paid for the Jupiter Ranch tract), the average of two appraisals obtained by the County indicates that the value of the IJV and Hatcher properties is \$86,000 per acre. IJV and Hatcher have agreed to sell their respective properties, totaling 230.54 acres, for \$19,826,440, or \$86,000 per acre, "as is", subject to adjustment based upon the actual acreage shown on the survey to be completed during the 60-day Inspection Period. The Agreement for Purchase and Sale (Agreement) is contingent upon the sale and closing of both the IJV and Hatcher properties, and the concurrent execution of the Lease Agreement which permits Hatcher to retain use and occupancy of the existing residence and approximately 5 acres of adjacent lands on the Hatcher property, together with access to the residence from Indiantown Road.

6. **REGULAR AGENDA**

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

1. **SUMMARY (Continued):**

The Agreement is also contingent upon normal satisfactory pre-acquisition due diligence, and the successful closing on a loan by the County to fund approximately 86% of the property's sale price. If the Board approves the Agreement, \$2,666,000 of the \$19,826,440 purchase price will be paid using 1999 Recreational and Cultural Facilities Bond funds. The balance of the purchase price would be funded using a Florida Sunshine Fund in an amount not to exceed \$18,000,000. There currently are no dedicated funding sources for the repayment of this loan and if outside funding is not obtained or is delayed, non-ad valorem funds would have to be used to repay the loan. However, the Solid Waste Authority (SWA) has expressed an interest in participating in the acquisition and the South Florida Water Management District (SFWMD) has indicated a willingness to discuss their potential participation in this effort. Florida Communities Trust (FCT), Loxahatchee River Preservation Initiative (LRPI) and Florida Recreation Development Assistance Program (FRDAP) are potential grant sources for this project.

Staff has investigated the subject property and believes that it could be divided into areas suitable for use as a natural area, incorporation into the adjacent Riverbend Park and for water resources. Approximately 135 acres are environmentally sensitive and, if acquired, should be maintained as a natural area. Approximately 31 acres could be added to Riverbend Park and could provide pedestrian and equestrian access to the park from Jupiter Farms without the need to travel on Indiantown Road. Finally, the remaining approximate 64 acres could be used to help improve drainage within Jupiter Farms, provide a means to mitigate needed stormwater drainage from the eastern portion of the County's Pine Glades Natural Area into South Indian River Water Control District's canal system and provide additional water storage capacity to help provide dry-season freshwater flow to the Wild and Scenic Loxahatchee River. District 1 (JMB)

I. **SUPERVISOR OF ELECTIONS**

1. **Staff recommends motion to approve:** a Budget Transfer of \$1,375,000 from the General Fund Contingency to provide funding for the Pitney Bowes Relia-Vote[™] Absentee Ballot System. **SUMMARY:** The Supervisor of Elections requested funding for an absentee ballot system as part of his FY 2007 budget submittal. The Board of County Commissioners did not include the requested funds in the budget, but agreed to fund the system from the General Fund Contingency when the Supervisor was ready to make the purchase. Countywide (LSJ)

J. **TOURIST DEVELOPMENT COUNCIL**

1. **Staff recommends motion to approve:** an Agreement with Global Spectrum, L.P., which is an assumption of the Agreement between Global and Discover Palm Beach County, Inc., d/b/a the Palm Beach County Convention and Visitors Bureau (CVB), for the operation of the Palm Beach County Convention Center for a period beginning October 1, 2007 to September 30, 2008, with an additional one (1) year renewal option. **SUMMARY:** This Agreement provides for the County's assumption of the rights and obligations of the CVB under the CVB's existing agreement with Global Spectrum for the operation and management of the Convention Center. In addition, Global will assume responsibility for the management of the parking and audio-visual contract previously held by the CVB. Global will be paid a management fee of \$169,674.72 for FY 2008 plus 5% of the net food and beverage sales (which was \$34,611 in 2006). Countywide (MC)

SEPTEMBER 11, 2007

6. REGULAR AGENDA

J. TOURIST DEVELOPMENT COUNCIL (Cont'd)

2. **Staff recommends motion to approve:** an Agreement with Aramark Sports and Entertainment Services, Inc. which is an assumption of the Agreement between Aramark and Discover Palm Beach County, Inc, d/b/a the Palm Beach County Convention and Visitors Bureau (CVB) for the provision of food and beverage services at the Palm Beach County Convention Center for the period of October 1, 2007 to September 30, 2008. **SUMMARY:** This Agreement provides for the County's assumption of the rights and obligations of the CVB under the CVB's existing agreement with Aramark for the provision of food and beverage services at the Convention Center. Aramark will be paid an annual management fee of \$100,000 plus 8% of annual net profits (which totaled \$60,803 in 2006). Countywide (MC)
3. **Staff recommends motion to approve:** Agreement with Palm Beach County Cultural Council, Inc. (the "Cultural Council") for the provision of services under the County's Tourist Development Plan during the period October 1, 2007, through September 30, 2012. **SUMMARY:** The Agreement provides for the Cultural Council to provide tourism marketing services under the County's Tourist Development Plan for a five (5) year period, from October 1, 2007 through September 30, 2012. The Agreement replaces the current contract (Contract R2001-1992) to update governance and other contractual provisions. The new Agreement establishes: A) a new audit committee; B) Exhibit "I" a new "Conflict of Interest Policy"; C) term limits on auditing and legal services and re-bidding thereof; D) amend fidelity bond insurance; E) updates for Fiscal Year 2008 Exhibit "A" – Annual Budget, and Exhibit "E" – Performance Measures; and F) adopts revised Exhibit "F" – Travel Policy, Exhibit "G" - Salary Ranges; Exhibit "H" – Organizational Chart; and other minor modifications. These changes have been reviewed and approved by the TDC. The new Agreement is for the amount of \$982,000. Countywide (MC)
4. **Staff recommends motion to approve:** Agreement with Discover Palm Beach

County, Inc. d/b/a Palm Beach County Convention & Visitors Bureau (the "CVB") for the provision of services under the County's Tourist Development Plan during the period October 1, 2007, through September 30, 2012. **SUMMARY:** The Agreement provides for the CVB to provide tourism marketing services under the County's Tourist Development Plan for a five (5) year period, from October 1, 2007 through September 30, 2012. The Agreement replaces the current contract (Contract R2006-1993) to update scope of work (including convention center long term sales and collaborative marketing of the convention center, governance and other contractual provisions). The new Agreement establishes: A) a new Exhibit "C" "Conflict of Interest Policy"; B) a new Exhibit "K" "Financial Policies and Procedures"; C) new audit and finance committees; D) term limits on auditing and legal services and re-bidding thereof; E) industry certification; F) updates for Fiscal Year 2008 Exhibit "A" – Annual Budget, and Exhibit "F" – Performance Measures; G) adopts revised Exhibit "B" – Moving Expense Policy, Exhibit "G" – Travel Policy, Exhibit "H" - Salary Policy, Exhibit "I" - Salary Structure, Exhibit "J" – Organizational Chart and other minor modifications. These changes have been reviewed and approved by the TDC. The new Agreement is for the amount of \$9,804,000. Countywide (MC)

SEPTEMBER 11, 2007

6. REGULAR AGENDA

J. TOURIST DEVELOPMENT COUNCIL (Cont'd)

5. **Staff recommends motion to approve:** Agreement with the Palm Beach County Film and Television Commission (the PBCFTC) for the provision of services under the County's Tourist Development Plan during the period October 1, 2007, through September 30, 2012. **SUMMARY:** The Agreement provides for the PBCFTC to attract, promote, and market existing and new film production and production facilities under the County's Tourist Development Plan for a five (5) year period, from October 1, 2007 through September 30, 2012. The Agreement replaces the current contract (Contract R2006-1991) to update governance and other contractual provisions. The new Agreement establishes: A) a new audit and Finance committee; B) Exhibit "K" –"Conflict of Interest Policy"; C) term limits on auditing and legal services and re-bidding thereof; D) amend fidelity bond insurance; E) industry certification; F) updates fiscal year 2008 Exhibit "A" – Annual Budget, and Exhibit "F" – Performance Measures; and G) adopts revised Exhibit "D" Travel and Entertainment Policy, Exhibit "I" Salary Ranges, and Exhibit "J" Organizational Chart; and minor modifications. These changes have been reviewed and approved by the TDC. The new Agreement is for the amount of \$604,000. Countywide (MC)

6. **Staff recommends motion to approve:** Agreement with Palm Beach County Sports Commission, Inc. (the "PBCSC") for the provision of services under the County's Tourist Development Plan during the period October 1, 2007, through September 30, 2012. **SUMMARY:** The Agreement provides for the PBCSC to provide tourism marketing services under the County's Tourist Development Plan for a five (5) year period, from October 1, 2007 through September 30, 2012. The Agreement replaces the current contract (Contract R2006-1990) to update governance and other contractual provisions.

The new Agreement establishes: A) a new Finance and Audit committee; B) Exhibit "J" –"Conflict of Interest Policy"; C) term limits on auditing and legal services and re-bidding thereof; D) makes certain changes of a technical nature to the body of the contract; E) amend fidelity bond insurance; F) deletes Exhibit "C" Student Intern Policy; G) updates for Fiscal Year 2008 Exhibit "A" – Annual Budget, and Exhibit "F" – Performance Measurements; and H) adopts revised Exhibit "B" - Moving Expenses, Exhibit "D" – Travel and Entertainment Policy, Exhibit "G" – Salary Policy, Exhibit "H" - Salary Structure, Exhibit "I" – Organizational Chart; and other minor modifications. These changes have been reviewed and approved by the TDC. The new Agreement is for the amount of \$870,800. Countywide (MC)

* * * * *

RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE ENVIRONMENTAL CONTROL BOARD

SEPTMEBER 11, 2007

7. BOARD OF COUNTY COMMISSIONERS SITTING AS THE ENVIRONMENTAL CONTROL BOARD

**A. COUNTY ATTORNEY
(Environmental Control Hearing Board)**

1. **Staff recommends motion to approve:** appointment of the following individual to the Environmental Control Hearing Board, to complete the unexpired term of Bernard Kalina, who resigned as of December 11, 2006, and whose term expires January 23, 2009:

<u>Name</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Recommended By</u>
Lewis Green	2	Medical Doctor	Palm Beach County Medical Society

SUMMARY: The Board is composed of five (5) members. Membership must consist of one (1) lawyer recommended by the Palm Beach County Bar Association, one (1) medical doctor recommended by the Palm Beach County Medical Society, one (1) engineer recommended by the Palm Beach County Chapter of the Florida Engineering Society, and two (2) citizens-at-large not holding elective office. This action will fill this seat until January 23, 2009. Countywide (GB)

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ADJOURN AS THE ENVIRONMENTAL CONTROL BOARD

RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

SEPTEMBER 11, 2007

8. BOARD APPOINTMENTS

A. ADMINISTRATION
(Workforce Alliance, Inc.)

1. **Staff recommends motion to approve:** appointment of Elena Polanco for September 15, 2007 to September 15, 2009 as follows: Ms. Elena Polanco, WIA/WTP Supervisor, Workforce Alliance, Inc. will represent Welfare Transition Participant, Seat number 19 for two (2) years. **SUMMARY:** The membership of Workforce Alliance, Inc. (Alliance) conforms to the requirements of the Workforce Investment Act (WIA) of 1998 and requests that an emphasis be placed on CEO's or highest level of Management positions for both community and business sector appointments. Countywide (TKF)

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

1. **Staff recommends motion to approve:** appointment of two (2) new members to the Artificial Reef and Estuarine Enhancement Committee (AREEC) for three (3) years beginning September 11, 2007 through September 10, 2010:

	<u>Appointment:</u>	<u>Representing</u>	<u>Seat No.</u>	<u>Nominated By</u>
Koons	Georgia Vince	Local Government Entity	2	Comm.
Greene				Comm.
	Or			
Greene	James Bowser	Local Government Entity	2	Comm. Koons Comm.
	And			
Greene	David Snyder	Commercial Fishing Entity	6	Comm. Koons Comm.

SUMMARY: Resolution No. R96-1489 approved on October 1, 1996 provides for a nine (9) member AREEC. The membership consists of one (1) representative of the County Commission, two (2) members representing other local governmental entities, one (1) representing commercial scuba diving interest, one (1) member representing commercial

marine industry, one (1) member representing commercial fishing interests, one (1) member representing a recreational fishing club, one (1) member representing a recreational scuba diving club, and one (1) member representing an environmental organization. A Memorandum dated July 18, 2007 was sent to the Board advising that the terms of Seat No. 2 and Seat No. 6 had expired. These appointments are for a three (3) year term expiring September 10, 2010. All nominees meet their respective seat requirement and wish to serve on the AREEC. Countywide (HF)

SEPTEMBER 11, 2007

8. BOARD APPOINTMENTS

**C. FIRE RESCUE
(Regional Hazardous Material Oversight Committee)**

1. **Staff recommends motion to approve:** reappointments of two (2) individuals to the Regional Hazardous Materials Oversight Committee beginning on May 1, 2007 through April 30, 2010, and one (1) new appointment beginning September 11, 2007 through September 10, 2010:

Reappointment

Nominee

David J. Levy, P.G.
Robert Madden

Category

Palm Beach County League of Cities
Solid Waste Authority

Appointment

Nominee

Michael Geier

Category

PBC Division of Emergency Management

SUMMARY: The Hazardous Materials Oversight Committee was created in 1998 by Ordinance No. 98-13. Appointments to this five (5) member committee are for three (3) year terms and are composed of members from specific areas of representation. The terms of the committee members are staggered to eliminate replacing the entire committee at one time. Mr. Levy and Mr. Madden have requested to be reappointed. Countywide (SB)

**D. HOUSING & COMMUNITY DEVELOPMENT
(Westgate/Belvedere Homes Community Redevelopment Agency)**

1. **Staff recommends motion to approve:** the following CRA Board Officers for a one (1) year term commencing June 11, 2007 and expiring June 11, 2008:

Board Member

Frederick G. Wade/reappointment as
Ronald Daniels/reappointment as

Office

Chair
Vice- chair

SUMMARY: The Westgate/Belvedere Homes CRA Board consists of seven (7) at-large members from residents and local businesses within the CRA boundaries. At the June 11, 2007 meeting, the CRA Commissioners elected the Chair and Vice-Chair from amongst its Board. The term shall be one (1) year, beginning with the date of election. District 2 (TKF)

SEPTEMBER 11, 2007

8. BOARD APPOINTMENTS

**D. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)
(Emergency Shelter Grants Program Advisory Board)**

2. **Staff recommends motion to approve:** appointment/reappointment of the following eleven (11) nominees to the Emergency Shelter Grants Program (ESGP) Advisory Board for a two (2) year term, beginning October 1, 2007 and ending September 30, 2009:

<u>Seat #</u>	<u>Nominees for Appointment</u>	<u>Nominated By</u>	
	Stephen Johnson	The Homeless Coalition of Palm Beach County, Inc.	5
	<u>Nominees for Reappointment</u>	<u>Nominated By</u>	<u>Seat #</u>
	Robert Anis (Alternate)	The Homeless Coalition of Palm Beach County, Inc.	1
	Barbara Bell-Spence	The Homeless Coalition of Palm Beach County, Inc.	4
	Erick Dominguez (Alternate)	The Homeless Coalition of Palm Beach County, Inc.	2
	Jeff Ferraro	The Homeless Coalition of Palm Beach County, Inc.	3
	Linda Graham	The Homeless Coalition of Palm Beach County, Inc.	6
	Ezra Krieg	The Homeless Coalition of Palm Beach County, Inc.	7
	Teresa Merwin	The Homeless Coalition of Palm Beach County, Inc.	9
	LeRoy Nace	The Homeless Coalition of Palm Beach County, Inc.	8
	Sandy Reynolds	The Homeless Coalition of Palm Beach County, Inc.	10
	Dr. Bernard Shulman	The Homeless Coalition of Palm Beach County, Inc.	11

SUMMARY: Resolution R970-1154, adopted by the BCC on September 2, 1997, reestablished the ESGP Advisory Board. The ESGP Advisory Board consists of nine (9) regular and two (2) alternate members nominated by The Homeless Coalition of Palm Beach County, Inc. ESGP Advisory Board members serve at-large for two (2) year terms. The Advisory Board must be comprised of Palm Beach County residents who are non-conflict, meaning that the agencies they are employed by, or are board members of, will not be applying for ESGP funds during their term in office. Federal regulations require that at least one Advisory Board member be currently or formerly homeless. A request was sent to the Homeless Coalition on May 8, 2007 requesting nominations. Correspondence was received from the Homeless Coalition on June 19, 2007 nominating the above individuals to serve on the ESGP Advisory Board. Countywide (TKF)

SEPTEMBER 11, 2007

8. BOARD APPOINTMENTS

E. PUBLIC SAFETY
(Emergency Medical Services Advisory Council)

- 1. Staff recommends motion to approve: the appointment/reappointment of nine (9) at-large members to the Emergency Medical Services Advisory Council for the term of August 15, 2007, through August 14, 2009 from the following:

Table with 3 columns: Nominee, Nominated, Seat No. Includes sections for Appoint, Reappoint, and Select.

SUMMARY: The Emergency Medical Services Council is made up of seventeen (17) people who represent consumers and various components of the EMS system. Each member agency representative has recommended that their current member be reappointed with the exception of the Emergency Room Nurses Forum, and Palm Beach Community College. The Economic Council of Palm Beach County, Inc. has nominated their former appointee who had to resign in 2005 due to illness. Seat No. 3 Private Ambulance and Seat No.16 EMS Medical Directors have requested to serve in place of the current representative. All "at-large" appointments will expire on August 14, 2009. Countywide (DW)

F. COMMISSION DISTRICT APPOINTMENTS

SEPTEMBER 11, 2007

9. MATTERS BY THE PUBLIC – 2:00 P.M.

SEPTEMBER 11, 2007

10. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

Housing & Community Development Audit

B. COUNTY ATTORNEY

SEPTEMBER 11, 2007

11. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS

B. District 2 - COMMISSIONER JEFF KOONS, VICE CHAIR

C. District 3 - COMMISSIONER ROBERT J. KANJIAN

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 honoring Congresswoman Maxine Waters on her visit to Palm Beach County for the 114th Anniversary of the Tabernacle Missionary Baptist Church.

Proclamation declaring September 18, 2007 as "Matchmaker Day" in Palm Beach County.

12. 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."

September 10, 2007 – 3:45p.m.

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

SEPTEMBER 11, 2007

<u>PAGE</u>	<u>ITEM</u>	
9	3A-4	DELETED: Staff recommends motion to approve: a \$149,243 Contract with Florida Atlantic University Board of Trustees (FAU) from October 1, 2007 to September 30, 2008 to establish measurable benchmark performance standards, assess businesses and citizens input, and conduct a research on the fiscal effects of the Palm Beach County Strategic Economic Development Plan on local and county governments. (Moved to 10/02/07) (Admin./Economic Development)
10	3C-4	DELETED: Staff recommends motion to approve: an Agreement with 1950 Congress Avenue, LLC (1950) to provide funds of up to \$1,000,000 toward the replacement of the Old Boynton Road Bridge over the E-4 Canal. (Further staff review) (Engineering)
27	3H-10	DELETED: Staff recommends motion to approve: BMC Replat No. 1. (Further staff review) (FD&O)
32	3K-2	REVISED TITLE: Staff recommends motion to approve: Consultant Services Authorization No. 2 to the Contract with Keshavarz & Associates, Inc. (R2007-0460) for engineering services for the Glades Replacement Hospital Water Main Extension Project in the amount of \$182,443.15. <u>Payment for tasks performed under this CSA is contingent upon the execution by the Board of County Commissioners of an agreement(s) with the City of Belle Glade, the Healthcare District of Palm Beach County and/or other parties, providing for the reimbursement of all costs incurred under this CSA.</u> (WUD)
36	3L-2	DELETED: Staff recommends motion to: A) approve a downward Budget Amendment of \$130,000 in the General Fund for decreased revenue funding associated with the close out of Task Assignment AP5, Change Order No. 2 expiring June 30, 2007 for the Aquatic Vegetation Control Program of State Fiscal Year 2007; and ...(Further staff review) (ERM)
36	3L-4	DELETED: Staff recommends motion to approve: a Contract with the Palm Beach County Sheriff's Office (PBSO) to provide continued law enforcement services on County-owned conservation lands and natural areas for a period of thirty-six (36) months beginning October 1, 2007 and ending September 30, 2010. (Further staff review) (ERM)
37	3L-6	DELETED: Staff recommends motion to approve: Statement of Responsibilities with the U.S. Army Corps of Engineers (Corps) and Humiston and Moore Engineers (H&M) for the development of an Environmental Impact Statement (EIS) for the Singer Island Erosion Control Project. (Further staff review) (ERM)
42	3Q-1	DELETED: Staff recommends motion to approve: the First Amendment to the Weed and Seed Interlocal Agreement with the City of West Palm Beach (R2007-0706); dated May 1, 2007 to extend the Weed and Seed contract period

from September 30, 2007 to September 30, 2008 and to increase the amount of the agreement by an additional \$100,000. (Further staff review) (CJC)

- 54 6A-4* **ADD-ON, TIME CERTAIN - 11:00A.M., REVISED TITLE & SUMMARY: Staff recommends motion to adopt:** a Resolution: a) conceptually approving a grant in the amount of ~~\$86.7~~ \$86.9 million to the Max Planck Society for the purposes of seeking matching funds from the State of Florida; b) authorizing the Business Development Board to facilitate the application for matching funding from the State of Florida Innovation Incentive Fund; c) authorizing staff to commence negotiations with the Max Planck Society to establish the terms and conditions of the Grant Agreement; d) authorizing staff to commence negotiations with Florida Atlantic University and Scripps Florida for temporary facilities for the Max Planck Society; and e) authorizing staff to commence negotiations with Florida Atlantic University for six (6) acres of land upon which the Max Planck Florida Institute will be located. **SUMMARY:** The Max Planck Society is ~~seeking funds~~ requires funding in the amount of ~~\$189.8~~ \$181.8 million to construct and operate a 100,000 square feet Bioscience Institute, Max Planck Florida Institute on the Campus of Florida Atlantic University in Jupiter. Of this amount, ~~\$86.7~~ \$86.9 million is anticipated to be funded by Palm Beach County and \$94.9 million is anticipated to be funded by the State of Florida. The State's portion is contingent upon receiving approval by the Governor and Legislature under the Innovation Incentive Fund. The State of Florida has appropriated \$250 million in an Innovative Incentive Fund for this fiscal year. The research institutes' of Max Planck employ approximately 23,400 people worldwide, and performs basic research in the interest of the general public in the natural sciences, life sciences, social sciences and the humanities. Since 1990, the organization has successfully spun-off 76 companies. The organization also has produced 16 Nobel Prize winners since 1948. Countywide (JM)
- 58 6G-1 **DELETED: Staff requests direction:** on proceeding with the design and construction of a Thermal Energy Storage system... (Moved to Workshop on 9/25/07) (FD&O)
- 60 6J-1 **DELETED: Staff recommends motion to approve:** an Agreement with Global Spectrum, L.P., which is an assumption of the Agreement between Global and Discover Palm Beach County, Inc., .. for the operation of the Palm Beach County Convention Center.... (Further staff review) (TDC)
- 61 6J-2 **DELETED: Staff recommends motion to approve:** an Agreement with Aramark Sports and Entertainment Services, Inc. which is an assumption of the Agreement between Aramark and Discover Palm Beach County, Inc.,... for the provision of food and beverage services at the Palm Beach County Convention Center ... (Further staff review) (TDC)
- 61 6J-3 **DELETED: Staff recommends motion to approve:** Agreement with Palm Beach County Cultural Council, Inc. (the "Cultural Council") ... (Further staff review) (TDC)
- 61 6J-4 **DELETED: Staff recommends motion to approve:** Agreement with Discover

Palm Beach County, Inc. ...(Further staff review) (TDC)

- 62 6J-5 **DELETED: Staff recommends motion to approve:** Agreement with the Palm Beach County Film and Television Commission ... (Further staff review) (TDC)
- 62 6J-6 **DELETED: Staff recommends motion to approve:** Agreement with Palm Beach County Sports Commission, Inc. ... (Further staff review) (TDC)
- 64 8A-1 **DELETED: Staff recommends motion to approve:** appointment of Elena Polanco for September 15, 2007 to September 15, 2009 as follows: Ms. Elena Polanco, WIA/WTP Supervisor, Workforce Alliance, Inc. will represent Welfare Transition Participant, Seat number 19 for two (2) years. (Further staff review) (Admin./Workforce All.)

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 (*).