

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

FINAL MEETING OF CURRENT BOARD

NOVEMBER 18, 2008

**TUESDAY
9:30 A.M.**

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance

- 2. ADOPTION OF AGENDA**

- 3. CALL FOR UNFINISHED BUSINESS**

- 4. COMMENTS FROM COMMISSIONERS**

- 5. STAFF COMMENTS**

- 6. COMMENTS FROM PUBLIC OFFICIALS AND GENERAL PUBLIC**

- 7. ADJOURNMENT**

**ORDER OF BUSINESS
BOARD OF COUNTY COMMISSIONERS**

**BOARD MEETING
PALM BEACH COUNTY, FLORIDA**

REORGANIZATIONAL MEETING

NOVEMBER 18, 2008

**TUESDAY
9:45 A.M.**

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
(Sharon R. Bock, Clerk & Comptroller, presides)

- 2. OATH OF OFFICE TO NEWLY ELECTED COUNTY COMMISSIONERS**
(To be administered by Sharon R. Bock, Clerk & Comptroller)

- 3. ADOPTION OF AGENDA**

- 4. ELECTION OF CHAIRPERSON**

- 5. ELECTION OF VICE CHAIRPERSON**
(New Chair, presides)

- 6. COMMENTS FROM PUBLIC OFFICIALS AND GENERAL PUBLIC**

- 7. ADJOURNMENT AND RECEPTION**

AGENDA

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

NOVEMBER 18, 2008

**TUESDAY
10:30 A.M.**

**COMMISSION
CHAMBERS**

1. **CALL TO ORDER**
 - A. Roll Call
2. **AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
3. **CONSENT AGENDA** (Pages 9 - 44)
4. **SPECIAL PRESENTATIONS - 10:30 A.M.** (Page 45)
5. **PUBLIC HEARINGS - 10:30 A.M.** (Page 46)
6. **REGULAR AGENDA** (Pages 47 - 48)
7. **BOARD APPOINTMENTS** (Pages 49 - 50)
8. **MATTERS BY THE PUBLIC - 2:00 P.M.** (Page 51)
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NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

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

A) Resolution No. R2008-41 of the Mayor and City Council of the City of North Miami Beach, Florida urging the Florida Legislature to equalize funding based on population to provide each region of Florida, including South Florida, its fair share of State funding; and

B) Resolution No. 50-08 of the City Commission of the City of Delray Beach, Florida, approving and authorizing the indebtedness by the Delray Beach Community Redevelopment Agency in an aggregate principal amount not to exceed \$500,000 to pay the cost of Brownfields cleanup activities and pay costs of issuance.

2. **Staff recommends motion to:**

A) receive and file the U.S. Department of Housing and Urban Development (HUD) Approval Letters for the Brownfield Economic Development Initiative (BEDI) grant funds in the amount of \$1.2 million and the Section 108 Loan funds in the amount of \$2.6 million; and

B) approve a Budget Amendment of \$3.8 million in the Economic Development Fund to appropriate the award and recognize the revenue.

SUMMARY: On December 18, 2007, the Palm Beach County Board of County Commissioners (BCC) adopted a Resolution (R2007-2307) authorizing the submittal of a BEDI grant application for \$1.2 million and a Section 108 Loan Program application for \$2.6 million to fund the Avenue "A" Project in Belle Glade. HUD submitted notifications of application approvals for the BEDI grant in June 2008 and the 108 Loan in September 2008. The implementation of the Avenue "A" Project will start with the execution of both contracts. The executed contracts from HUD will be received after the first project is submitted to HUD for approval at which time an agenda item will be prepared to receive and file the executed contracts. Countywide (DW)

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

A) Budget Transfer of \$40,000 in the Capital Outlay Fund from the Street Lighting Project account to Englewood Manor Street Lighting Project for the installation of 20 cobra head street lights;

B) Budget Transfer of \$100,000 in the Capital Outlay Fund establishing a transfer to the CCRT Street Lighting Maintenance Fund and decreasing the Street Lighting Project account; and

C) Budget Amendment of \$100,000 in the CCRT Street Lighting Maintenance Fund to recognize and appropriate the transfer from the Capital Outlay Fund for 20 years of maintenance for the Englewood Manor Street Lighting Project.

SUMMARY: The street lighting project being submitted for approval was initiated by members of the Englewood Manor neighborhood group. Based on review of the

application by the Office of Community Revitalization (OCR) staff as well as Palm Beach County Sheriff's Office staff, it was determined that the installation of these streetlights would help reduce area crime as well as enhance pedestrian safety. The total amount of funding provided for this project is \$140,000. District 3 (AH)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

4. **Staff recommends motion to approve:** Amendments to eight (8) consulting/professional service contracts for state lobbying on behalf of Palm Beach County to extend the term for one (1) year to September 30, 2009 as follows:

A) Third Amendment to the contract with Akerman Senterfitt (R2005-2299) in the amount of \$35,000;

B) Third Amendment to the contract with Pittman Law Group (R2005-2301) in the amount of \$35,000;

C) Third Amendment to the contract with Ericks Consultants (R2005-2302) in the amount of \$35,000;

D) Third Amendment to the contract with Corcoran and Associates (R2005-2303) in the amount of \$35,000;

E) Third Amendment to the contract with The Moya Group (R2005-2304) in the amount of \$35,000;

F) Third Amendment to the contract with GMA (R2005-2298) in the amount of \$38,500;

G) Third Amendment to the contract with Henry Dean and Associates, Inc. (R2005-2297) in the amount of \$55,000; and

H) Second Amendment to the contract with Foley and Lardner, LLP in the amount of \$35,000.

SUMMARY: The original term of the contracts with the above eight (8) firms for state lobbying was for November 1, 2005, through October 31, 2006 with additional amendments extending the term through October 31, 2008. The eighth firm, of Capitol Resources merged with Foley and Lardner, LLP in 2006. The FY 2009 amendments include a provision for nondiscrimination. This year, we are recommending a reduction

in state lobbying contracts of \$41,500 or approximately 12.5% from the 2007-2008 Fiscal Year. This reduction reflects the desire to keep our state legislative team together for the 2009 session while adjusting total contract amounts for most of the individual firms. Countywide (DW)

5. **Staff recommends motion to approve:** Amendment No. 6 to contract with U.S. Strategies Corp. (R2002-1806) for federal lobbying on behalf of Palm Beach County for the period of November 1, 2008, through September 30, 2009, in the amount of \$101,000. **SUMMARY:** On October 22, 2002, the Board approved a one (1) year Consulting/Professional Services Contract with U.S. Strategies Corp. for the period of November 1, 2002, through October 31, 2003 in the amount of \$110,250. The previous amendments (4) provided for an additional one (1) year period and increased the annual contract by 5%. Amendment No. 6 extends the contract from November 1, 2008, through September 30, 2009 for a total contract amount of \$101,000, which is a \$28,000 or approximately 22% reduction from the current annual contract. This reduction reflects a decrease in the County's Legislative Affairs budget based on declines in property tax revenues and other cost cutting measures in the County's adopted budget. Countywide (DSW)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners= meetings: None
3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller=s Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during September 2008. Countywide

C. ENGINEERING & PUBLIC WORKS

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

A) a Budget Transfer of \$635,000 in the Transportation Improvement Fund from Reserve for District 5 to State Road 7 from Glades Road to Clint Moore Road for upgrading existing roadway beautification to Only Trees, Irrigation and Sod (OTIS) – District 5 (\$625,000) and to Transfer to Beautification Maintenance Fund (\$10,000); and

B) a Budget Amendment of \$10,000 in the Beautification Maintenance Fund to recognize 20 year maintenance funding for State Road 7 from Glades Road to Clint Moore Road OTIS Upgrade.

SUMMARY: Approval of this item provides funding for the installation of, and additional maintenance associated with upgraded OTIS roadway beautification for State Road 7 from Glades Road to Clint Moore Road. District 5 (MRE)

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

A) a blanket approval for appraisal and acquisition of the lands, rights-of-way, and easements on all Fiscal Year 2008 projects as identified in the Mid-Year Adjustment to the Five-Year Road Program, as adopted on September 23, 2008; and

B) the employment of all experts, including but not limited to real estate appraisers, engineers, certified public accountants, business damage experts, and other experts, deemed necessary to appraise and acquire the before mentioned lands, rights-of-way, and easements.

SUMMARY: On September 23, 2008, the Board of County Commissioners adopted the Mid-Year Adjustment to the Five-Year Road Program for Fiscal Year 2008 through Fiscal Year 2012. Approval of this item will provide for the acquisitions necessary to accomplish the road goals set therein. Countywide (PK)

NOVEMBER 18, 2008

3. **CONSENT AGENDA APPROVAL**

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. **Staff recommends motion to adopt:** a Resolution to approve the Transportation Regional Incentive Program (TRIP) Agreement with the State of Florida Department of Transportation (FDOT), for the roadway construction and construction engineering inspection (CEI) services along Jog Road from Roebuck Road to 450 feet south of 45th Street (Project). **SUMMARY:** This action approves the TRIP Agreement with FDOT for the Project. This Agreement is necessary to secure a grant from FDOT for up to \$12,020,467 or up to one-half the construction and CEI cost of the Project whichever is less. Districts 2 & 6 (PK)

4. **Staff recommends motion to approve:** a Budget Transfer of \$9,000 in the Transportation Improvement Fund from Reserves for District 4 to Cloverfield Homeowners Association at Palmetto Park Road and Florida Turnpike – District 4. **SUMMARY:** Approval of the Budget Transfer will allow Palm Beach County Road and Bridge Division to remove trees and vegetation from the right-of-way. District 4 (MRE)

5. **DELETED**

6. **Staff recommends motion to approve:** a \$38,000 Joint Project Agreement (JPA) with Seacoast Utility Authority (Seacoast) for the design of water and sewer main improvements. This will be in conjunction with Roan Lane street improvements, Project No. 2007056 (Project). **SUMMARY:** Approval of this JPA will allow for the design and permitting of the replacement of the potable water and sewer mains within our proposed Project, which includes the installation of drainage along with paving of the streets. The potable water and sewer mains will be replaced with the Project and paid for by Seacoast, the maintaining agency. District 1 (MRE)
7. **Staff recommends motion to:**
- A) finalize** the assessment roll for the Foss Road Paving Improvement Project (Project);
- B) authorize** the Tax Collector's Office to process and collect the assessment payments; and
- C) approve** the transfer of Foss Road to a Palm Beach County (County) owned and maintained roadway.
- SUMMARY:** Approval of finalization of the assessment roll for the Project, from the canal north to Lake Worth Road, Section 30, Township 44 South, Range 43 East, will allow the assessment payments to be processed and collected by the Tax Collector's Office. Approval of the Foss Road transfer will make it a County-owned and maintained roadway, whereby it is currently a County courtesy maintained roadway. District 3/MSTU District 'C' (MRE)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

8. **Staff recommends motion to approve:**
- A)** a Reimbursement Agreement with the City of Pahokee (City) in an amount not to exceed \$95,000 for street improvements; and
- B)** a Budget Transfer of \$95,000 in the Transportation Improvement Fund from Reserves for District 6 to the City of Pahokee Street Improvements – District 6.
- SUMMARY:** This Agreement will supply reimbursement funds for installation and maintenance of street improvements for several roadways within the City limits. District 6 (MRE)

9. **Staff recommends motion to adopt:** a Resolution vacating eight (8) feet of a twenty-eight (28) foot wide maintenance easement within Lot 75, Woods Walk Plat Two, as recorded in Plat Book 58, Pages 6-8 Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located on the north side of Lake Worth Road and east of State Road 7. The vacation of a portion of the maintenance easement will increase the buildable lot area, allowing the construction of a swimming pool. District 6 (PK)
10. **Staff recommends motion to approve:** payment in the amount of \$18,895 to Stonegate Homeowner's Association (HOA) for damages to irrigation, lighting and landscaping systems during the construction of improvements on Greenview Shores Boulevard, from South Shore Boulevard to Wellington Trace (Project). **SUMMARY:** Approval of this action will allow payment to the HOA for damages incurred to their irrigation, lighting and landscaping during the construction of the Project. District 6 (PK)
11. **Staff recommends motion to approve:** a Budget Transfer in the amount of \$400,000 from the Transportation Improvement Fund Reserve for District 3 to the Roebuck Road, from State Road 7 to Jog Road project. **SUMMARY:** Approval of this action will authorize a Budget Transfer of funds, in the amount of \$400,000, necessary to offset the non-receipt of the balance of mitigation fees due from the City of West Palm Beach (City). This amount represents the difference between mitigation fees due and mitigation fees paid to Palm Beach County by the City. The funds will go toward the Roebuck Road project. District 2 (MRE)
12. **Staff recommends motion to approve:**
- A)** Contract amendments to extend the expiration date for the Primary Annual Roadway Landscaping Contract (Contract), Project No. 2008052 (R2007-1911; dated November 6, 2007) with Superior Landscaping & Lawn Service, Inc. (Superior) and the Secondary Annual Roadway Landscaping Contract (R2007-1911.1), with Vila & Son Landscaping Corporation (Vila) retroactively from November 6, 2008, to November 6, 2009; and
- B)** Contract amendments to add several items to the original Contract proposals for future potential use.
- SUMMARY:** Approval of these Contract amendments will extend the expiration dates of the existing contracts to November 6, 2009, and add additional work items as detailed in Exhibit A. The contracts include furnishing and installing plant material and irrigation systems within Palm Beach County. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the project by Superior is 5.39% overall and the SBE participation committed by Vila is 5.31% overall. Countywide (MRE)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

13. **Staff recommends motion to approve:** Supplemental Agreement No. 10 to Project No. 1995509B under contract R97-1277D in the amount of \$13,006.93 with Metric Engineering, Inc. for professional services. **SUMMARY:** This Supplemental Agreement

will provide post design services for Haverhill Road from 45th Street to north of Caribbean Boulevard. District 7 (PK)

14. **Staff recommends motion to approve:** the Fiscal Year 2008/2009 Pathway Program. **SUMMARY:** A list of the proposed projects in the Annual Pathway Program for the Fiscal Year 2008/2009 has been compiled in response to requests from the Palm Beach County School Board, Palm Beach County Sheriff's Office, members of the Board of County Commissioners, and residents of Palm Beach County. The proposed projects include nine new construction projects and eight major maintenance projects. The total program cost is \$1,500,000 and is divided into the following categories:

Major Maintenance	\$ 267,000
School Related	\$1,134,000
ADA and Minor Maintenance	\$ 53,000
Cost and Feasibility Studies	\$ 36,000
Fast Track Schools	\$ 10,000
Total	\$1,500,000

Countywide (MRE)

15. **Staff recommends motion to approve:** Supplemental Agreement No. 1 to Project No. 2005506 under contract R2006-0955 in the amount of \$318,614.78 with Wantman Group, Inc. for professional services. **SUMMARY:** This Supplemental Agreement will provide the services necessary for the preparation of design plan revisions for Roebuck Road from State Road 7 to Jog Road. Districts 2 & 6 (PK)

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

A) an Inter-Local Agreement with the City of Delray Beach (City) and the Delray Beach Housing Authority to reimburse in an amount not to exceed \$1,000,000 for Carver Estates/Auburn Avenue – S.W. 12th Avenue reconstruction; and

B) a Budget Transfer of \$1,000,000 in the Transportation Improvement Fund from Reserves for District 7 to Carver Estates/Auburn Avenue – S.W. 12th Avenue – District 7.

SUMMARY: Approval of this Agreement will reimburse the City from the Transportation Improvement Fund in an amount not to exceed \$1,000,000 for Carver Estates/Auburn Avenue – S.W. 12th Avenue reconstruction. District 7 (MRE)

17. **Staff recommends motion to approve:** a Financial Assistance Agreement with the School Board of Palm Beach County (School Board) for West Boca Raton Community High School buffer landscaping on school property along the school's perimeter within 25 feet of, and visible from Palm Beach County's (County) Glades Road. **SUMMARY:** Approval of this Agreement provides for a reimbursement, in an amount not to exceed \$100,000, to the School Board for the planned improvements along the County's Glades Road from approximately 1,300 feet west of Boca Falls Drive to approximately 4,600 feet west of Boca Falls Drive. Funding for this Agreement has been previously approved by an earlier Agreement R2006-0308, which has expired. Therefore, there is no additional fiscal impact. District 5 (MRE)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

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

A) a Financial Assistance Agreement with Coco Wood Lakes Association, Inc. (Association), to provide reimbursement funding not to exceed \$30,000; and

B) a Budget Transfer of \$30,000 in the Transportation Improvement Fund from Reserve for District 5 to El Clair Ranch Road for beautification in Palm Beach County's right-of-way, and at the Association's entrances at West Atlantic Avenue and El Clair Ranch Road, and at South Oriole Boulevard and Jog Road.

SUMMARY: Approval of this item provides funding in an amount up to \$30,000 for the Association's installation of beautification in Palm Beach County's right-of-way for El Clair Ranch Road, and at the Association's two (2) entrances. After the installation, the Association will be responsible for perpetual maintenance of the beautification improvements. District 5 (MRE)

19. **Staff recommends motion to approve:** Four (4) subordinations of utility interests from Florida Power & Light Company (FPL) releasing their interests to Palm Beach County (County) in four (4) parcels of land located on the north side of Old Boynton Road. **SUMMARY:** Approval of the subordinations of utility interests will release FPL's interests in land required for Old Boynton Road. These subordinations of utility interests require the County to pay for any future relocation costs of the FPL facilities when and if requested by the County as a standard clause. However, there are currently no utility facilities located within the easements to be subordinated. District 3 (PK)

20. **Staff recommends motion to approve:** an Assignment and Assumption Agreement with the Florida East Coast Railway (FEC) and the City of Boynton Beach (City) for the crossing at SE 23rd Avenue, DOT No. 272485-X. **SUMMARY:** The Board of County Commissioners (Board) at the December 18, 2007 meeting approved Resolution R2007-2223. This resolution recognized a resolution from the City to transfer the license agreement for the railway crossing at SE 23rd Avenue from the City to Palm Beach County. These documents were required by the FEC to proceed with the transfer. This instrument will approve an Assignment and Assumption Agreement with the FEC and City to complete the transfer. District 7 (MRE)

21. **Staff recommends motion to approve, contingent upon the exchange of a Deed from Lake Worth Drainage District (LWDD):** a County Deed in favor of LWDD for 1.212 acres of property along the E-1 Canal. Palm Beach County (County) will receive 2.04 acres of property from LWDD for Benoist Farms Road as part of this exchange. **SUMMARY:** Approval of this action will allow a County Deed to transfer property to LWDD. This transaction is contingent upon the County's receipt of a Deed from LWDD for property along Benoist Farms Road. District 6 (PK)

22. **Staff recommends motion to approve:** an Agreement with Testing Lab of the Palm Beaches, Inc. to provide the necessary professional testing lab services on a task order basis, for countywide projects, as required. **SUMMARY:** Approval of this Agreement will provide the necessary professional testing lab services throughout Palm Beach County (County) for all user departments. At the option of the County, this Agreement can be renewed annually for a period of one (1) year, with a maximum of two (2) renewals. Countywide (PK)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

23. DELETED

24. Staff recommends motion to approve: an Agreement with Saturnia Isles Homeowners Association Incorporated (Community) for traffic control to be performed by the Palm Beach County Sheriff's Office. **SUMMARY:** Approval of this Agreement authorizes the Palm Beach County Sheriff's Office to provide traffic control enforcement services within the above referenced private residential Community. District 5 (MRE)

25. Staff recommends motion to approve: an Agreement with Colony Preserve Homeowners Association Incorporated (Community) for traffic control to be performed by the Palm Beach County Sheriff's Office. **SUMMARY:** Approval of this Agreement authorizes the Palm Beach County Sheriff's Office to provide traffic control enforcement services within the above referenced private residential Community. District 5 (MRE)

26. Staff recommends motion to approve: Supplemental Agreement No. 1 to Project Number 2004516 under contract R2006-0170 in the amount of \$120,362.53 with Kimley-Horn and Associates, Inc. for professional services. **SUMMARY:** Approval of this Supplemental Agreement will provide the services necessary for an investigation into the addition of a westbound through lane at Military Trail and Haverhill Road for Belvedere Road from east of Jog Road to Military Trail. Districts 2 & 6 (PK)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: the Housing Finance Authority of Palm Beach County, Florida's (the "Authority") General Rules and Regulations (the "Authority Rules") as required by Ordinance No. 2002-022 (the "Ordinance"). **SUMMARY:** Pursuant to its authority under the Ordinance and the Florida Housing Finance Authority Law encoded in Part IV, Chapter 159, Florida Statutes (the "Act"), the Authority has promulgated the Authority Rules to carry into effect the powers and purposes of the Authority. Pursuant to the Ordinance, "all rules or regulations to be promulgated by the Authority . . . as the same are initially established . . . shall be submitted to and approved, in each instance, by the Board of County Commissioners." Countywide (PFK)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

2. **Staff recommends motion to approve:** a First Amendment to Agreement for the provision of Executive Director services on an interim basis between the Housing Finance Authority of Palm Beach County (the “Authority”) and David M. Brandt, Inc. (“DBI”), which contract provides that DBI will serve as interim executive director for the Authority, delineates the services DBI will provide to the Authority and establishes the fee arrangement between the parties with respect to such services (the “Amended Agreement”). The approval of the amended Agreement is required by Ordinance 2002-22 (the “Ordinance”). **SUMMARY:** Due to the vacancy in the position of Executive Director for the Authority, at its regular meeting held on May 9, 2008, the Authority appointed DBI to serve as its Executive Director on an interim basis while the Authority considered its options for the replacement of the Executive Director. The Authority and DBI entered into an Agreement for the provision of Executive Director services on an interim basis (the “Original Agreement”), which Agreement was for less than \$10,000. Thereafter, at its July 11, 2008 meeting the Authority determined that the Original Agreement should be amended to provide for an increase in the number of hours of service to be provided by DBI and a corresponding increase in compensation to DBI. The Authority and DBI entered into the Amended Agreement to memorialize the change in terms to the Original Agreement. Compensation to DBI under the Amended Agreement will be in excess of \$10,000. The Amended Agreement has been reviewed and approved by the Authority and its general counsel. Pursuant to the Ordinance “all contracts of the Authority for the purchase of goods and services in excess of \$10,000 shall be submitted to and approved, in each instance, by the Board of County Commissioners. . . .” Countywide (PFK)

3. **Staff recommends motion to approve:** an Amended and Restated Contract for Bond and Disclosure Counsel Services between the Housing Finance Authority of Palm Beach County, Florida (the “Authority”) and Greenberg Traurig, P.A. (“Greenberg”) and an Amended and Restated Contract for Bond and Disclosure Counsel Services between the Authority and Bryant Miller Olive P.A. (“BMO,” and, together with Greenberg, the “Firms”), which are identical contracts that provide that the Firms will serve as bond counsel and disclosure counsel to the Authority on a rotational basis, delineate the services the Firms will provide to the Authority and establish the fee arrangement between the parties with respect to such services (collectively, the “Amended Contracts”). The approval of the Amended Contracts is required by Ordinance 2002-22 (the “Ordinance”). **SUMMARY:** In 2001, the Authority circulated requests for proposals for bond counsel and disclosure counsel services (the “RFP”) and, upon a review of all responses to the RFP, selected the Firms to serve as bond and disclosure counsel for the Authority on a rotational basis. Thereafter, the Authority entered into identical contracts with the Firms. Due to the increasing costs of provision of legal services, the Authority entered into renegotiations with the Firms and, at its regular meeting on May 9, 2008, authorized an increase in the Firms’ fees, which had not been increased since 2001. The Authority and the Firms entered into the Amended Contracts to reflect the change in fees. Compensation to the Firms under the Amended Contracts will be in excess of \$10,000. The Amended Contracts have been reviewed and approved by the Authority and its general counsel. Pursuant to the Ordinance “all contracts of the Authority for the purchase of goods and services in excess of \$10,000 shall be submitted to and approved, in each instance, by the Board of County Commissioners. . . .” Countywide (PFK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

4. **Staff recommends motion to approve:** Amendment No. 2 to the Agreement (R2007-0019) with the law firm of Nabors, Giblin & Nickerson, P.A., to provide disclosure counsel and related legal services for the not to exceed \$62 Million Public Improvement Revenue Bonds, Series 2009 (Water & Sewer Revenue Bonds Project) (the "Bonds"). **SUMMARY:** The law firm was selected as disclosure counsel for the Bonds by the Board at the October 21, 2008 meeting. This Amendment No. 2 confirms that selection by amending the existing Agreement for bond counsel and related services between the County and the law firm. Payment to the law firm for the legal services in connection with the disclosure counsel services will be at 50% of the amount paid to bond counsel for the Bonds. Countywide (PFK)

5. **Staff recommends motion to approve:** Amendment No. 1 to the Agreement (R2008-1852) with the law firm of Greenberg Traurig, P.A., to provide bond counsel and related legal services for the not to exceed \$62 Million Public Improvement Revenue Bonds, Series 2009 (Water & Sewer Revenue Bonds Project) (the "Bonds"). **SUMMARY:** The law firm was selected as bond counsel for the Bonds by the Board at the October 21, 2008 meeting. This Amendment No. 1 confirms that selection by amending the existing Agreement for bond counsel and related services between the County and the law firm. Countywide (PFK)

6. **Staff recommends motion to approve:** a Global Settlement Agreement, inclusive of attorneys fees and costs, in the total amount of \$95,000 in the following three (3) cases: Confesor (Tony) Ramirez v. Palm Tran, Case No. 07-81039 CIV- Ryskamp; Confesor (Tony) Ramirez v. Palm Tran, Case No. 08-80536 CIV-Ryskamp; and EEOC Charge No. 15M-2007-00194. **SUMMARY:** This global settlement arises from two (2) cases consolidated in federal court requesting damages and equitable relief under the Family Medical Leave Act and a breach of contract claim, as well as a third matter involving a pending charge of discrimination which Plaintiff filed with the Equal Employment Opportunity Commission alleging violations under the Americans with Disabilities Act and Title VII of the Civil Rights Act. Countywide (PGE)

7. **Staff recommends motion to approve and file with the Clerk of the Circuit Court:** the bonds on newly elected or re-elected Commissioners of Palm Beach County. **SUMMARY:** Immediately following the election newly elected or re-elected Commissioners must secure bonding for presentation to the Board of County Commissioners for approval pursuant to Section 137.01, Florida Statutes. Section 137.01 now requires that such official bonds must be approved by the Board and then filed with the Clerk of the Circuit Court. Countywide (PFK)

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** Consulting/Professional Services Contract with Multilingual Psychotherapy Centers, Inc., for the period October 1, 2008, through September 30, 2009, in an amount not-to-exceed \$10,000, 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 children and their families. Funding consists of \$8,000 (80%) in Federal funds and \$2,000 (20%) in County funds. The County's portion is included in the FY 2009 budget. (Head Start) Countywide (TKF)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. **Staff recommends motion to approve:** Consulting/Professional Services Contract with Marriage & Family Services, Inc., for the period October 1, 2008, through September 30, 2009, in an amount of \$10,000, for mental health services for Head Start children. **SUMMARY:** Marriage & Family Services, Inc. will provide mental health services in the form of play therapy to Head Start children. Funding consists of \$8,000 (80%) in Federal funds and \$2,000 (20%) in County funds. The County's portion is included in the FY 2009 budget. (Head Start) Countywide (TKF)
3. **Staff recommends motion to approve:** Amendment No. 002 to Standard Agreement No. IU008-9500 (R2008-0171), for the Nutrition Services Incentive Program (NSIP) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc., for the period October 1, 2007, through September 30, 2008, increasing the reimbursement unit rate and increasing the maximum reimbursement by \$40,896.81 for a new total not-to-exceed the amount of \$352,120.01, for various supportive services to seniors. **SUMMARY:** Additional funding has been granted under the NSIP grant. This Amendment will increase the new maximum reimbursement from \$311,223.20 to \$352,120.01. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provides OAA services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)
4. **Staff recommends motion to approve:** Amendment No. 001 to Standard Agreement No. IH007-9500 (R2007-1692) for the Home Care for the Elderly (HCE) Program with the Area Agency on Aging (AAA) of Palm Beach/Treasure Coast, Inc. for the period July 1, 2007, through June 30, 2008, increasing the agreement amount by \$38,468.07 for a new total not-to-exceed the amount of \$214,843.07. **SUMMARY:** This Amendment will increase HCE case management services by \$13,256.05 and HCE subsidy by \$25,212.02 for provisions of care in private homes as an alternative to nursing home or other institutional care. In the area south of Hypoluxo Road, Ruth Rales Jewish Family Service currently provides HCE services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

5. **Staff recommends motion to approve:** Amendments to renew 45 contracts with financially assisted agencies totaling \$12,558,379 for the indicated activities, for the period October 1, 2008, through September 30, 2009:

A) Amendment No. 1, Adopt-A-Family of the Palm Beaches, Inc. (R2007-1921) - \$315,314 for homeless prevention services, transitional housing & support, and self-sufficiency services;

B) Amendment No. 1, Aid to Victims of Domestic Abuse, Inc. (R2007-1922) - \$164,002 for emergency shelter services for women and children who are victims of domestic abuse;

C) Amendment No. 1, Alzheimer's Community Care, Inc. (R2007-1923) - \$564,466 for disaster preparation, family counseling and specialized adult day care programs for clients and families affected by Alzheimer's Disease;

D) Amendment No. 1, Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (R2007-1924) - \$64,117 for the Retired and Senior Volunteer Program (RSVP) and emergency assistance/disaster preparedness;

E) Amendment No. 1, Big Brothers/Big Sisters, Inc. (R2007-1925) - \$113,708 for Parenting Partners, mentoring to young parents by qualified adult volunteers;

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. Motion/Title Continued

F) Amendment No. 1, Boys & Girls Club of Palm Beach County (R2007-1926) - \$139,835 for year-round services that offer a variety of activities in six core areas which include: health and life skills; education and career development; the arts; technology; sports, fitness and recreation; and character and leadership development;

G) Amendment No. 1, Building Blocks/NOAH Inc. (R2007-1927) - \$246,107 for early childhood education and parenting classes;

H) Amendment No. 2, Center for Family Services of Palm Beach County, Inc. (R2007-1928) \$384,712 for safe kids program, individual and family counseling and emergency assistance program;

I) Amendment No. 2, Coalition for Independent Living Options, Inc. (R2007-1931) - \$264,638 for independent living skills training, advocacy, information and referral, and peer support services to individuals with disabilities and to provide after-school services to disabled adolescents;

J) Amendment No. 1, Communities in Schools of Palm Beach County, Inc. (R2007-1932) - \$111,103 for comprehensive social, educational and career-related support for at-risk children throughout the Palm Beach County area;

K) Amendment No. 1, Comprehensive AIDS Program of Palm Beach County, Inc. (R2007-1933) - \$186,942 for HIV antibody counseling and testing;

L) Amendment No. 1 Comprehensive Alcoholism Rehabilitation Programs, Inc. (R2007-1934) - \$1,220,040 for residential adolescent, residential adult, outpatient treatment and adult detoxification;

M) Amendment No. 1, Deaf Service Center of Palm Beach County, Inc. (R2007-1935) - \$255,445 for client assistance and communication, resources and education;

N) Amendment No. 1, Drug Abuse Foundation of Palm Beach County, Inc. (R2007-1936) - \$814,981 for assessment, outpatient substance abuse, level 1 residential treatment, detox and case management;

O) Amendment No. 1, Drug Abuse Treatment Association, Inc. (R2007-1937) - \$279,173 for residential treatment (Walter D. Kelly Treatment Center) and adolescent outpatient treatment services;

P) Amendment No. 1, Elizabeth H. Faulk Foundation, Inc./Center for Group Counseling (R2007-1929) - \$105,054 for Schools Preventive Counseling and prevention and support group for caregivers;

Q) Amendment No. 1, Epilepsy Foundation of South Florida (R2007-1938) - \$48,503 for the seizure control clinic;

R) Families First of Palm Beach County (R2007-1939) - \$50,190 for the Family Self-Sufficiency Program which serves economically disadvantaged families who are presently receiving rental assistance through the Delray Beach Housing Authority;

S) Amendment No. 1, Farmworker Coordinating Council of Palm Beach County (R2007-1940) - \$180,792 for emergency services and transportation/translation services;

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. Motion/Title Continued

T) Amendment No. 1, Florida Outreach for the Blind, Inc. (R2008- 0505) – \$24,125 in training services for the visually-impaired and outreach to individuals adjusting to their environment and disability;

U) Amendment No. 1, Florida Resource Center for Women & Children, Inc. (R2007-

1942) - \$187,285 for short-term emergency shelter for women and children who are victims of domestic violence;

V) Amendment No. 1, Glades Area Association for Retarded Citizens Inc. (R2007-1943) - \$171,283 for food services, supported living and supported employment services;

W) Amendment No. 1, Glades Initiative, Inc. (R2007-1944) - \$175,000 for coordination of health and human services in the Glades community;

X) Amendment No. 1, Gratitude House, Inc. (R2007-1945) - \$114,990 for substance abuse services provided through, day/night treatment, prevention and aftercare (relapse prevention), intervention program, residential treatment and transitional housing;

Y) Amendment No. 1, Gulfstream Goodwill Industries, Inc. (R2008-0031) - \$48,624 for homeless individuals who require supportive assistance in obtaining employment that matches their interests and aptitudes;

Z) Amendment No. 1, Homeless Coalition of Palm Beach County (R2007-1947) - \$25,000 for homeless services assessment and coordination;

AA) Amendment No. 1, Housing Partnership, Inc. (R2007-1948) - \$74,801 for supportive housing for individuals diagnosed with mental illness and substance abuse and for supportive services to family members;

BB) Amendment No. 1, Jeff Industries, Inc. (R2007-1949) - \$162,403 for day/night psycho-social work adjustment and supported employment services;

CC) Amendment No. 1, Minority Development & Empowerment, Inc. (R2007-1950) - \$274,981 for case management and translation services to the Haitian community primarily located in the northern portion of Palm Beach County;

DD) Amendment No. 1, Mental Health Association of Palm Beach County, Inc. (R2007-1951) \$46,517 for a mental health support drop-in center;

EE) Amendment No. 1, Oakwood Center of the Palm Beaches, Inc. (R2007-1952) - \$1,807,037 for operation of a licensed in-patient psychiatric hospital providing assessment and treatment on a 24-hour basis for high-risk populations. They provide services in both the north county area and in Belle Glade. Services include adult/child crisis stabilization, the Pregnant and Addicted (PANDA) Program, residential detoxification services, adult/child medical out-patient services, and a prevention program aimed at school age kids;

FF) Amendment No. 1, Palm Beach Habilitation Center, Inc. (R2007-1953) - \$269,671 for the Senior in Transition and Retirement Services (STARS) Program;

GG) Amendment No. 1, Parent-Child Center, Inc. (R2007-1954) – \$261,597 for children’s outpatient intervention and prevention services;

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. Motion/Title Continued

HH) Amendment No. 1, Rehabilitation Center for Children & Adults, Inc. (R2007-1955) - \$93,525 for comprehensive outpatient and medical rehabilitation services;

II) Amendment No. 1, Seagull Industries for the Disabled, Inc. (R2007-1956) - \$292,061 for adult day habilitation programs and residential assisted living facilities;

JJ) Amendment No. 1, Sickle Cell Foundation of Palm Beach County, Inc. (R2007-1957) - \$77,528, for education and outreach to the Haitian population, screening and case management to affected clients;

KK) Amendment No. 1, South County Mental Health Center, Inc. (R2007-1958) - \$1,614,886 for behavioral health - mental health (crisis stabilization) and psychiatric and medical services (outpatient);

LL) Amendment No. 1, The ARC of Palm Beach County, Inc. (R2007-1959) - \$259,087 for residential services for adults with disabilities;

MM) Amendment No. 1, The Children's Place at Home Safe, Inc. (R2008-0032) - \$49,698 for services provided in a child-friendly environment designed to provide short-term, intensive treatment and coordinated services to children and families victimized by domestic violence;

NN) Amendment No. 1, The Haven, Inc. (R2007-1960) - \$138,443 for prevention/intervention of child abuse through a therapeutic foster-care program;

OO) Amendment No. 1, The Juvenile Transition Center, Inc. (R2007-1961) - \$103,371 for education enrichment, mentoring and job training skills to at-risk youth ages 13-18;

PP) Amendment No. 2, The Lord's Place, Inc. (R2007-1962) - \$348,414 for homeless services through Joshua House and family shelter programs;

QQ) Amendment No. 1, Urban Youth Impact, Inc. (R2007-1963) - \$154,514 for after school education/social programs for inner-city elementary and middle school students at risk for school dropout and delinquency;

RR) Amendment No. 1, Wayside House, Inc. (R2007-1964) -\$151,778 for residential treatment for women's substance abuse; and

SS) Amendment No. 1, YWCA of Palm Beach County, Florida (R2007-1965) - \$122,638 for Harmony House for homeless and domestic abuse services for women and children.

SUMMARY: On July 14, 2008, the Board of County Commissioners approved the list of agencies and funding allocations under the Financially Assisted Agency Program. These amendments are the final renewal options, as agreed to under the contract terms,

and the information submitted reflects part of the total \$13,001,846 funding approved by the BCC for FY 2009. Other contracts will be forthcoming upon receipt of all the required information. (Financially Assisted Agency Program) Countywide (TKF)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

6. **Staff recommends motion to approve:** Contract for Consulting/Professional Services with Caregivers Services, Inc., d/b/a Friends Assisting Seniors and Families, for the period of October 1, 2008, through September 30, 2009, in an amount of \$52,000, for health services to Early Head Start children. **SUMMARY:** Caregivers, Inc. will provide ongoing well baby and well child health services in accordance with the Head Start Act. This Contract will enable Caregivers, Inc. to provide specialized licensed practical nurse services in the Early Head Start program for children (0-36 months) and pregnant women who are in need of services to ensure healthy outcomes. Funding consists of \$41,600 (80%) in Federal funds and \$10,400 (20%) in County funds. (Head Start) Countywide (TKF)

7. **Staff recommends motion to approve:** Agreement with Children's Services Council of Palm Beach County, for the period of October 1, 2008, through September 30, 2009, in an amount of \$157,413 for Early Head Start services, and \$297,551 for Head Start services. **SUMMARY:** These Agreements will allow Children's Services Council to provide up to \$157,413 as part of the matching funding requirement to provide full day/full year comprehensive Early Head Start services to a total of 180 pregnant mothers, infants/toddlers, and up to \$297,551 as part of the matching funds requirement to provide full day/full year Head Start services to 1,871 three (3) to five (5) year old children and their families. Services include comprehensive health, education, parental involvement, nutritional, social and other services. No County funding is required. (Head Start) Countywide (TKF)

8. **Staff recommends motion to approve:** Amendments to contracts with the following agencies, totaling \$1,872,471 for the period and services as indicated:
 - A)** Amendment No. 1, Early Learning Coalition of Palm Beach County, Inc. (R2007-2170) for the period October 1, 2008, through September 30, 2009, in the amount of \$285,000 for subsidized child day care services;

 - B)** Amendment No. 1, Center for Information & Crisis Services/211 (R2007-2065) for the period October 1, 2008, through September 30, 2009, in the amount of \$253,193 for crisis and outreach services;

 - C)** Amendment No. 1, Mae Volen Senior Center, Inc. (R2007-2066) for the period October 1, 2008, through September 30, 2009, in the amount of \$1,200,000 for services which include transportation, in-home services, congregate meals, home delivered

meals, nutrition education, screening and assessment to eligible seniors; and

D) Amendment No. 1 Center for Family Services of Palm Beach County, Inc. \$134,278 (R2007-2064) for the period October 1, 2008, through September 30, 2009, for Home Instruction Program for Preschool Youngsters.

SUMMARY: On July 14, 2008, the Board of County Commissioners approved the list of agencies and funding allocations under the Financially Assisted Agency (FAA) Program, and subsequently adopted a budget for FY 2009 that included funds for Other County sponsored programs. The contracts being recommended for approval reflect the funding amounts previously approved by the Board. Additional contract and amendments will be forthcoming upon receipt of all required information. Countywide (TKF)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

9. **Staff recommends motion to approve:** Amendment No. 003 to Standard Agreement No. IC007-9500 (R2007-1691) for the Community Care for the Elderly (CCE) Program with the Area Agency on Aging (AAA) of Palm Beach/Treasure Coast, Inc. for the period July 1, 2007, through June 30, 2008, increasing the agreement amount by \$89,144 for a new total not-to-exceed the amount of \$1,242,329. **SUMMARY:** This Amendment will increase in-home services by \$89,144. In the area south of Hypoluxo Road, Ruth Rales Jewish Family Service currently provides CCE services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5 and 7 south of Hypoluxo Road (TKF)

10. **Staff recommends motion to:**

A) approve Application to the Early Learning Coalition of Palm Beach County requesting funding for the period December 1, 2008, through July 30, 2009, in an approximate amount of \$1,473,500 to provide Voluntary Pre-Kindergarten (VPK) services to 541 children for 540 hours per child per year; and

B) authorize the County Administrator or his designee to sign necessary documents regarding the VPK program.

SUMMARY: The FY '09 VPK Program will provide early childhood education services to 541 four (4) year olds currently enrolled in ten (10) of the County's Head Start centers: Jupiter, Riviera Beach, West Palm Beach, Westgate, Boynton Beach, Delray Beach, Lake Worth, Pahokee, South Bay, and Belle Glade (Palm Glades). The VPK reimbursement rate is \$2,723.66 for 540 hours per child/per year. No County match is required. (Head Start) Countywide (TKF)

F. AIRPORTS

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

A) Change Order No. 3 to the contract with CTR Systems, Inc. in the amount of \$415,822 and a time extension of 150 calendar days for the Parking Access and Revenue Control System (PARCS) Replacement Project at Palm Beach International Airport (PBI); and

B) a Budget Transfer of \$415,822 in the Airports Renewal and Replacement Fund to establish budget for Change Order No. 3 with CTR Systems, Inc. Included in this transfer is \$415,822 from Reserves.

SUMMARY: On February 5, 2008, the BCC approved the contract with CTR Systems Parking, Inc. in the amount of \$2,370,495 and a contract time of 180 calendar days (R2008-0172). Change Orders 1-2 were approved by the Lead Department for a net increase to the contract in the amount of \$38,136 and no change in contract time. Approval of this Change Order will increase the total contract price by \$415,822 and extend the contract time by 150 calendar days. The Florida Department of Transportation (FDOT) has provided grant funding not to exceed \$400,000 in the implementation of the Sun Pass portion of this contract. The Small Business Enterprise (SBE) goal for this project was established at 15%. The SBE participation for this Change Order is 86.06%. The total SBE contract participation including all change orders is 20.67%. Countywide (JCM)

NOVEMBER 18, 2008

3. **CONSENT AGENDA APPROVAL**

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

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

A) Change Order No. 1 for Task 1 of the Construction Manager (CM) at Risk Contract with J.F. Houston Construction, Inc. in the amount of \$95,472 for miscellaneous repair, replacement and improvement projects at Palm Beach County Glades Airport (Pahokee); and

B) a Budget Transfer of \$396,560 in the Airports Improvement and Development Fund establishing budget of \$396,560 for the redevelopment program at Pahokee Airport, which includes a transfer from Reserves of \$396,560.

SUMMARY: The Department of Airports requested proposals for CM at Risk Services for miscellaneous repair, replacement and improvement projects at Pahokee Airport. Based on this request, two (2) proposals were received on October 18, 2006. On December 20, 2006, the Countywide Selection Committee selected the firm of J.F. Houston Construction, Inc. to provide these services. Task 1 to provide CM at Risk Services for the reconstruction of the T-Hangars at Pahokee Airport was approved on July 10, 2007 in the amount of \$622,158 (R2007-1076). Approval of this

Change Order will increase the task in the amount of \$95,742. The Budget Transfer will provide funds for this Change Order in addition to future tasks required to support the multi-phase redevelopment program at Pahokee Airport. The Small Business Enterprise (SBE) goal for this contract was established at 15%. The SBE participation for this Change Order is 70.61%. The total SBE contract participation including Change Order No. 1 is 9.42%. Countywide (JCM)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff recommends motion to approve:** a negotiated settlement offer in the amount of \$95,000 for the full satisfaction of two (2) Code Enforcement Liens that were entered against Rogelio Vera on October 1, 2003 and December 3, 2003, respectively. **SUMMARY:** The Code Enforcement Special Master (CESM) entered two (2) Orders on February 5, 2003 giving Rogelio Vera until August 2, 2003 to cease operating a trucking service, equipment storage yard and/or other industrial uses not permitted in an AR zoning district and installing a parking lot without proper permits on his two (2) adjoining properties in an AR zoning district. Compliance with the CESM's Orders was not achieved by the ordered compliance date and a fine in the amount of \$250 per day on each individual parcel was imposed. The CESM then entered two (2) claims of liens against Mr. Vera on October 1, 2003 and December 3, 2003. The cited code violations were fully corrected as of April 17, 2006. The total accumulated aggregate liens' amount through September 30, 2006, the month settlement discussions began, totaled \$656,263.32, of which Mr. Vera has agreed to pay the County \$95,000 (14.5%) for full settlement of his two (2) outstanding Code Enforcement Liens. The proposed settlement amount, if approved, is to be paid in full by no later than January 30, 2009. Failure to remit full payment by that date will result in the two (2) liens reverting back to their current updated accrued value. District 6 (PGE)

2. **Staff recommends motion to approve:** a Budget Transfer of \$1,125,000 within the General Fund to reallocate budget between departments in FY 2008. **SUMMARY:** A reallocation of \$1,125,000 is necessary to cover unexpected costs in the General Fund. Three (3) departments were over expended at the end of FY 2008. General Government experienced electric utility costs of \$1,000,000 more than anticipated. Due to additional laboratory testing and supplies, the Medical Examiner's office is in need of an additional \$110,000. Also, due to the late payment of FY 2007 contracts in FY 2008, Legislative Affairs is in need of an additional \$15,000. Funds are available from the Parks and Recreation and Facilities department budgets in the General Fund to cover these discrepancies. Countywide (PK)

NOVEMBER 18, 2008

3. **CONSENT AGENDA APPROVAL**

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

3. **Staff recommends motion to approve:**
 - A) Budget Amendment of \$92,799,554 in the \$94.235M Public Improvement Revenue Bonds, Series 2008-2 Max Planck/Sunshine Loans Refunding Capital Fund to budget

bond proceeds, to fund initial grant payment to Max Planck Florida Corporation, transfers to the various Sunshine State Loan Funds to pay off principal due on loans, costs of issuance and transfer to the Series 2008-2 Debt Service Reserve Fund to set up debt service reserve on the bonds;

B) Budget Amendment of \$23,868,500 in the \$27M Sunshine Loan No. 7A Public Buildings & Parks, Series 2006 Debt Service Fund for principal payments to pay off the loan;

C) Budget Amendment of \$5,418,750 in the \$6.125M Sunshine Loan No. 8, Series 2006 for principal payments to pay off the loan;

D) Budget Amendment of \$7,251,960 in the \$8.16M Sunshine Loan No. 9 South County Golf Course, Series 2006 Debt Service Fund for principal payments to pay off the loan;

E) Budget Amendment of \$6,874,952 in the \$7.5 Million Sunshine Loan No. 7B South County Park Improvements, Series 2006 Debt Service Fund for principal payments to pay off the loan;

F) Budget Amendment of \$4,585,838 in the \$4,838M Sunshine Loan No. 11 Health Department Administrative Center, Series 2007 for principal payments to pay off the loan; and

G) Budget Amendment of \$4,473,156 in the \$94.235M Public Improvement Revenue Bonds, Series 2008-2 Max Planck/Sunshine Loans Refunding Debt Service Reserve Fund to adjust the debt service reserve for the Series 2008-2 Bonds.

SUMMARY: On October 21, 2008, the Board adopted a Resolution No. R2008-1957 authorizing the issuance and negotiated sale of Public Improvement Revenue Bonds, Series 2008-2 in the principal amount of not exceeding \$110 Million for the purpose of funding payments required under the Grant Agreement between the County and Max Planck Florida Corporation and providing funds to refinance County obligations to the Sunshine State Governmental Financing Corporation. These Budget Amendments set up the sale of the Series 2008-2 Bonds including the grant payment to Max Planck, the payment of principal on the refunded Sunshine State loans, cost of issuance and the funding of the debt service reserve on the bonds. Countywide (PFK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** Amendment No. 2 to Contract with Sunco Construction Svc., LLC (R2006-2426) to implement the second renewal of an annual Residential contract. **SUMMARY:** Amendment No. 2 is a renewal to the Annual ContractBResidential which was awarded to Sunco Construction Svc., LLC as one (1) of seven (7) approved contractors. The contract is for residential building contracting services on an Aas-needed@ basis for projects typically under \$25,000 each. This is an indefinite-quantity contract and the renewal has a maximum value of \$ 499,999.99. The renewal term is twelve (12) months or until \$499,999.99 in work orders are issued. Staff is bringing forward the Amendment at this time based on expiration of the term. All terms of the original Contract remain in effect. This is the second of four (4) extensions allowed by the Contract. SBE participation goals for the Residential contracts are 15%.

Sunco's participation for work orders issued to date is 100%. (FD&O Admin)
Countywide (JM)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. **Staff recommends motion to approve:** Contract with West Construction, Inc., in the amount of \$961,000 for the construction of the South County Regional Park Parcel A Main Access Road Extension and Boat Ramp Facility. **SUMMARY:** This Contract will provide for construction of a paved, lighted connecting access road and a lake access boat ramp with 14 paved boat trailer parking spaces. The access road extension and street lighting is intended to promote cross-connection between Parcel A's passive opportunities and Parcel B's active facilities, allowing for easier public access and better staff servicing while improving safety. The lake access boat ramp and parking area, serving the existing 187-acre lake, will accompany the newly constructed dog park, playground and amphitheater facility. The project will be funded by \$750,000 in the Transportation Improvement Reserves for District 5 and \$251,000 in the Park Improvement Fund from the Florida Boating Improvement Program. The SBE goal for this project is 15%. West Construction, Inc. bid includes participation of 38.2%. The Contract time is 150 calendar days to substantial completion. (Capital Improvements Division) District 5 (JM)

3. **Staff recommends motion to approve:** Contract with Rosso Paving & Drainage, Inc. in the amount of \$720,000 for the construction of the Riverbend Park Entrance Road and Pedestrian Bridge. **SUMMARY:** The Contract will provide for the construction of an entrance road to Riverbend Park as well as a pedestrian bridge. The SBE goal for this project is 15%. The Rosso Paving & Drainage, Inc. bid includes participation at 55%. The Contract time is 210 calendar days to substantial completion. (Capital Improvements Division) District 1 (JM)

4. **Staff recommends motion to approve:** Contract with Ocean Gate General Contractors in the amount of \$1,819,000 for the construction of Fire Station No. 14. **SUMMARY:** This Contract will provide for construction of a single story 6,542 square foot fire station with associated site development work. The SBE goal for this project is 15%. Ocean Gate's bid included participation of 23.7%, but their proposed SBE subcontractor's participation was disallowed by the Office of Small Business Assistance (OSBA), as although they are licensed for the specific work to be performed, they are not certified in that category by OSBA and therefore received credit for 0% participation. The second low bidder met the SBE goal for the project, but their bid price falls outside the price differential identified in the section of the Ordinance regarding ranking of responsive bidders. The Contract time is 365 calendar days to substantial completion. (Capital Improvements Division) District 1 (JM)

5. **Staff recommends motion to approve:** a First Amendment to the Interlocal Agreement (R2003-1206) with the Village of Palm Springs (Village) allowing for interoperable communications through the countywide common groups of the County's 800MHz Radio System. **SUMMARY:** The Agreement which provides the terms and conditions under which the Village can directly access the County's 800MHz Radio System expired on August 19, 2008. The Agreement provides for three (3) – five (5) year renewals but renewals require approval by both parties. The Village has approved a renewal to extend the term of the Agreement until August 18, 2013 as originally contemplated. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies. The Agreement may be terminated by either party, with or without cause. (ESS) Countywide (JM)

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3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. **Staff recommends motion to:**

A) adopt a Resolution authorizing the conveyance of the County's interest in three (3) properties, totaling 0.26 acres of vacant land, to the City of South Bay without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration; and

B) approve three (3) County Deeds in favor of the City of South Bay.

SUMMARY: The City of South Bay has requested the conveyance of three (3) parcels of County-owned unimproved surplus property acquired by tax deeds between February 2002 and October 2005. The parcels total 0.26 acres, are located within the City's municipal boundaries and have a total assessed value of \$17,676. Section 197.592(3), F.S. requires the conveyance of surplus property acquired by tax deed to the municipality in which it is located. The subject properties have been declared surplus as they serve no present or future County purpose. The City proposes to utilize the property for housing, landscaping or community-related programs. Staff believes that this property will be more appropriately developed, managed and maintained by the City. Housing & Community Development (HCD) has reviewed this conveyance and has no objections. This conveyance will relieve the County of potential liability for occurrences on this property and also the cost of continued maintenance. The County will retain mineral and petroleum rights in accordance with Section 270.11, F.S. without rights of entry and exploration. As the City is a municipal corporation, a Disclosure of Beneficial Interests form is not required. (PREM) District 6 (HJF)

7. **Staff recommends motion to approve:** an Easement Agreement in favor of the City of Lake Worth (City) for a Floridan Aquifer raw water well and a pipeline across a portion of John Prince Memorial Park. **SUMMARY:** On February 27, 2007, the Board approved

an Interlocal Agreement with the City (R2007-0288), in which the County granted a one-year temporary construction easement for a well and a transmission pipeline and provided for an Easement Agreement to follow completion of construction. The City Commission approved the Easement Agreement on January 15, 2008 and construction was completed in March, 2008. The well easement area is approximately 52' long and 25' wide (1,300 sq. ft./0.03 acres) and the pipeline easement area is approximately 2,369' long and varies in width from 15' to 30' (48,847.95 sq. ft./1.12 acres, more or less). This non-exclusive easement is for a term of ninety-nine (99) years and encumbers an area west of the west right-of-way of Lake Osborne Drive between Lake Worth Road and 6th Avenue South. In the event that the City abandons its use of the well or pipeline, the easement areas will revert to the County. Pursuant to the terms of the Interlocal Agreement, the City issued a \$200,000 credit to the County for use toward future water and sewer connection fees in exchange for the easements. A credit of \$133,893.60 was issued to the County for The Club Managers Association of America Therapeutic Recreation Complex in John Prince Memorial Park, leaving a credit balance of \$66,106.40. (PREM) District 3 (JMB)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

8. **Staff recommends motion to approve:** a Contract Amendment to Cooperative Agreement (R88-1311D) with the State of Florida Department of Agriculture and Consumer Services, Division of Forestry, allowing the continuation of countywide fire protection for forest and wild lands within Palm Beach County at an annual rate of \$41,851.95/yr. **SUMMARY:** Since 1973, the County, pursuant to Florida Statutes Section 125.27, has been invoiced for countywide fire protection of all forest and wild lands within the County by the State of Florida Department of Agriculture and Consumer Services, Division of Forestry. The initial term of the Cooperative Agreement, approved in September 1988, was to continue until superseded by a new agreement or cancelled by the Florida Statutes. This Amendment will: i) revise the total protected acreage from 599,714 acres to 597,885 acres; and ii) revise the total fee from \$0.03 to \$0.07/acre as provided for in Florida Statutes Section 125.27. The total annual assessment will be increased from \$17,991.42 to \$41,851.95. All other terms of the Cooperative Agreement remain unchanged. (PREM) Countywide (SGB)

9. **Staff recommends motion to approve:** Task Order No. 2 to the contract with Moss & Associates, LLC. (R2007-0031), in the amount of \$509,210 for pre-construction services for the Stockade expansion. **SUMMARY:** Task Order No. 2 will provide pre-construction services through the completion of the design documents of the Stockade Expansion. Pre-construction services include design phase assistance including review of design, systems, and materials, proposing alternatives, and providing schedules and estimates. Funds for this Task Order are from the Criminal Justice and Public Improvement Revenue Bonds. The Small Business Enterprise (SBE) requirement for this project is 15%. The initial pre-construction services include 0% SBE. Including this Task

Order, overall SBE participation under this Contract is 13.8%. (Capital Improvements Division) Countywide (JM)

10. **Staff recommends motion to approve:** Change Order No. 12 to the Contract with West Construction, Inc. (R2006-2723) in the amount of \$3,783.84 and a 14 day time extension for the PBSO K9 Training Expansion project. **SUMMARY:** Change Order No. 12 provides for the application of a moisture barrier to the slab areas receiving sheet vinyl. The moisture barrier is required to assure proper adhesion of the sheet vinyl. The requirement for the moisture barrier could not be determined until a moisture test was performed on the concrete substrate. Change Order No. 12 must be approved by the Board as the extra days requested exceeds the cumulative limits of the Department Director and Contract Review Committee. Overall SBE participation on this project is 33.3%. (Capital Improvements Division) District 6 (JM)

11. **Staff recommends motion to approve:** Change Order No. 16 to Amendment No. 12 with The Weitz Company (R2003-1542) in the amount of \$183,178 for the Lantana Branch Library. **SUMMARY:** Change Order No. 16 modifies the onsite and offsite storm drainage, onsite sanitary sewer, offsite sidewalks, pavements striping and offsite modifications to Lawrence Road and Lantana Road. In order to expedite the start of construction, the project was bid prior to obtaining land development and site permits. The additional work included in this Change Order was required for the land development & site permits. The Small Business Enterprise (SBE) goal for this Contract is 15%. When combined with previous work under this Contract, the overall SBE participation is 19.3%. (Capital Improvements Division) District 3 (JM)

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3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

12. **Staff recommends motion to approve:** Change Order No. 17 to Amendment No. 12 with The Weitz Company (R2003-1542) in the amount of \$421,410 for the Lantana Branch Library and a time extension of 57 additional days. **SUMMARY:** Palm Beach County Water Utilities Department requested the water main through the library site be enlarged from 16" to 24" and be extended across Lawrence Road to serve as an extension of the new service to the City of Lake Worth and as a result, the issuance of the building permit and start of construction was delayed. Water Utilities Department is funding the total cost of this Change Order. This Change Order combined with previous work under this contract totals a Small Business Enterprise participation of 18.6%. (Capital Improvements Division) District 3 (JM)

13. **Staff recommends motion to approve:** Change Order No. 73 to the Contract with The Weitz Company (R2002-1868) in the amount of \$263,926 for the South County Courthouse. **SUMMARY:** Change Order No. 73 provides for costs associated with

replacing existing air handling units (AHU) No. 3 & No. 4 at the South County Courthouse. These AHUs in the existing building require replacement due to their age and the replacement can be done during Phase 3 of the expansion project by the trade contractors already on site performing similar new work. Aside from the cost savings, doing the work now also eliminates operational issues as these areas are currently unoccupied. This work is funded as part of the five (5) year Capital Improvement Program for public building renewal/replacement. The Minority/Women Business Enterprise (M/WBE) goal is 15% overall with 5% black participation. This Change Order includes 0% overall and 0% black participation. When combined with previous work done under this Contract, the M/WBE percentages are 17.5% overall and 1.0% Black. (Capital Improvement Division) Countywide/District 7 (JM)

14. **Staff recommends motion to approve:** a Declaration of Easement in favor of Palm Beach County Water Utilities Department for water and sewer lines servicing the County's West Boca Library. **SUMMARY:** The County is nearing completion of construction of the West Boca Library located north of Yamato Road on the west side of State Road 7 in western Boca Raton. As part of the development of the library site, the County installed water and sewer lines along the eastern portion of the library site, then north through the adjacent Fire Rescue Station No. 54 property to the 185th Street right-of-way. The Water Utilities Department requires an easement for these water and sewer lines. The easement area is approximately 20' to 23' wide by 1,683' long and covers .789 acres. The Declaration will be recorded to provide notice of the existence and location of the water and sewer pipes. (PREM) District 5 (JMB)

15. **Staff recommends motion to approve:** a Declaration of Easement in favor of Palm Beach County Water Utilities Department for water lines servicing Samuel Friedland Park in the Acreage. **SUMMARY:** The County has completed development of Samuel Friedland Park (f/k/a District Park "F") on 60 acres of County-owned property located south of Hamlin Boulevard in the Acreage. As part of the development of the Park, the County installed water lines which meander throughout the Park and connects with an existing water main running within Hamlin Boulevard. The Water Utilities Department requires an easement for these water lines. The easement area is approximately 20' to 40' wide by 4,000' long, containing 81,000 square feet. The Declaration will be recorded to provide notice of the existence and location of the water main pipes. (PREM) District 6 (JMB)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

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

A) Change Order No. 46 to the Contract with Catalfumo Construction, Ltd. (R2004-1626) decreasing the Guaranteed Maximum Price (GMP) for the Vista Operations & Support

Center by \$480,358.20 and returning the funds to the owner's contingency;

B) a Budget Transfer of \$400,000 in the \$22.4M NAV '97 CTF Fund from reserves to the South County Courthouse Expansion project budget;

C) a Budget Transfer of \$340,000 in the \$94M NAV '04 CTF Fund from reserves to the South County Courthouse Expansion project budget; and

D) a Budget Transfer of \$760,000 in the \$27M Sunshine No. 7A '05 Fund from reserves to the South County Courthouse Expansion project budget.

SUMMARY: On July 20, 2004, the Board entered into a Contract with Catalfumo Construction, Ltd., for construction management services for the Operations and Support Center. Previous Amendments 1-3 established a Guaranteed Maximum Price (GMP) of \$42,283,612. Change Order No. 46 is for the final reconciliation of the Contract, in the amount of (\$480,358.20), comprised of buyout savings (\$420,827.01) and transfer of the unused contingency balance (\$59,531.19). The Minority/Women Business Enterprise goal for this project is 15% overall, with 5% Black participation. Including this Change Order, the participation to date is 16.5%, with 3.1% Black. The \$480,358.20 deducted from the contractor's contingency along with a project sweeps and reserves comprise the re-allocated funds to the South County Courthouse improvement project. This is the fourth re-allocation of funds budgeted between the four (4) projects in the Public Building Improvement Program which was funded from general fund, bonds, sunshine loans and impact fees. The re-allocations allow for variations resulting from the estimates of cost to actual bid prices, unforeseen conditions, sales tax recovery savings, value engineering and permit/fee schedule changes during the life of the various projects. (Capital Improvements Division) Countywide (JM)

I. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** a reimbursement to Town of Jupiter in the amount of \$10,324.53. **SUMMARY:** Approval of this agenda item will reimburse the Town of Jupiter for expenses already incurred in connection for the installation of brick paved crosswalks and solar powered pedestrian street lights on North Hepburn and North Orange Avenues in the Pine Gardens North neighborhood, which have been completed. The Town of Jupiter entered into a funding Agreement (R2007-0295) with Palm Beach County for this project on February 27, 2007, as amended on November 6, 2007 (R2007-2015) and on January 16, 2008 (R2008-0060). The Agreement expired on April 30, 2008. The \$10,324.53 payment could not be reimbursed in accord with the Agreement, until the contractor completed his compliance with the federally mandated Davis-Bacon Act relating to the payment of wages to workers on the project. Davis-Bacon Act requirements have been addressed enabling this reimbursement. **These are Federal funds that require no local match.** District 1 (TKF)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. **Staff recommends motion to approve:** a reimbursement to the City of Delray Beach in the amount of \$80,144.60. **SUMMARY:** Approval of this agenda item will reimburse City of Delray Beach for expenses already incurred by them in connection with the demolition of Carver Estates in the City of Delray Beach, which has been completed. The City of Delray Beach previously entered into a funding Agreement (R2007-1117) with Palm Beach County for this project on April 26, 2007, as amended on March 11, 2008 (R2008-0381). The Agreement expired on July 31, 2008. The City's \$80,144.60 payment could not be reimbursed in accord with the Agreement until the contractor provided asbestos related compliance documentation required in connection with this type of demolition project. All asbestos requirements have been addressed and reviewed by Palm Beach County Risk Management thereby enabling this reimbursement. **These are Federal funds that require no local match.** District 7 (TKF)

3. **Staff recommends motion to approve:** Amendment No. 002 to an Agreement (R2007-1522), with Delray Elderly, L.P., to extend the expiration date from September 30, 2008, to March 31, 2009. **SUMMARY:** The executed Agreement (R2007-1522) provides Delray Elderly, L.P., \$150,000 in 2005 Disaster Recovery Initiative Program funds for the purchase and installation of five (5) generators for their residential buildings and clubhouse at 600 Lindell Boulevard in the City of Delray Beach. The Amendment provides an extension of six (6) months to the term of the existing Agreement. The time extension is due to delays associated with evaluating site placement options, investigating alternative fuel sources, determining the requirements to comply with local codes, and acquiring the services of surveyors and engineers. The site plans are in the final stages of completion and are being scheduled for review by the City of Delray Beach Planning and Zoning. **These are Federal funds that require no local match.** District 4 (TKF)

4. **Staff recommends motion to approve:** a reimbursement to the Housing Partnership, Inc., in the amount of \$67,649.50. **SUMMARY:** Approval of this agenda item will partially reimburse the Housing Partnership, Inc. for expenses already incurred by them in connection with improvements at Celtic Apartments located at 4680-4694 Davis Road, in Lake Worth. The work included construction of a new gravity sewer line and abandoning an existing septic tank and drain field. The Housing Partnership, Inc., entered into a funding Agreement with Palm Beach County for this project on October 18, 2005. The Agreement expired on March 31, 2007. The work on the project has been completed; however, final closeout is pending full compliance by the contractor and subcontractors with the federally mandated Davis-Bacon Act (relating to the payment of wages to workers on the project). The remaining balance of \$11,405.38 with the County will be released after full compliance when the Davis-Bacon Act is achieved. **These are Federal CDBG funds that require no local match.** District 3 (TKF)

5. **Staff recommends motion to approve:** Amendment No. 002 to an Agreement (R2007-1818) with the Town of Jupiter, extending the expiration date from September 30, 2008, to December 31, 2008, for the expenditure of \$482,350 in Community

Development Block Grant (CDBG) funds. **SUMMARY:** This Amendment provides an extension of three (3) months to the term of the existing Agreement for improvements to the 7th Avenue Stormwater Pump Station in the Town of Jupiter. The time extension is requested because of delays due to re-sizing and reordering of the emergency generator equipment for the pump station and due to time needed for start-up operational testing. **These are Federal funds that require no local match.** District 1 (TKF)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

6. **Staff recommends motion to approve:** Amendment No. 001 to an Agreement (R2007-2009) with the City of Riviera Beach to extend the expiration date from September 30, 2008, to March 31, 2009, for the expenditure of \$251,191 in Community Development Block Grant (CDBG) funds. **SUMMARY:** This Amendment provides an extension of six (6) months to the term of the existing Agreement for the construction of street improvements on West 33rd Street in the City of Riviera Beach. The street improvements include storm water drainage, curbs, gutters, sidewalks, paving, landscaping, relocation of water and sewer lines, adjustment of sewer laterals/water meters/valves, retaining walls, resetting of chain link fences and other incidental work associated with these improvements. The time extension is requested due to time lost while addressing a bid protest which has now been resolved enabling the project to proceed to construction. **These are Federal funds that require no local match.** District 7 (TKF)

J. PLANNING, ZONING & BUILDING

1. **Staff recommends motion to adopt:** Resolution of the Board of County Commissioners of Palm Beach County, Florida, changing the street name of Oklawaha Avenue to Red Trail, located in Section 29, Township 43, and Range 43. **SUMMARY:** Robert E. Deziel, the developer of Okeechobee Place, is requesting a street name change for Oklawaha Avenue to Red Trail, to improve the chances of the public locating his business. Upon receiving a copy of the approved resolution, PZ&B Staff will implement the name change by notifying appropriate parties and agencies. District 2 (RB)

K. WATER UTILITIES

1. **Staff recommends motion to approve:** the First Amendment to the Standard Potable Water and Wastewater Development Agreement with Vivendi Homes, LLC (R2007-0788). **SUMMARY:** On March 26, 2007, the County entered into Standard Potable Water and Wastewater Development Agreement (SDA No. 02-01117-000) with Vivendi Homes, LLC (Vivendi) for reservation of potable water and wastewater capacity for a

small residential project. The Agreement included additional special conditions involving a lift station and certain wastewater improvements that would provide oversizing credits in accordance with the Water Utilities Department's Uniform Policies and Procedures (UPAP). Vivendi subsequently modified their project and desires to modify their Agreement to reflect a revised site plan containing reduced dwelling units, as well as remove the additional conditions. Staff recommends Board approval of this First Amendment to reduce the number of Equivalent Residential Connections to correspond with the proposed revised site plan and the deletion of additional conditions previously required by the Water Utilities Department. District 3 (MJ)

2. **Staff recommends motion to approve:** a Reimbursement Agreement with West Palm Beach, Florida, CPDC Ltd. a Limited Partnership, State of Florida, (WPB CPDC), providing for a cash reimbursement of \$45,406 for off-site utility improvements requested by the County. **SUMMARY:** As part of Polo Grounds Shopping Center Redevelopment Project (03-163), the County requested that WPB CPDC replace approximately 680 linear feet of 10" diameter existing asbestos cement pipe water main with 10" diameter ductile iron pipe. WPB CPDC agreed to design and complete the work, subject to a \$45,406 cash reimbursement. District 2 (MJ)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

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

A) a Contract with Cardinal Contractors, Inc. to construct the Southern Region Water Reclamation Facility (SRWRF) Odor Abatement Improvements in the amount of \$4,944,000;

B) Change Order No. 1 to this Contract in the deductive amount of \$1,889,959.64, deleting materials and equipment for the purpose of sales tax recovery and designating Cardinal Contractors, Inc., as the County's agent for the inspection and receipt of the materials; and

C) Purchase Orders with vendors of the materials and equipment in the amount of \$1,788,975.

SUMMARY: On August 13, 2008, six (6) bids were received for construction of the SRWRF Odor Abatement Improvements with Cardinal Contractors, Inc. being the second lowest bidder in the amount of \$4,944,000. This Contract provides for installing manufactured aluminum covers for 25% of the surface area of each of the four (4) existing aeration basins and a new odor scrubber system at the SRWRF. 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 \$100,984.64 can be achieved. Staff and consultants have reviewed the bids and recommend award to Cardinal Contractors, Inc. as the lowest responsive and

responsible bidder in the amount of \$4,944,000. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. This Contract with Cardinal Contractors, Inc. provides for SBE participation of 14.84% overall. The SBE goal was not met, but Cardinal Contractors has the highest SBE participation of the low three (3) bidders and the fourth bid falls outside the monetary limit for ranking. (WUD Project No. 07-096) District 5 (JM)

4. **Staff recommends motion to approve:** Supplement No. 1 to Consultant Services Authorization No. 20 to the contract with Camp Dresser & McKee, Inc. (CDM) (R2005-0774) reducing the engineering services for the Water Treatment Plant No. 2 backwash recovery system and lime sludge handling facility in the deductive amount of \$156,473. **SUMMARY:** Supplement No. 1 to Consultant Services Authorization No. 20 concludes the engineering services at the 60% design for the Water Treatment Plant No. 2 backwash recovery System and lime sludge handling facility as the construction has been delayed until 2013. The engineering fees are being reduced from \$391,198 to \$234,725. The contract with CDM includes the 15.0% overall Small Business Enterprise (SBE) participation goal established by the Palm Beach County SBE Ordinance (No. 2002-064). This Supplement No. 1 to Consultant Services Authorization No. 20 includes zero overall participation. The consultant's cumulative SBE participation, including this authorization, is 21.62% overall. (WUD Project No. 07-134) District 2 (MJ)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

5. **Staff recommends motion to adopt:** a Resolution amending Resolution 2005-0588, for the Atlantic Avenue and State Road 7 Area Wastewater Force Main Extension Improvement Project, deleting a County-owned property from the assessment roll to extinguish the special assessment lien in the amount of \$25,613.08. **SUMMARY:** On March 15, 2005, the Board adopted Resolution R2005-0588 confirming the Atlantic Avenue and State Road 7 Wastewater Force Main Special Assessment Project. Pursuant to Section 12 of Ordinance No. 2001-0010, the assessment roll can be modified by an amending resolution. The property control number 00-42-46-20-01-000-0160 has an assessable frontage of 333.2 feet at \$76.87 per foot in the amount of \$25,613.08. The parcel was owned by AMKBJ, Partners, LTD (a.k.a. The Bushel Stop) and was therefore placed on the assessment roll. Palm Beach County purchased the property at the request of the Engineering Department for realignment of Atlantic Avenue & Lyons Road. County Engineering has requested the removal of the assessment lien as the parcel will be used for roadway purposes and doesn't benefit from the installation of the wastewater force main. All other portions of Resolution No. R2005-0588 remain in full force and effect. District 5 (MJ)

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

A) Supplement No. 1 to Work Authorization (WA) No. 1 with Southeast Drilling Services, Inc. for repair on the Southern Region Operations Center (SROC) Deep Injection Well in

the amount of \$1,080,627.52;

B) Supplement No. 2 to Work Authorization (WA) No. 1 in the total deductive amount of \$620,779.57 deleting materials for the purpose of sales tax recovery and designating Southeast Drilling Services, Inc. as the County's agent for the inspection and receipt of the materials; and

C) Purchase Order with vendor of the materials in the amount of \$585,617.52.

SUMMARY: On June 3, 2008, the Board approved Work Authorization No. 1 (R2008-0979) to the Floridan and Deep Injection Well (DIW) Continuing Construction Contract to Southeast Drilling Services, Inc. to perform a repair on the Southern Region Operations Center (SROC) deep injection well (DIW) in the amount of \$630,000 which included DIW video and testing, a pressure grout repair and removal of the steel tubing if the repair could not be performed. The DIW video revealed that the steel tubing cannot be repaired. Supplement No. 1 is for replacement of the steel tubing with fiberglass tubing and a credit for the unused pressure grout repair in the net amount of \$1,080,617.52. By approving Supplement No. 2 and purchasing the associated materials directly from the vendor listed in the purchase order, sales tax savings of \$35,162.05 can be achieved. Southeast Drilling Services, Inc. has agreed to serve as the County's agent for the inspection and receipt of the equipment and materials at no additional cost. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.0% overall. This Contract with Southeast Drilling Services, Inc. provides for SBE participation of 57.16% overall. Work Authorization No. 1 provides for SBE participation of 58.00% overall. (WUD Project No. 08-020) District 5 (JM)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

1. Staff recommends motion to:

A) approve Agreement (Contract No. 014154) with the Florida Department of Agriculture and Consumer Services (FDACS) for mosquito control services performed by the Department of Environmental Resources Management (ERM), for the period October 1, 2008, through September 30, 2009 for an amount not to exceed \$39,000;

B) approve a Budget Amendment of \$2,000 in the State Mosquito Fund to adjust the estimated award of \$37,000 to the actual \$39,000; and

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

SUMMARY: The Agreement provides Arthropod Control State Aid of \$39,000 with a County match of one hundred percent (100%) for one (1) year beginning October 1, 2008. The County overmatch is \$2,010,373. Countywide (SF)

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

A) receive and file Document No. PAP086062 that authorizes the Bureau of Land Management (BLM Eastern States Office) to provide Palm Beach County Environmental Resources Management (ERM) with 50% reimbursement up to \$17,293 for the planned exotic treatment work at the Jupiter Inlet Lighthouse Outstanding Natural Area; and

B) approve a Budget Amendment of \$17,293 in the Natural Areas Fund increasing the Natural Areas Management program for the exotic treatment work at the Jupiter Inlet Lighthouse Outstanding Natural Area.

SUMMARY: A delegation of authority to sign all future time extensions, task assignments, and other forms associated with the Land Stewardship Memorandum of Understanding (MOU) with the BLM to collaborate on the joint management of the Jupiter Inlet Natural Area was approved by the BCC in Board item No. 3L-1 on January 15, 2008 (R2008-0072). The Budget Amendment of \$17,293 will appropriate the BLM funding in the Natural Areas Fund. The planned exotic treatment work at the Jupiter Inlet Lighthouse Outstanding Natural Area is estimated to cost \$34,586. Palm Beach County will be reimbursed by BLM at 50% of the estimated cost not to exceed \$17,293. The required match of \$17,293 is included in the 2009 Natural Areas Management budget. [District 1](#) (SF)

3. [Staff recommends motion to approve:](#) Change Order No. 10 decreasing the construction Contract (R2007-1139) with American Earth Movers, Inc. (AEM) in the amount of \$91,588 for quantity under runs on the Chain of Lakes Restoration Project No. 2007907. **SUMMARY:** On July 10, 2007, the Board approved a Contract (R2007-1139) with AEM in the amount of \$2,051,292 to construct an environmental restoration and enhancement project along the west side of Lake Osborne within John Prince Park in Lake Worth. Eight (8) change orders totaling \$543,425.02 have been issued or are pending Lead Department or Contract Review Committee (CRC) review and approval. Change Order No. 10 must be approved by the Board because it, combined with previous Change Orders, exceeds the combined authority of CRC and the Lead Department. This Change Order reduces material excavated/hailed/stockpiled from 105,463 cubic yards to 92,379 cubic yards. There is no change in contract time. The revised contract amount with this Change Order is \$2,503,129.02. The Small Business Enterprise (SBE) participation on this Change Order is 0%. AEM's cumulative SBE participation, including this Change Order is 13.92%. [District 3](#) (JM)

NOVEMBER 18, 2008

3. **CONSENT AGENDA APPROVAL**

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

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

A) approve Grant Agreement No. 2006-0114-010 in the amount of \$75,000 with the National Fish and Wildlife Foundation (NFWF) to fund a countywide coastal lighting assessment project, expiring June 30, 2009;

B) approve Budget Amendment of \$75,000 in the Beach Improvement Fund; and

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

SUMMARY: Coastal lighting visible from the beach may deter female sea turtles from nesting and can disorient sea turtle hatchlings during their travel to the ocean. Environmental Resources Management (ERM) will conduct countywide coastal lighting surveys during the 2008 and 2009 sea turtle nesting seasons to improve the identification and correction of non-compliant coastal lighting and reduce the incidence of sea turtle disorientation events. The NFWF grant will reimburse \$75,000 for project costs using National Oceanic and Atmospheric Administration (NOAA) funds; no County match is required. The Grant Agreement is retroactive to June 1, 2008 and expires June 30, 2009. Districts 1, 4, & 7 (SF)

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

A) Work Order No. 1666-01 to Palm Beach County Annual Dune & Wetlands Restoration Project No. 2008ERM02 (R2008-1666) with Eastman Aggregates Enterprises, LLC (Eastman) (Primary) in the amount of \$674,448 to provide dune restoration services for the South Palm Beach Dune Restoration Project (Project); and

B) Budget Amendment of \$73,986 in the Beach Improvement Fund to recognize cost-sharing revenue from the Town of South Palm Beach (Town) as authorized through a letter dated September 18, 2008 and a Transfer of \$500,000 from the Emergency Beach Response Cost Center to the Project within the Fund.

SUMMARY: The BCC approved the Palm Beach County Annual Dune & Wetlands Restoration Project No. 2008ERM02 (R2008-1666) on September 9, 2008. Work Order No. 1666-01 is the first work order issued under this annual construction contract totaling \$674,448. Work Order No. 1666-01 authorizes Eastman to complete dune restoration activities along the eroded Project shoreline. Eastman's SBE goal is 16.14%. There is 38.93% SBE subcontractor participation on this Work Order. It is anticipated that the Florida Department of Environmental Protection (FDEP) will reimburse 50% of the total project costs through a future grant agreement. On September 18, 2008, the Town provided a letter to the County agreeing to a twenty percent (20%) cost share of Town total eligible project costs. These costs include project management, permitting, purchase and delivery of sand, construction, planting of native vegetation and oversight. District 4 (JM)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. **Staff recommends motion to approve:** Agreement with Young Men's Christian Association of South Palm Beach County, Inc. (YMCA) for the period November 18, 2008, through March 31, 2010, in an amount not-to-exceed \$95,000 for construction of an Outdoor Pavilion at the Boca Raton Peter Blum Family Center. **SUMMARY:** This funding is to help offset costs for an outdoor pavilion to be constructed by YMCA in a new recreation area at the Peter Blum Family Center. The pavilion will serve approximately 10,000 people annually. The Agreement allows for the reimbursement of eligible project costs incurred by YMCA subsequent to September 15, 2008. Funding is from the Recreation Assistance Program (RAP) District 4 Funds. District 4 (DW)
2. **Staff recommends motion to receive and file:** original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for Palm Beach Lakes Community High School in an amount not-to-exceed \$5,175 for varsity and junior varsity athletic uniforms. **SUMMARY:** This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747), as amended. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (DW)
3. **Staff recommends motion to approve:** Recreation Assistance Program allocation to the Parks and Recreation Department in an amount not-to-exceed \$3,853 for the Veteran's Park Veterans' Day event. **SUMMARY:** This allocation provides \$3,853 to fund the Veterans' Day event held on November 12, 2008, at Veteran's Park in Boca Raton. This event was held in cooperation with the Veteran's Coalition of South Florida for an expected audience of 500 people. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 5 (DW)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

4. **Staff recommends motion to approve:**
 - A)** First Amendment to Agreement (R2007-0675) with the Historical Society of Palm Beach County, Inc. for the period May 1, 2007, through May 1, 2010, in an amount not-to-exceed \$23,769 for funding of the Palm Beach County History Museum;
 - B)** revised Project Description and Cost Estimate to expand the Project scope to include the Museum Gift Shop and Tourist Information Center as project elements and to increase the total Project cost to \$820,183; and
 - C)** Budget Transfer of \$23,769 within the \$25M GO Parks and Cultural Improvements Bond Fund - 2003 from Old Courthouse Renovation to Palm Beach County History Museum Exhibits.

SUMMARY: This Amendment provides \$23,769 to increase the previously allocated \$579,175 from the 2002 Recreational and Cultural Facilities Bond for the Palm Beach County Historical Society, Inc.'s development of Palm Beach County History Museum

Exhibits within the renovated 1916 Courthouse. This Amendment also provides a revised Project Description and Cost Estimate that expands the Project scope to include the Gift Shop and Tourist Information Center as project elements (the “expanded Project”) and to increase the total project cost to include the additional project elements. The original project cost estimate was \$770,061, the actual completed cost of the Project was \$765,263, and the cost for the expanded Project is \$820,183. These cost adjustments change the Historical Society’s required Project match from \$190,886 to \$217,239. The amended amount of \$23,769 is from a residual balance from Palm Beach County’s 1916 Courthouse renovation project. A \$4,798 residual balance is also available from the Historical Society’s original Agreement for Museum Exhibits. The two (2) residuals total \$28,567, which will be used to help offset the Historical Society’s cost for the expanded project. The \$1,500,000 bond allocation for the County’s renovation of the 1916 Courthouse and the Historical Society’s development of the Palm Beach County History Museum is from District 2 (\$500,000) and District 7(\$1,000,000). District 7 (PK)

5. **Staff recommends motion to receive and file:** First Amendment to Agreement (R2008-0417) with the City of Delray Beach for the Delray Rocks Youth Organization’s football and cheerleading trip. **SUMMARY:** This fully executed First Amendment to Agreement in an amount not-to-exceed \$3,000 extends the project completion date from March 3, 2008, to June 30, 2008, and the term of the Agreement from June 3, 2008, to October 30, 2008, 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, including the funding amount, remain the same. Funding for the project is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (DW)

6. **Staff recommends motion to approve:** Budget Transfer of \$92,000 within the \$25M GO Parks and Cultural Improvements Bond Fund - 2003 from New Boat Ramp Park/Boynton Inlet to Lake Charleston Park Athletic Field Improvements. **SUMMARY:** This Budget Transfer provides funding for renovations to the athletic field facilities at Lake Charleston Park. These renovations include modifying backstops on two (2) fields and installing shade structures over bleachers. Funding is from the 2002 \$50 Million Recreational and Cultural Facilities Bond referendum, as amended – District 3. The District Commissioner supports this Budget Transfer. District 3 (AH)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont’d)

7. **Staff recommends motion to approve:** Budget Transfer of \$228,000 within the \$25M GO Parks and Cultural Improvements Bond Fund - 2003 from New Boat Ramp Park/Boynton Inlet to YMCA of the Palm Beaches Concession/Bathroom Building (\$125,000) and Palm Springs Baseball Fields Improvements (\$103,000). **SUMMARY:** This Budget Transfer provides funding for the construction of a concession/kitchenette/bathroom facility at the Edwin W. Brown Family YMCA and various improvements to the Palm Springs ball fields. On September 10, 2002, the Board approved a proposed project list for the 2002 \$50 Million Recreation and Cultural Facilities Bond referendum, as amended, that included \$1.8 million for a new boat ramp park in the Boynton Inlet vicinity. The cost of acquisition, design and development of this project is estimated to be substantially higher and this project is no longer feasible. The District 3 Commissioner supports this transfer from the \$50 Million Recreation and Cultural Facilities Bond referendum. District 3 (PK)

N. LIBRARY

1. **Staff recommends motion to receive and file:** a Cooperative Agreement with Literacy*AmeriCorps through the Literacy Coalition of Palm Beach County. **SUMMARY:** On July 22, 2008, the Board approved a site application (R2008-1330) for the County Library's participation in the Literacy*AmeriCorps PBC Program for the period of August 25, 2008, through August 28, 2009, and authorized the Chairperson to execute the agreement. This Agreement will provide the County Library with one (1) full-time Literacy*AmeriCorps member. This member will offer conversational English programs and oversee the literacy learning computer lab. The Library will pay a service fee of \$4,750 to the PBC Literacy Coalition and business-related mileage to the member up to \$2,250. AmeriCorps, with supplemental funds from the Coalition, will cover all other expenses including Workers= Compensation, liability, and health care coverage. Funds will be provided through the Library=s FY >08 and '09 operating budgets and will have minimal fiscal impact. Countywide (TKF)

R. HUMAN RESOURCES

1. **Staff recommends motion to approve:** a Budget Amendment of \$8,500 in the General Fund to recognize the collection of fees for Training and Organizational Development services. **SUMMARY:** Revenue generating County departments and entities whose employees attend Training and Organizational Development programs delivered by outside consultants are charged back the cost-per-person (cost of consultant's fees divided by the number of attendees) for each employee. This revenue is not currently included in the Department budget and is needed to cover vendor payments and costs incurred in providing training and development services. Countywide (EC)

X. PUBLIC SAFETY

1. **Staff recommends motion to receive and file:** a Proclamation of Declaration of State of General Emergency of August 18, 2008. **SUMMARY:** On August 18, 2008, Palm Beach County declared a State of General Emergency due to the impending arrival of Tropical Storm Fay. The State of General Emergency was declared to initiate the taking of actions by the County Administrator which ensured the health, safety and welfare of the community. The Declaration of State of General Emergency, beginning at 12:01 P.M., August 18, 2008, was issued in anticipation of the effects of rain and high winds expected in Palm Beach County as part of Tropical Storm Fay's impact on Florida. Countywide (GB)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. **Staff recommends motion to receive and file:** the executed grant agreement with Florida Power & Light (FPL) to receive \$190,303 for the Radiological Emergency Program of the Division of Emergency Management for the period October 1, 2008, through September 30, 2010. **SUMMARY:** FPL will provide Palm Beach County \$190,303 over two (2) years, for the Palm Beach County Division of Emergency Management REP Program, in accordance with U.S. Nuclear Regulatory Commission Provision (NRC) 10 CFR Pars 50 and 70, NCR guidance document NUREG 0654 and Florida Statutes 252. The FPL grant will continue to fund a planner position that oversees the REP Program. There is no cash match and the agreement is eligible for renegotiation every two (2) years. Resolution R2001-0217 authorizes the County Administrator or his designee to execute grant contracts with FPL, which do not require a County match. Countywide (GB)

3. **Staff recommends motion to adopt:** a Resolution authorizing the County Administrator, or his designee, to execute a Standard Form License Agreement for the use of properties managed by the Division of Animal Care and Control, which will become effective upon adoption. **SUMMARY:** The Division of Animal Care and Control occasionally receives requests for the use of Division managed properties, including but not limited to, requests to use parking spaces for mobile spay/neuter clinics and portable pet adoption mobiles. On occasion, these requests are made with insufficient time to process an agenda item for Board approval. This Resolution establishes a Standard Form License Agreement, which will authorize the County Administrator, or his designee, to grant a revocable license on behalf of the Board for use of property managed by the Division. Countywide (SF)

BB. MEDICAL EXAMINER

1. **Staff recommends motion to:**

A) receive and file the Paul Coverdell National Forensic Sciences Improvement Grant (No. 2008-CD-BX-0072), and receive \$95,000 from the Office of Justice Programs in grant funding for the period of October 1, 2008, through September 30, 2009; and

B) approve a Budget Amendment of \$ 95,000 in the General Fund to establish revenue and grant budget.

SUMMARY: The Department of Justice has awarded a Paul Coverdell Forensic Sciences Improvement Grant to the Palm Beach County Medical Examiner's Office to purchase digital x-ray and photography equipment to enhance the operations of the Medical Examiner's Office. This is a 100% grant funded award. Countywide (DW)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

CC. SHERIFF

1. **Staff recommends motion to approve:** a Budget Transfer of \$126,000 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff's Office (PBSO) for community program donations. **SUMMARY:** Florida Statute 932.7055 requires that no less than 15% of the LETf's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2009 estimated donation requirement will not be finalized until year-end close-out. The funds are requested to aid qualified organizations that meet the requirements set forth in F.S. 932.7055. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The current State LETf balance is \$1,510,319. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,384,319. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective agency. No new positions are needed and no additional County funds are required. Countywide (DW)

<u>Organization</u>	<u>Amount</u>
Crime Stoppers of Palm Beach County, Inc.	\$ 35,000
Lake Worth High School – Criminal Justice Academy	5,000
Palm Beach Recovery Coalition, Inc.	25,000
Take Stock in Children, Inc.	50,000
The Homeless Coalition of Palm Beach County, Inc.	<u>11,000</u>
Total Amount of Donations	\$126,000

2. **Staff recommends motion to:**

A) accept on behalf of the Palm Beach County Sheriff's Office, a Florida Department of Transportation Highway Safety Grant for the Palm Beach County DUI Initiative, in the amount of \$247,986 for the period of October 1, 2008, through September 30, 2009; and

B) approve a Budget Amendment of \$247,986 increasing the Sheriff's Grant Fund.

SUMMARY: On October 1, 2008, the Florida Department of Transportation awarded a Highway Safety grant to the Palm Beach County Sheriff's Office (PBSO) in the amount of \$247,986. These funds will be used to pay the salary and benefits of two (2) new full-time law enforcement officers assigned to the DUI Unit to enforce DUI driving laws. These two (2) new hires will join a team of ten (10) and their combined efforts will include: an increase in traffic-related citations; and increased countywide attention to the dangers of DUI driving. There is no match requirement associated with this award. Two (2) new PBSO positions are created with this action. No additional County funds are required. Countywide (DW)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

3. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office a Victim of Crime Act (VOCA) Agreement with the State of Florida, Office of the Attorney General in the amount of \$48,939 for the PBSO's Domestic Violence Advisor Program for the period October 1, 2008, through September 30, 2009; and

B) approve a Budget Amendment of \$48,939 in the Sheriff's Grants Fund.

SUMMARY: On July 18, 2008, the Palm Beach County Sheriff's Office (PBSO) received a VOCA grant. These funds will be used to continue to allow for a victim advocate position to concentrate on the victim population in Palm Beach County. This position will continue to coordinate services with PBSO officers and other municipal agencies to offer crisis intervention, lethality assessments and safety plans. The PBSO will be reimbursed for personnel expenses totaling \$48,939. The required match is 20%; the PBSO will provide a match in the amount of \$12,235, through its approved operating budget, in order to cover the remaining entire salary and benefits package of the Domestic Violence Advocate. No additional positions are needed and no additional County funds are required. Countywide (DW)

4. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office, a National Institute of Justice Forensic FY 2008 DNA Backlog Reduction Program Grant in the amount of \$412,981 for the period October 1, 2008, through March 31, 2010; and

B) approve a Budget Amendment of \$412,981 increasing the Sheriff's Grant Fund.

SUMMARY: On September 11, 2008, the Palm Beach County Sheriff's Office (PBSO) received an award for the Forensic DNA Backlog Reduction Program. The Forensic Biology Unit (FBU) of PBSO accepts casework evidence from over twenty-nine (29) law enforcement agencies including the Medical Examiner's Office. Funds provided will be used for salary and benefits for two (2) new full-time entry level Forensic Scientist, equipment, supplies, and validation of new equipment. There is no match requirement associated with this award. Two (2) PBSO positions are created with this action. No County funds are required. Countywide (DW)

5. Staff recommends motion to:

A) ratify on behalf of the Palm Beach County Sheriff's Office the Chairperson's signature on the Rural Domestic Violence, Dating Violence, Sexual Assault and Stalking Assistance Program grant award in the amount of \$375,000 for the period of October 1, 2008, through September 30, 2010; and

B) approve a Budget Amendment of \$375,000 increasing the Sheriff's Grant Fund.

SUMMARY: The purpose of Palm Beach County's Rural Domestic Violence Collaborative Strategy is to create a safer environment for victims by employing a coordinated multi-faceted approach which encompasses: 1) assessing gaps in services and community needs; 2) expanding the Palm Beach County Sheriff's Office (PBSO) Domestic Violence Unit; 3) enhancing the exchange of law enforcement information between criminal justice and victim services partners; 4) training additional patrol officers from the "Glades" region as Domestic Abuse Response Team specialty officers; and 5) fostering multi-agency collaboration to maximize efforts. There is no match requirement associated with this award. Two (2) new PBSO positions are created with this action. No additional County funds are required. Countywide (DW)

NOVEMBER 18, 2008

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

6. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office a National Association of Drug Diversion Investigators, Inc. award in the amount of \$10,000 for the Prescription Drug Abuse Enforcement Project; and

B) approve a Budget Amendment of \$10,000 to the Sheriff's Grants Fund.

SUMMARY: On September 13, 2008, the Palm Beach County Sheriff's Office (PBSO) received an award from the National Association of Drug Diversion Investigators, Inc. (NADDI) for the PBSO Public Service Campaign Project. The funds provided will be used by PBSO's Overdose Death Suppression Team to conduct drug diversion investigations. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

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NOVEMBER 18, 2008

4. SPECIAL PRESENTATIONS – 10:30 A.M.

A. Proclamation declaring November 2008 as "Alzheimer's Awareness Month" in Palm Beach County. (Sponsored by Commissioner McCarty)

- B. Proclamation declaring November 2008 as “National Adoption Month” in Palm Beach County. (Sponsored by Commissioner Greene)
- C. Proclamation declaring November 2008 as “National Caregivers Month” and November 17-21, 2008 as “Alzheimer’s Awareness Week” in Palm Beach County. (Sponsored by Commissioner McCarty)

NOVEMBER 18, 2008

5. PUBLIC HEARINGS - 10:30 A.M. (Motion to receive and file: Proof of publication)

- A. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, providing that the updated Florida Fire Prevention Code shall be deemed adopted; providing for local amendments to the Florida Fire Prevention Code; repealing and replacing Chapter 12, Article IV of the Palm Beach County Code (codifying Ordinance 2004-073) in its entirety; providing for legislative findings; providing for applicability; providing for repeal of laws in conflict; providing for a savings clause; providing for severability; providing for inclusion in the code; and providing for an effective date. **SUMMARY:** Pursuant to Chapter 633, Florida Statutes, the State Fire Marshal has adopted an updated statewide minimum fire safety code, known as the Florida Fire Prevention Code, in Rule Chapter 69A-60 of the Florida Administrative Code. This updated Florida Fire Prevention Code will become effective on December 31, 2008, and is based on the Florida editions of the National Fire Protection Association’s Uniform Fire Code (NFPA 1) and Life Safety Code (NFPA 101). The local amendments to the Code include a revised fee schedule increasing plan review and inspection fees due to the increased cost of providing those services. Effective December 31, 2008, the County will enforce the updated Florida Fire Prevention Code with the Palm Beach County Local Amendments adopted by this Ordinance. Countywide (SB)

- B. **Staff recommends motion to:**

A) conduct a TEFRA public hearing within the meaning of Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), concerning the issuance by the County of its not to exceed \$90,000,000 Water and Sewer Revenue Bonds (FP&L Reclaimed Water Project), issued in one or more series (collectively, the “Water & Sewer Bonds”); and

B) adopt a Resolution declaring the County’s intent to seek reimbursement for itself and on behalf of Florida Power & Light Company (“FPL”) for certain capital expenditures (the “Capital Expenditures”) incurred and to be incurred by the County and FPL in connection with the reclaimed water project (the “Reclaimed Water Project”) described in the Reclaimed Water Agreement by and between the County and FPL, from the proceeds of the County’s Water & Sewer Bonds; providing for repealer and providing an effective date.

SUMMARY: The County proposes to issue its Water & Sewer Bonds to finance and refinance the costs of the Reclaimed Water Project. Prior to the issuance of the Water & Sewer Bonds, the County and FPL incurred or will incur the Capital Expenditures. The County's Capital Expenditures have been paid or are to be paid from the County's water and sewer revenues and certain of the Capital Expenditures have been paid or are to be paid from FPL's general funds. The County reasonably expects to reimburse the Capital Expenditures from a portion of the proceeds of the Water & Sewer Bonds. The Resolution declares the County's intent with respect to the reimbursement of the Capital Expenditures as required by Section 1.150-2(e) of the Federal Code of Regulations (the "Regulations"). Prior to the issuance of the Water & Sewer Bonds the Code requires that the County conduct a public hearing. **Neither the taxing power nor the faith and credit of the County shall be pledged to pay principal or redemption premiums, if any, or interest on the Water & Sewer Bonds.** Countywide (PFK)

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NOVEMBER 18, 2008

6. REGULAR AGENDA

A. ADMINISTRATION

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

A) a fee schedule for processing certification, modification of certification and re-certification applications for the Office of Small Business Assistance, effective January 1, 2009; and

B) authorization to adjust the fee schedule annually based upon the Consumer Price Index (CPI).

SUMMARY: The Office of Small Business Assistance seeks Board approval to establish a fee schedule for the processing of certification, modification of certification and re-certification applications. Staff recommends that the Board approve the fee schedule and that authority be given to allow for the adjustment of fees when necessary based upon the Consumer Price Index (CPI). The Office of Small Business Advisory Committee has reviewed the fee schedule and supports the recommendation. Countywide (TKF)

2. **Staff recommends motion to approve:** the 2003 through 2007 Annual Reports of the Office of Small Business Assistance. **SUMMARY:** The Office of Small Business Assistance has prepared annual reports for the Board of County Commissioners to account for activities and accomplishments of 2003 through 2007. Countywide (TKF)

B. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on Tuesday, December 2, 2008 at 9:30 a.m.:** 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: This is the annual update of the County's Five-Year Road Plan which is required to be considered each year by the Five-Year Road Program Ordinance. Exhibit "A" to the Ordinance is a list of proposed projects for the next five (5) years and contains certain changes and modifications. This list is submitted for Board consideration on preliminary reading today with the final list to be approved with the Ordinance at public hearing on Tuesday, December 2, 2008. Countywide (MRE)

NOVEMBER 18, 2008

6. REGULAR AGENDA

C. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to:

A) authorize the Department of Housing and Community Development to amend its FY 2007-2008 Community Development Action Plan and submit an application to the U.S. Department of Housing and Urban Development under its Neighborhood Stabilization Program (NSP);

B) approve the proposed NSP activities and corresponding funding allocations; and

C) adopt a Resolution authorizing the County Administrator or his designee to sign the Neighborhood Stabilization Program grant application and agreement with the U.S. Department of Housing and Urban Development (HUD), and Request for Release of Funds.

SUMMARY: The Housing and Economic Recovery Act of 2008 (HERA), approved on July 30, 2008, appropriates \$3.92 billion under the Act's Emergency Assistance for Redevelopment of Abandoned and Foreclosed Homes provisions, known as the Neighborhood Stabilization Program (NSP). The NSP grant is a special Community Development Block Grant (CDBG) allocation created to address the problem of abandoned and foreclosed properties. The HERA legislation mandates that the NSP must provide benefits to individuals and families whose income does not exceed 120% of the area median income. Also, at least 25% of the grant must be used to provide "housing opportunities" to very-low income persons or families whose income does not exceed 50% of the area median income. The Palm Beach County CDBG program jurisdiction (which excludes the Cities of West Palm Beach, Boca Raton, Delray Beach and Boynton Beach) was allocated \$27,700,340. The County's application to HUD is due on December 1, 2008. All funds received must be obligated within 18 months of the execution of the agreement between the County and HUD, and expended within four (4) years. The distribution and uses of NSP funds must meet HERA requirements that funds

be distributed to the areas of greatest need, including those areas with the highest percentage of home foreclosures, the highest percentage of homes financed by a subprime mortgage, areas identified by the County as likely to face a significant rise in the rate of home foreclosures, and low and moderate income areas. HCD staff has determined that as of September 30, 2008, there were, in the County's NSP jurisdiction, approximately 12,000 foreclosed properties, an approximately 33% of the existing loans were subprime loans. Also, staff has utilized available data to determine the areas of the county where significant increases in foreclosures are most likely to occur. As required by HUD, citizen input has been obtained via a Commission on Affordable Housing sponsored workshop held on October 23, 2008. The proposed program activities and estimated allocations took into consideration the public input received. The November 18th BCC workshop was advertised via a Public Notice published on November 2, 2008. HUD will allow the Application to be amended subsequent to the December 1st deadline to further detail the County's NSP. Any funding allocation to specific projects, agencies and organizations will be brought back to the BCC for their consideration. **These are Federal funds that require no local match.** Countywide (TKF)

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NOVEMBER 18, 2008

7. BOARD APPOINTMENTS

A. ADMINISTRATION

(Green Task Force on Environmental Sustainability & Conservation)

1. Staff recommends motion to approve: appointment of Vice Mayor Charles J. McCrosson to replace Councilor Robert Gottlieb as the Seat 9 Municipal Representative on the Green Task Force on Environmental Sustainability and Conservation for a term commencing on November 18, 2008, and ending upon completion of the Task Force mission, sunseting or disbandenment of the Task Force, or upon resignation or replacement by the Board of County Commissioners. **SUMMARY:** The Task Force is comprised of 16 voting members and three (3) non-voting members plus one (1) member of the Board of County Commissioners serving as Chair. The Task Force makeup includes district appointments and at-large appointments. Seat 9 is a municipal representative nominated by the League of Cities. Councilor Robert Gottlieb, the current municipal representative, has resigned for health reasons, and the League of Cities has nominated Vice Mayor McCrosson as his replacement. Countywide (GB)

B. WATER UTILITIES

(Water Utilities Advisory Board)

1. Staff recommends motion to approve: the appointment of one (1) at-large member to the Water Utilities Advisory Board (WUAB) filling Seat No. 8 vacated by Seymour Lubetkin, effective through May 1, 2010:

Seat No.	Nominee	Requirements	Nominated By:
8	Edwin J. Wechsler	Customer/ Resides in PBC	Comm. Kanjian Comm. Koons Comm. Greene

SUMMARY: The Water Utilities Advisory Board consists of 11 citizen members; all of which must reside within Palm Beach County. At-Large members must be current customers of the Department. On April 10, 2007, Seymour Lubetkin was reappointed to a three (3) year term as an at-large member of the Water Utilities Advisory Board (WUAB). Mr. Lubetkin served on the WUAB for 22 years. He has since informed the Board that he would be relocating and has resigned his seat, the term of which expires May 1, 2010. Mr. Edwin J. Wechsler has expressed his interest in filling this seat. He is active in our Odor Control Focus Group and is a retired quality assurance manager for a large specialty electrical contractor. Mr. Wechsler is a current County resident (unincorporated Boynton Beach) and customer of Water Utilities in good standing. WUD supports his appointment to this citizen's advisory board. Countywide (MJ)

NOVEMBER 18, 2008

7. BOARD APPOINTMENTS

**C. COMMUNITY SERVICES
(Head Start/Early Head Start Policy Council)**

- Staff recommends motion to approve:** appointment of the following Parent Representatives to the Head Start/Early Head Start Policy Council for a term of three (3) years or less, as indicated on the Board Appointment Information Form, effective November 18, 2008:

PARENT REPRESENTATIVE AND ALTERNATE(S) BY CENTER

(R) = Representative

(A) = Alternate

<u>Seat ID #</u> 10	<u>Boynton Beach</u> Eunice Hernandez (R) Torlande Saintizaire (A)	<u>Seat ID #</u> 11	<u>Jupiter</u> Jenny Medina (R) Veronica Samoyoa (A) Gertha Fleurimont-Saint Louis (A)
<u>Seat ID #</u> 12	<u>South Bay-HS</u> Chanta Wheeler (A) Mattie Moore (A)	<u>Seat ID #</u> 13	<u>Palm Glades</u> Diane Scantlebury (R) Patricia Jacques (A)
<u>Seat ID #</u> 14	<u>Delray Beach HS</u> Juliet Murdock (R) Tyrah Puckett (A)	<u>Seat ID #</u> 15	<u>Pahokee</u> Ruth Crawford (R) Janice Morgan (A)
<u>Seat ID #</u> 16	<u>Westgate</u> Ellen O. Hollingworth (R) Adriana Monrroy (A)	<u>Seat ID #</u> 17	<u>Lake Worth</u> Erica Colosimo (R) Guirlande Pierre(A) Nixon Marc (A)

<u>Seat ID #</u> 18	<u>Riviera Beach</u> Tawania Nubin (R) Mary DeYounks (A)	<u>Seat ID #</u> 19	<u>West Palm Beach</u> Loraine Hunt (R) Karen L. Hill-Simpson (A)
<u>Seat ID #</u> 20	<u>Union Baptist</u> Rosemene Gedeon (R) Lerelia Lubin (A)	<u>Seat ID #</u> 21	<u>Delray Beach EHS</u> Thealuna Talegrand (R)
<u>Seat ID #</u> 27	<u>A Step Above</u> Anne Vildania Lucce (R) Robert Sloan (A) Madacce M. Dorsainvil (A)	<u>Seat ID#</u> 28	<u>Emmanuel</u> Gladys Cameron (A)
<u>Seat ID #</u> 29	<u>King's Kids</u> Javette Padgett (R)	<u>Seat ID#</u> 31	<u>San Castle</u> Darline Rene-Bien-Aime (A)

SUMMARY: The term of appointment for parent representatives and alternates to the Head Start/Early Head Start (HS/EHS) Policy Council is no more than three (3) years, and requires that the parent representative/alternate be a parent of a child enrolled in the HS/EHS program. The Council is comprised of thirty-three (33) members, of which nine (9) must be representatives of the community. The remaining membership is comprised of parents whose children are actively enrolled in the HS/EHS program. The HS/EHS Policy Council has recommended these individuals for appointment. (Head Start) Countywide (TKF)

D. COMMISSION DISTRICT APPOINTMENTS

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NOVEMBER 18, 2008

8. MATTERS BY THE PUBLIC – 2:00 P.M.

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NOVEMBER 18, 2008

9. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

NOVEMBER 18, 2008

10. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS

B. District 2 - COMMISSIONER JEFF KOONS

Proclamation declaring November 20, 2008 as "Turner School of Construction Management Day" in Palm Beach County

C. District 3 - COMMISSIONER SHELLEY VANA

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

11. ADJOURNMENT

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

November 14, 2008 – 12:30 p.m.

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

NOVEMBER 18, 2008

<u>PAGE</u>	<u>ITEM</u>	
10	3A-4	<u>WAITING FOR BACKUP:</u> Staff recommends motion to approve: Amendments to eight (8) consulting/professional service contracts for state lobbying on behalf of Palm Beach County to extend the term for one (1) year to September 30, 2009 as follows:
10	3A-5	<u>WAITING FOR BACKUP:</u> Staff recommends motion to approve: Amendment No. 6 to contract with U.S. Strategies Corp. (R2002-1806) for federal lobbying on behalf of Palm Beach County for the period of November 1, 2008, through September 30, 2009, in the amount of \$101,000.
11	3B-3	<u>WAITING FOR BACKUP:</u> Staff recommends motion to approve: Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller=s Office.

- 13 3C-11 **DELETED: Staff recommends motion to approve:** a Budget Transfer in the amount of \$400,000 from the Transportation Improvement Fund Reserve for District 3 to the Roebuck Road, from State Road 7 to Jog Road project. (Engineering) (Further staff review)
- 18 3D-7 **WAITING FOR BACKUP: Staff recommends motion to approve and file with the Clerk of the Circuit Court:** the bonds on newly elected or re-elected Commissioners of Palm Beach County.
- 47 6A-2 **REVISED TITLE & SUMMARY: Staff recommends motion to approve:** the 2003 through ~~2007~~ 2008 Annual Reports of the Office of Small Business Assistance. **SUMMARY:** The Office of Small Business Assistance has prepared annual reports for the Board of County Commissioners to account for activities and accomplishments of 2003 through ~~2007~~ 2008. (Admin/OSBA)
- 47 6B-1 **WAITING FOR BACKUP: Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on Tuesday, December 2, 2008 at 9:30 a.m.:** 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. (Engineering)
- 48 6C-1 **WAITING FOR BACKUP: Staff recommends motion to: A) authorize** the Department of Housing and Community Development to amend its FY 2007-2008 Community Development Action Plan and submit an application to the U.S. Department of Housing and Urban Development under its Neighborhood Stabilization Program (NSP);....(HCD)

NOTE: Items that were revised, added, deleted, or backup submitted and were not listed on the preliminary addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (*).