

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

DECEMBER 2, 2008

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

**COMMISSION
CHAMBERS**

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

- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption

- 3. CONSENT AGENDA (Pages 7 - 32)**

- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 33)**

- 5. PUBLIC HEARINGS - 9:30 A.M. (Page 34)**

- 6. REGULAR AGENDA (Pages 35 - 39)
TIME CERTAIN 10:15 A.M. ("MyMinutes" Presentation by Clerk & Comptroller) (Page 35)**

- 7. BOARD APPOINTMENTS (Pages 40 - 42)**

- 8. MATTERS BY THE PUBLIC - 2:00 P.M. (Page 43)**

- 9. STAFF COMMENTS (Page 44)**

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REGULAR AGENDA

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** Neighborhood Partnership Grant (NPG) funding agreements for Fiscal Year 2008-2009:

A) an Agreement with Pleasant Ridge Property Owners Association, Inc. in an amount not to exceed \$10,000 to install landscaping on Osceola right-of-way, concrete post markers and a dedication plaque;

B) an Agreement with Lantana Homes Homeowners Association, Inc. in an amount not to exceed \$3,700 to install lighting and landscaping for entrance signs;

C) an Agreement with Homes At Lawrence Homeowners Association, Inc. in an amount not to exceed \$14,100 to excavate and install American's with Disabilities Act engineered wood mulch and rainbow turf under playground;

D) an Agreement with Sharon McConnell an individual representing W.E.C.A.R.E. Community of Watergate Estates in an amount not to exceed \$3,800 to beautify and maintain common areas around Watergate Estates;

E) an Agreement with City of Pahokee in c/o Helping Hands Improving Pahokee in an amount not to exceed \$8,200 to make façade improvements to main street businesses and installation of a playground;

F) an Agreement with Frank Cote an individual representing Glades Airboat and Buggy in an amount not to exceed \$20,000 to purchase and install an entryway into Boy Scout Island with signage, landscaping and picnic facilities;

G) an Agreement with Palm Beach County Sheriff's Office Explorer Post 611 in an amount not to exceed \$10,000 to purchase and install an entrance sign in Mace Park with landscaping and picnic facilities;

H) an Agreement with City of Pahokee in an amount not to exceed \$11,200 to purchase and install a chess park and skate park along Rardin Avenue;

I) an Agreement with Kim Erickson an individual representing Canal Point Community Development, Inc. in an amount not to exceed \$15,000 to install three (3) "Welcome to Canal Point" signs with lighting and landscaping;

J) an Agreement with Melanie Grimes an individual representing Lions Club of Belle Glade in an amount not to exceed \$9,000 to purchase and install an entrance sign in Lyons Park with landscaping and picnic facilities;

K) an Agreement with Demetrius Jacques an individual representing Gramercy Park Coalition in an amount not to exceed \$10,000 to purchase and install signage with landscaping and a canopy in Gramercy Park; and

L) an Agreement with Paint Your Heart Out, Inc. in an amount not to exceed \$10,000 to purchase supplies to make repairs to homes.

SUMMARY: Projects were reviewed by the Neighborhood Partnership Grant Program Review Committee (NPGRC) on September 24, 2008, and are now being recommended for funding.

Funding was established in FY 2007-2008 budget for the purpose of funding neighborhood projects. Countywide (AH)

DECEMBER 2, 2008

3. **CONSENT AGENDA APPROVAL**

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

2. **Staff recommends motion to receive and file:** the U.S. Department of Housing and Urban Development (HUD) Letters of Removal of Environmental Grant Condition and the executed Authority to Use Grant Funds forms 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.
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 applications/contracts. Countywide (DW)

3. **Staff recommends motion to approve:** Amendment No. 1 to the Business Development Board of Palm Beach County Inc. (BDB) Five-Year Agreement (R2006-1998) to reduce the grant amount by 5.4% or \$55,250 annually. The total Agreement will be reduced from \$1,032,100 to \$976,850 annually beginning FY 2009. The Agreement period is from October 1, 2006, through September 30, 2011, and it is in its third year of the term. **SUMMARY:** The Board of County Commissioners entered into an Agreement with the BDB to provide business recruitment assistance, business retention activities and business expansion services in Palm Beach County. Palm Beach County and the BDB entered into a public-private partnership to promote the County, attract new businesses and assist in creating new industries in the County. This reduction is required to bring the annual fee in the Agreement in line with the approved FY 08-09 budget. Countywide (DW)

B. **CLERK & COMPTROLLER**

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

2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners= meetings:

<u>Meeting Type</u>	<u>Meeting Date</u>
Budget	June 18, 2008
Environmental Control	July 22, 2008
Regular	July 22, 2008
Comprehensive Plan	July 23, 2008
Zoning	August 28, 2008
Budget	September 8, 2008

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller=s Office. Countywide

DECEMBER 2, 2008

3. **CONSENT AGENDA APPROVAL**

B. **CLERK & COMPTROLLER (Cont'd)**

4. **Staff recommends motion to receive and file:** Annual financial reports, excess fees and unexpended budget for FY 2007-2008, for the Clerk & Comptroller, Tax Collector, and Property Appraiser. **SUMMARY:** The financial reports of these Constitutional Officers were submitted to the Office of the Clerk & Comptroller on or before October 31, 2008, in accordance with F.S. 218.36. The amounts shown for the Tax Collector and the Property Appraiser represent the total payment to the County. A portion of these revenues are budgeted in the Library, Fire Rescue, and various other special revenue funds.

	Budget Estimate	Actual Excess Fees	Additional Excess Fees
CLERK COMPTROLLER	& \$ 500,000.00	\$ 503,678.53	\$ 3,678.53
TAX COLLECTOR	\$ 31,704,537.00	\$ 38,531,435.63	\$6,826,898.63
PROPERTY APPR.	\$ 1,175,459.00	\$ 2,145,738.64	\$ 970,279.64
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	\$ 33,379,996.00	\$ 41,180,852.80	\$7,800,856.80

The amounts shown as additional excess fees will be included in the adjustment for additional balances brought forward which will be brought to the Board of County Commissioners in March 2009. Countywide (PK)

C. **ENGINEERING & PUBLIC WORKS**

1. **DELETED**
2. **Staff recommends motion to approve:** a Budget Transfer of \$5,000 in the Transportation Improvement Fund from Reserve for District 5 to Lakeridge Boulevard Speed Humps – District 5. **SUMMARY:** Approval of this Budget Transfer will allow the District 5 Transportation Improvement Fund to pay for the requested speed humps on Lakeridge Boulevard to improve safety and reduce speeding. District 5 (MRE)

DECEMBER 2, 2008

3. **CONSENT AGENDA APPROVAL**

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. **Staff recommends motion to:**

A) finalize the assessment roll for the Kidd Street, 2nd Street & McConnell Street Paving Improvement Project (Project 1);

B) finalize the assessment roll for the Clinton Boulevard & Cambridge Street Paving Improvement Project (Project 2);

C) authorize the Tax Collector's Office to process and collect the assessment payments for Project 1;

D) authorize the Tax Collector's Office to process and collect the assessment payments for Project 2; and

E) transfer of the following roadways from Palm Beach County (County) interim courtesy maintained to County-owned and maintained: Kidd Street from Bowman Street to 2nd Street (Kidd Street); 2nd Street from Haverhill Road to Kidd Street (2nd Street); McConnell Street from Haverhill Road 610 feet east to Odman Avenue (McConnell Street); Clinton Boulevard from Military Trail east to end (Clinton Boulevard); and Cambridge Street from Military Trail east to end (Cambridge Street).

SUMMARY: Finalization of the assessment roll for Projects 1 and 2, Section 24, Township 44 South, Range 42 East is needed so the assessment payments can be processed and collected by the Tax Collector's Office. Kidd Street, 2nd Street, McConnell Street, Clinton Boulevard, and Cambridge Street, are being transferred from County interim courtesy maintained roadways to County-owned and maintained roadways. District 3/MSTU District C (MRE)

4. **Staff recommends motion to receive and file:** a report of plat recordings from July 1, through September 30, 2008. **SUMMARY:** This is a quarterly summary of subdivision plats recorded during the past fiscal quarter as required by the Department of Engineering and Public Works Policies and Procedures Manual Item No. ED-O-11, governing administrative approval of plats by the County Engineer. Countywide (MRE)

5. **Staff recommends motion to adopt:** a Resolution declaring the acquisition of property known as Parcel 102 and Parcel 103, as partial takes in fee simple for right-of-way, for the construction and improvement of Lawrence Road from south of the C. Stanley Weaver Canal to north of the C. Stanley Weaver Canal, Project Number 2006502. **SUMMARY:** Approval of this action will adopt a Resolution to authorize the filing of eminent domain proceedings against two (2) parcels whose total appraised value is \$39,100. District 3 (PM)

6. **Staff recommends motion to adopt:** a Resolution declaring the acquisition of property known as Parcel 100, as a partial take in fee simple for right-of-way, for a traffic signal on Haverhill Road at Stacy Street, Project Number 2009905. **SUMMARY:** Approval of this action will adopt a Resolution to authorize the filing of eminent domain proceedings against one (1) parcel whose estimated value is \$7,300. District 2 (PM)

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3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

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

A) a Contract with Ranger Construction Industries, Inc., the lowest responsive, responsible

bidder in the amount of \$10,397,659.45 for the construction of Alternate A1A from an existing four (4) lane roadway to a six (6) lane roadway, from south of Frederick Small Road to Center Street (Project);

B) a Budget Amendment of \$59,461 in the Road Impact Fee Fund – Zone 1 to recognize reimbursement funding of \$24,720 from Loxahatchee River District, \$11,747 from Town of Jupiter, \$17,761 from AT&T and \$5,233 from FPL Fibernet and appropriate it to Alternate A1A from south of Frederick Small Road to Center Street; and

C) a Budget Amendment of \$4,482,304 in the Road Impact Fee Fund – Zone 1 to recognize a reimbursement grant from the Florida Department of Transportation and appropriate it to Alternate A1A from south of Frederick Small Road to Center Street.

SUMMARY: Approval of this Contract will allow Palm Beach County to issue a Notice to Proceed to begin construction of the Project. The Small Business Enterprise (SBE) goal for the Project is 15% overall. The SBE participation committed for the Project by Ranger Construction Industries, Inc. is 15.03%. The time limit for the completion of all work under this contract shall be no more than 540 calendar days. District 1 (MRE)

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

A) an Agreement with the City of West Palm Beach (City) for the design of a lighting system along Okeechobee Boulevard, between State Road 7 and the Florida Turnpike; and

B) a Budget Amendment of \$21,784 in the Transportation Improvement Fund to recognize a reimbursement from the City for 50% of the street lighting design cost for Okeechobee Boulevard at Royal Palm Beach High School to east of the Turnpike.

SUMMARY: Palm Beach County (County) is constructing the widening improvement of Okeechobee Boulevard, between State Road 7 and the Florida Turnpike. As part of this improvement, the County has also designed a lighting system. It has been agreed between the City and the County to share the responsibility of this system. The specific responsibilities are detailed in the Agreement, which includes a \$21,784 reimbursement of design costs from the City to the County. Districts 2 & 6 (MRE)

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** Payment in the amount of \$688.96 to the Leon County Board of County Commissioners for Palm Beach County's pro-rata share of the Nabors Giblin & Nickerson invoice for professional services rendered through September 30, 2008, in the Criminal Conflict and Civil Regional Counsel litigation styled *Leon County, et al. v. Jeffrey Lewis, et al.*, Second Judicial Circuit Civil Case No. 2008-CA-2475. **SUMMARY:** Leon County retained Nabors Giblin & Nickerson to challenge the state law that requires the counties to fund the Office of Criminal Conflict and Civil Regional Counsel. In response to the request for other counties to participate in the litigation, the County Attorney recommended that Palm Beach County join and expend up to \$6,000. Receiving no objection, Palm Beach County was named along with 25 other counties as a plaintiff in the subject action. This item requests approval of the Nabors Giblin & Nickerson invoice, which is the first invoice for professional services rendered. Subsequent invoices will be submitted for approval as they are received. Countywide (DMN)

DECEMBER 2, 2008

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

2. **Staff recommends motion to approve:** Palm Beach County-Congress Avenue Widening

Statement of Offer & Purchase Agreement (the "Agreement") and First Addendum (the "Addendum") to that Agreement for Parcel 312. **SUMMARY:** Execution of the Agreement and the Addendum, and payment of \$57,900 will acquire a temporary construction easement (Parcel 312) for the proposed widening of Congress Avenue east of the Town of Atlantis. Parcel 312 is owned by Atlantis Golf Club, Inc., a Florida non-profit corporation. The Florida Department of Transportation (FDOT) is funding this widening of Congress Avenue, and FDOT requires the County to use the Agreement for property acquisition. District 3 (PFK)

3. **Staff recommends motion to appoint:** the listed law firms to the County's bond counsel rotation list from January 1, 2009, through December 31, 2010. **SUMMARY:** Appointments to the County's current bond counsel rotation list expire December 31, 2008. New appointments are recommended from January 1, 2009, through December 31, 2010. The following seven (7) bond counsel firms (or teams of firms) are recommended for appointment:

District 1 – Nabors, Giblin & Nickerson, P.A.
District 2 – Hogan & Hartson, LLP
District 3 - Ruden McClosky Smith Schuster & Russell, P.A.
District 4 – Holland & Knight, LLP
District 5 - Greenberg Traurig, P.A.
District 6 - Edwards Angell Palmer & Dodge, LLP
District 7 - Bryant Miller Olive, P.A./Isaacs Williams & Associates, P.A.

A form Agreement for Bond Counsel and Related Services has been approved by the Board. Amendments to the existing Agreements with the appointed law firms will be brought to the Board for approval in January. Countywide (PFK)

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** Amendment No. 001 to Standard Agreement No. IA008-9500 (R2008-0337) for the Older Americans Act (OAA) Program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. for the period January 1, 2008, through December 31, 2008, increasing the agreement amount by \$9,136 for a new total not to exceed the amount of \$1,933,750 for various supportive services to seniors. **SUMMARY:** This Amendment will increase C2 Home Delivered Meals by \$9,136. There is a County match of \$1,015 (10%) which is currently in the budget. In the area south of Hypoluxo Road, Mae Volen Senior Center Inc. currently provide OAA services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)
2. **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 of \$16,000, for mental health services for Early Head Start children. **SUMMARY:** Multilingual Psychotherapy Centers, Inc. will provide mental health services to Head Start children and their families. Funding consists of \$12,800 (80%) in Federal funds and \$3,200 (20%) in County funds. The County's portion is included in the FY 2009 budget. (Head Start) Countywide (TKF)

DECEMBER 2, 2008

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to approve:

A) Standard Contract for the Brief Intervention and Treatment for Elders (BRITE) Program with the Florida Department of Children and Families (DCF) for the period December 1, 2008, through November 30, 2009, for a total not to exceed the amount of \$150,000; and

B) Budget Amendment of \$150,000 in DOSS – Administration Fund.

SUMMARY: The BRITE Program is an elder substance abuse and brief intervention and treatment program that targets seniors age 55 and older. BRITE focuses on providing services within primary and emergency health care settings, public health clinics, elder homes and at sites coordinated by aging services. Clients may be offered screening, brief intervention and brief treatment by DOSS or they may be offered more intensive care by a substance abuse specialist provider agency. (DOSS) Countywide (TKF)

- 4. Staff recommends motion to approve:** Travel for two (2) Head Start /Early Head Start Policy Council Members to attend the National Head Start Association, 25th Annual Parent Training Conference in Atlanta, Georgia, December 13, 2008, through December 18, 2008, for an estimated cost of \$2,695. **SUMMARY:** Travel approval is requested for Head Start/Early Head Start Policy Council members Tawania Nubin and Karen Simpson to attend the National Head Start Association, 25th Annual Parent Training Conference in Atlanta, Georgia. The grantor agency requires that Head Start parents and community representatives receive training in order to take an active role in the program. Alternates Cynthia Smith and/or Patricia Jacques, will be selected in the event any of the above named members cannot attend this conference. The estimated cost of \$2,695 provides for conference registration, lodging, ground transportation, airfare and meals for two (2) participants. Funding consists of \$2,155 (80%) in Federal funds and \$539 (20%) in County funds. (Head Start) Countywide (TKF)

F. AIRPORTS

- 1. Staff recommends motion to approve:** a Commercial/Industrial Demand Reduction Rider Agreement (CDR) with Florida Power & Light Company (FPL) for the long term parking garage at PBIA. **SUMMARY:** FPL has a program to provide reduced electric rates for facilities with a usage of 200 kW or greater. During periods of high electric demand, FPL will curtail service and the facility's emergency generator will be activated to continue operation of the facility. The reduction in demand makes more power available to other FPL customers. FPL has estimated that the savings in electric charges under the CDR will be approximately \$7,850 per year. Countywide (MJ)

DECEMBER 2, 2008

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

- 2. Staff recommends motion to receive and file:** seven (7) original Agreements for the Department of Airports:

A) Agreement to Terminate Hangar Lease Agreement with Airways Aviation, Inc., Unit 18, Building 11720 at North County Airport, terminating R2006-0970 on September 30, 2008 (JB);

B) Agreement to Terminate Hangar Lease Agreement with Gary Czajkowski, Unit 20, Building 11740 at North County Airport, terminating R2003-1448 on October 10, 2008 (JB);

C) North County General Aviation Airport Hangar Lease Agreement with Cloud 9 Helicopters, LLC, Unit 20, Building 11740, for one (1) year, automatically renewed at one (1) year intervals, commencing on October 10, 2008 (JB);

D) North County General Aviation Airport Hangar Lease Agreement with Thomas W. Costanzo, Unit 18, Building 11720, for one (1) year, automatically renewed at one (1) year intervals, commencing on October 1, 2008 (JB);

E) License Agreement with CSC Applied Technologies, LLC to use Airport Property exclusively for twenty-four (24) hour vehicle parking, commencing October 1, 2008, expiring December 31, 2008, automatically renewed for one (1) month intervals thereafter (JCM);

F) License Agreement with CSC Applied Technologies, L.L.C. to use Airport Property exclusively for twenty-four (24) hour vehicle parking, commencing October 27, 2008, expiring December 31, 2008, automatically renewed for one (1) month intervals thereafter (JB); and

G) Agreement Covering the Operation of Aircraft at Palm Beach International Airport with Republic Airline, Inc., commencing April 7, 2008, expiring September 30, 2008, and automatically extended on a year-to-year basis (October 1st through September 30th) (JB).

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the BCC in R83-801, R2003-1047, R2004-1367 and R2007-2070. Countywide

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff recommends motion to appoint:** Wachovia Securities as Senior Manager and Citigroup, Jackson Securities, Janney Montgomery, and Merrill Lynch as Co-Managers for the not to exceed \$90 Million Water & Sewer Revenue Bonds, Series 2009 (FP&L Reclaimed Water Project). **SUMMARY:** On November 18, 2008, the Board conducted a TEFRA public hearing and approved the issuance by the County of its not to exceed \$90 Million Water and Sewer Revenue Bonds (FP&L Reclaimed Water Project). The Series 2009 Bonds are considered private activity bonds under the Internal Revenue Code and the County must obtain an allocation from the State to issue the bonds. As part of the application process, the Board must have bond counsel and underwriters in place prior to the due day of the application which is January 1, 2009. Bond counsel was selected on October 21, 2008. The above firms are next on the senior manager underwriter rotation list. Countywide (PFK)

DECEMBER 2, 2008

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** a Contract with Musco Sports Lighting LLC., in the

amount of \$365,000 to furnish and install new outdoor lighting for two (2) ball fields and batting cages at the Santaluces Athletic Complex in Lantana. **SUMMARY:** The work consists of furnishing and installing energy efficient replacement light fixtures on 18 existing concrete poles to include all new electrical wiring and electrical disconnect switches. This procurement is Apiggybacking@ on the existing annual Contract between the City of Jacksonville (SC-0511-06) and Musco Sports Lighting. The existing City of Jacksonville Contract only has an SBE participation Encouragement requirement. There is 0% SBE participation in this Contract. A Performance Bond is included in the Contract. This work will comply with all applicable local, state, and federal codes and regulations. (FD&O Admin) District 3 (JM)

2. **Staff recommends motion to approve:** Amendment No. 2 to the Contract with Stephen L. Boruff, AIA, Architects & Planners, Inc. (R2006-0073) for architectural services for Fire Rescue projects on a continuing contract basis. **SUMMARY:** Stephen L. Boruff, AIA, Architects & Planners, Inc. is under contract to provide professional architectural services for Fire Rescue projects generally with a construction value up to \$3,500,000. The Contract provided for an initial two (2) year term with three (3) - one (1) year renewal options. Amendment No. 2 would provide for services during the second renewal period. Stephen L. Boruff, AIA, Architects & Planners, Inc. has an SBE participation goal of 15%. During the first three (3) years of the Contract, Stephen L. Boruff, AIA, Architects & Planners, Inc. has achieved 88.5% participation. (Capital Improvements Division) Countywide (JM)

3. **Staff recommends motion to approve:** Change Order No. 76 to the Contract with The Weitz Company (R2002-1868) in the amount of \$339,317.63 and a time extension of 53 days for the South County Courthouse. **SUMMARY:** Change Order No. 76 provides for the demolition of the existing atrium skylight and replacing the open area with roofing assembly. Previous hurricane activity has damaged the existing 1,600 square foot skylight atrium assembly beyond repair. Because of the age of the existing skylight and current building code requirements for wind load strengths, alternatives of replacement or removal were researched and priced. The most economical of these options is adding a new roofing assembly on the existing skylight curb. A FEMA obligation of \$80,000 is partially funding the costs. The original costs submitted to FEMA in April, 2006, were based on a preliminary estimate for glass replacement only. A new request will be submitted to FEMA for the reimbursement of the actual costs. The 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) District 7/Countywide (JM)

4. **Staff recommends motion to approve:** a Utility Easement Agreement in favor of Florida Power & Light Company (FPL) for electrical service to the County's new Fire Station No. 32 located in unincorporated Lake Worth. **SUMMARY:** The County will be constructing a new Fire Station on the corner of Lake Worth Road and Charleston Road, east of the Turnpike, in unincorporated Lake Worth. The existing fire station will be demolished upon the completion of this new Fire Station. FPL requires a utility easement for the installation of underground power lines and a pad mounted transformer to provide primary power to the new Fire Station. The easement area is approximately 10' wide by 300' long, and contains 3,000 sq. ft. This is a perpetual non-exclusive easement and is being granted to FPL at no charge, as it will provide electrical services to County facilities. (PREM) District 2 (HJF)

DECEMBER 2, 2008

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of the County's interest in four (4) properties, totaling 0.49 acres of surplus property, to the City of Pahokee without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration; and

B) approve four (4) County Deeds in favor of the City of Pahokee.

SUMMARY: The City of Pahokee has requested the conveyance of four (4) parcels of County-owned surplus property acquired by tax deeds in 2005. The parcels total 0.49 acres, are located within the City's municipal boundaries and have a total assessed value of \$38,804. Florida Statutes Section 197.592(3) requires the conveyance of surplus property acquired by tax deed to the municipality in which it is located. The subject properties have been declared surplus as they serve no present or future County purpose. One (1) property, identified as Parcel 1 on the Disposition Summary and located at 242 Adams Place, is improved with a vacant house that has been secured. The City proposes to utilize the properties for housing, landscaping or community-related programs, and is aware of the secured house. Staff believes these properties will be more appropriately developed, managed and maintained by the City. Housing & Community Development 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 Florida Statutes Section 270.11, 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 (JMB)

6. Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of the County's interest in 13 properties, totaling 1.89 acres of surplus property, to the City of Belle Glade without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration; and

B) approve 13 County Deeds in favor of the City of Belle Glade.

SUMMARY: The City of Belle Glade has requested the conveyance of 13 parcels of County-owned surplus property acquired by tax deeds between April 2002 and March 2007. The parcels total 1.89 acres, are located within the City's municipal boundaries and have a total assessed value of \$135,957. Florida Statutes Section 197.592(3) requires the conveyance of surplus property acquired by tax deed to the municipality in which it is located. The subject properties have been declared surplus as they serve no present or future County purpose. One property, identified as parcel 5 on the Disposition Summary and located at 525 SW Avenue C Place, is improved with an occupied mobile home. The City proposes to utilize the properties for housing, landscaping or community-related programs, and is aware of the mobile home improvement. Staff believes these properties will be more appropriately developed, managed and maintained by the City. Housing & Community Development 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 Florida Statutes Section 270.11, 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 (JMB)

DECEMBER 2, 2008

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. **Staff recommends motion to approve:** a Utility Easement Agreement in favor of Florida Power & Light Company (FPL) for electrical service to a new restroom facility at the South County Regional Park-Parcel A. **SUMMARY:** The County is currently developing the South County Regional Park-Parcel A in unincorporated Boca Raton. FPL requires a utility easement for the installation of underground power lines and a pad mounted transformer to provide power to a new restroom that is under construction and located near the existing amphitheater. The easement area is 10' wide and covers an area of 1,350 sq. ft. This is a perpetual non-exclusive easement and is being granted to FPL at no charge, as it will provide electrical services to County facilities. (PREM) District 5 (JMB)

8. **Staff recommends motion to receive and file:** a notice of exercise of the second and final option to extend the term of the Agreement of Lease (R2003-1804) dated November 4, 2003, with the San Castle Community Leadership Organization, Inc. for the continued use of a 700 +/- sq. ft. home at 1057 Highview Road located within unincorporated Boynton Beach at an annual rate of \$10/yr. **SUMMARY:** The San Castle Community Leadership Organization, Inc. currently leases a 700 +/- sq. ft. single-family home located at 1057 Highview Road within the San Castle neighborhood in Boynton Beach, for the operation of a community center. On November 4, 2003, the Board approved the Agreement of Lease for an initial term of three (3) years ending on January 8, 2007, with two (2) extension options, each for a period of two (2) years. The first extension expires on January 8, 2009. This second and final option will extend the term of the Agreement for two (2) years, from January 9, 2009 through January 8, 2011. The annual rent for this extension period is \$10. The County pays for water and electric services while the Tenant is responsible for all taxes and assessments. Pursuant to the terms of the Lease, San Castle Community Leadership Organization, Inc. has the right to exercise its option 90 days prior to the expiration of the original term and the Board has no discretionary authority to not allow the exercise of the option. All other terms and conditions of the Agreement remain in full force and effect. (PREM) District 7 (JMB)

9. **Staff recommends motion to approve:** the Termination of Lease (R2002-1978) with South Florida Science Museum, Inc. located adjacent to Lake Lytal Park. **SUMMARY:** On November 12, 2002, the Board approved a Land Lease Agreement (Lease) with South Florida Science Museum, Inc. for the lease of approximately eleven (11) acres of undeveloped property on the west side of Lake Lytal Park for the construction of a new science museum. The term of the Lease is through November 11, 2046. The Lease was amended five (5) times. All of the Amendments, except for the Second which extended the term, were amendments to fundraising milestones and construction commencement dates. The Science Museum paid a \$10 annual rental rate. On May 29, 2008, the Science Museum notified the County of its desire to relinquish the Lease to the County. This Termination of Lease will terminate the Lease effective immediately. The proposed funding allocations for the Science Museum from the 2002 Recreational and Cultural Facilities Bond Issue will be addressed in a separate Parks and Recreation Department agenda item in the future. (PREM) District 2 (HJF)

DECEMBER 2, 2008

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** Amendment No. 004 to an Agreement (R2006-0988) with the City of Belle Glade, to extend the expiration date from July 31, 2008, to November 30, 2008. **SUMMARY:** The Agreement provides the City of Belle Glade \$948,900, in 2004 Disaster Recovery Initiative Program funds for drainage improvements to Southwest 5th, 8th, 10th and 12th Streets, and to Southwest Avenues I and J, in the City of Belle Glade. The work includes reconstruction of catch basins and sidewalks, and installation of storm drainage pipes. Improvements on Southwest 5th and 10th Streets were added to the project requiring additional engineering design. Delays in the engineering design have necessitated this Amendment to provide an extension of four (4) months to the term of the Agreement. **These are Federal Community Development Block Grant funds that require no local matching funds.** District 6 (TKF)

K. WATER UTILITIES

1. **Staff recommends motion to approve:**
 - A) Change Order No. 7 to the Contract with Widell, Inc. (R2005-1893) for the Northern Region Utility Site (BRP) decreasing the contract price by \$2,159.18 and increasing time by 259 days; and
 - B) Final Payment to Widell, Inc. in the amount of \$362,212.55.

SUMMARY: On September 27, 2005, the Board approved a contract with Widell, Inc. in the amount of \$8,895,000 for construction of the Northern Region Utility Site (R2005-1893). Change Order No. 7 authorizes the contractor to perform additional work consisting of items 1 through 12 outlined in the description of work for the Mecca site and establishes the final payment for the completion of the BRP pump station. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.00% overall. This Change Order includes zero SBE participation. The contract with Widell, Inc. provides for SBE participation of 15.93% overall. (WUD Project No. 05-018) District 6 (JM)
2. **Staff recommends motion to receive and file:** one (1) Agreement for Emergency Generator Purchase, Operation and Maintenance with Venetian Isles Community HOA. **SUMMARY:** On March 14, 2006, the Board of County Commissioners delegated the authority to execute Emergency Generator Purchase, Operation and Maintenance Agreements (Agreements) to the County Administrator or his designee. The County Administrator has delegated this approval to the Palm Beach County Water Utilities Department Director. These Agreements provide property owners with the ability to fund the purchase of emergency generators for lift stations located within their community. The Department will assign the community its generator(s), locate the generator(s) on-site during hurricane season, and operate and maintain the generator(s) during emergencies. By executing such Agreements, the Department is able to expedite its goal of providing a higher level of emergency response service throughout its service area. Power outages that occur during hurricanes and other emergencies require the Department to operate a system of emergency generators at wastewater pump stations to prevent wastewater from backing up into streets, swales, and residents' homes. Due to the great number of lift stations and limited staffing resources, the Department is not able to place an emergency generator at every lift station. These Agreements will increase the number of generators available to the Department during emergencies. District 3 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. **Staff recommends motion to approve:** Supplement No. 3 to Consultant Services Authorization No. 2 to the Contract for Consulting/Professional Services with Mock- Roos (R2008-0528), for providing water resource facilities final design and bid phase services for the ground storage, and transfer pumping at the City of Lake Worth (City) Water Treatment Plant in the amount of \$179,900. **SUMMARY:** Supplement No. 3 to Consultant Service Authorization No. 2 is for providing design and bid phase services for the ground storage, and transfer pumps. The Agreement approved on May 6, 2008 (R2008-0770) provides for the City of Lake Worth (City) to purchase up to six (6) million gallons per day (GPD) of potable water from the County. The City will initially purchase two (2) MGD of capacity at the rate of \$2.99 per gallon (\$5,980,000) and will pay \$1.37 per 1,000 gallons for water delivered during off-peak hours. In order for the City to be able to accept potable water from the County during off-peak hours a ground storage tank and transfer pumping facility needs to be designed and constructed. The contract with Mock-Roos includes a Small Business Enterprise (SBE) participation goal of 50% overall, which exceeds the 15% goal established by the Palm Beach County SBE Ordinance (No. 2002-064). Supplement No. 3 to Consultant Services Authorization No. 2 includes 20.01% overall participation. The City shall reimburse all project costs to the County. The consultant's cumulative SBE participation, including this authorization, is 19.55% overall. (WUD 08-047(B)) District 3 (MJ)

4. **Staff recommends motion to approve:** a Contract with TLC Diversified, Inc. to construct the Wastewater Lift Station Rehabilitation Project in the amount of \$1,318,429. **SUMMARY:** On September 17, 2008, eight (8) construction bids were received for the Wastewater Lift Station Rehabilitation Project with TLC Diversified, Inc. being the low bidder in the amount of \$1,318,429. This Contract provides for the rehabilitation of six (6) lift stations within the Department's wastewater collection system. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. This Contract provides for 16.49% SBE participation. (WUD Project No. 08-010) Districts 2 & 5 (JM)

5. **Staff recommends motion to receive and file:** two (2) Standard Development Agreements and five (5) Standard Development Renewal Agreements complete with executed documents received during the months of September and October 2008:

Standard Development Agreements

A) Gun Club, LLC	(District 2)	01-01168-000
B) Boca Pointe Country Club, Inc.	(District 4)	09-01058-000

Standard Development Renewal Agreements

C) Brownstone Management, LLC	(District 2)	01-01118-R00
D) Colony at Lake Worth, LLC	(District 3)	02-01074-R01
E) Homeland Plaza, LLC	(District 3)	02-01076-R00
F) JR Eisenman Properties, LLC	(District 3)	02-01076-R01
G) Northstar Holdings at B and A, LLC	(District 3)	05-01059-R03

SUMMARY: The terms and conditions for Standard Development Agreements are outlined in the Water Utilities Department's Uniform Policies and Procedures Manual. The Board of County Commissioners delegated the authority to execute various types of Standard Development Agreements to the Department Director including potable water and wastewater

agreements (R93-1619); reclaimed water agreements (R96-0228); and additional conditions for potable water, wastewater, and reclaimed water agreements (R2003-0539). After these agreements are executed by the developer and the Department, they must be recorded by the County Clerk's Office. This agenda item recommends the Board receive and file the agreements so they may be properly recorded. Countywide (SF)

DECEMBER 2, 2008

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) adopt a Resolution authorizing the Clerk to the Board to disburse \$466,575 from the Vessel Registration Fee Trust Fund for the construction of the Boynton/Ocean Ridge Mangrove Riprap Project; and

B) approve a Budget Transfer of \$466,575 in the Environmental Enhancement Non-Specific Fund from Reserves to the Environmental Enhancement Project.

SUMMARY: The \$466,575 Resolution and Budget Transfer provide the necessary matching funds for the construction of the Boynton/Ocean Ridge Mangrove Riprap Project in southern Lake Worth Lagoon. The project consists of approximately 3,300 tons of limestone boulders placed along 2,236 feet of shoreline to protect 45 acres of mature mangroves that lie along the Intracoastal Waterway, north of the Ocean Avenue Bridge. District 4 (SF)

2. Staff recommends motion to:

A) approve a 50-year Lease Agreement (Lease) with the South Florida Water Management District (District) of an approximately 256.94-acre tract of land, known as Tract No. DA-100-019 (Leased Premises), to be managed as part of the Loxahatchee Slough Natural Area; and

B) authorize the Director of the Department of Environmental Resources Management to serve as Project Manager for this Lease.

SUMMARY: Both the County and the District have acquired lands within the area known as the Loxahatchee Slough. Both agencies wish to preserve the natural and water resources associated with the headwaters of the Wild and Scenic Loxahatchee River. The County is the largest landowner in the area (12,579 acres) and manages the land as part of the County's natural areas system, and more specifically as the Loxahatchee Slough Natural Area. The District desires that its landholdings in the area be managed by the County as part of the larger natural area. The District will focus its efforts on managing the water resources of the area. To accomplish these objectives, the District wants to lease its most recent land acquisition in the area (Tract No. DA-100-019) to the County for management of the native ecosystems as part of the Loxahatchee Slough Natural Area. The County desires to include the Leased Premises as part of the natural area because the Leased Premises provide frontage on both PGA Boulevard and the Beeline Highway, and provide access to the heart of the Loxahatchee Slough Natural Area from these major highways. This Lease requires no rental payments. It does require that the County manage the land for the preservation of the natural habitats that are present; to provide passive recreational public use, and provide these functions according to a County-approved management plan that is reviewed by the District. The Management Plan must be developed and approved by the County within two (2) years of

execution of the Lease. Any restoration activities or installation of capital infrastructure for public use placed on the Leased Premises will be at the County's expense and will become the property of the District at the end of the Lease, unless removal of the improvements from the property is requested by written notice from the District. If required, removal of the improvements also will be at the County's expense. District 1 (JB)

DECEMBER 2, 2008

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to approve: the revised Management Plan for Jupiter Ridge Natural Area. **SUMMARY:** The Jupiter Ridge Natural Area Management Plan was originally approved by the Board on November 19, 1996 and by the State of Florida on February 27, 1998. The Management Plan was revised in 2008 to include additional information regarding the history of the site and its biological resources, a chronology of significant events and activities occurring since the County's acquisition, improvements in management techniques for the site, and other new information. This document is the first update to the Plan. The next update will be due in 2018. The County continues to manage the site with the assistance of the Town of Jupiter. District 1 (SF)

4. Staff recommends motion to:

A) approve an Amended and Restated Management and Maintenance Agreement (the "Agreement") with Bridgewater Ventures, LLC, a Florida limited liability company ("Bridgewater") with the agreement and consent of the Bridgewater Preserve Homeowners' Association, Inc. ("Bridgewater Preserve Homeowners' Association"), a Florida not-for-profit corporation; the Town of Jupiter ("Town"); Lennar Homes, LLC ("Lennar"), a Florida limited liability company; and Rialto Community Association, Inc. ("Rialto Community Association"), a Florida not-for-profit corporation, for a wildlife/greenway corridor between Jonathan Dickinson State Park and the North Jupiter Flatwoods Natural Area (the "Natural Area") to be managed by the County's Department of Environmental Resources Management (ERM) as part of the Natural Area after completion of planting and plant survivability requirements to be met by Lennar;

B) accept a special warranty deed for the conveyance of a 7.96-acre preserve parcel from the Town to be added to the Natural Area as part of the wildlife/greenway corridor, subject to satisfactory completion of County due diligence;

C) accept a donation of \$125,000 from Lennar for the long-term maintenance and management of the wildlife/greenway corridor, to be made in four (4) equal payments of \$31,250 over a period of up to five (5) years; and

D) approve a Budget Amendment for \$125,000 in the Natural Areas Stewardship Endowment Fund.

SUMMARY: In 2002, the Town approved the site plan for a Planned Unit Development (PUD) known as Jupiter Isles. The applicant, Schickedanz Capital Group ("SCG"), subsequently conveyed the property to GMAC Model Home Finance, Inc., which then conveyed it to Lennar. Lennar assumed the obligations of SCG, applied to the Town for amendments to the site plan, and then entered into litigation with the Town. A Settlement Agreement was reached

in December 2006 and the PUD was amended to include an adjacent development known as Loxahatchee Reserve, also owned by Lennar. The former Jupiter Isles tract was renamed Loxahatchee Reserve North and the former Loxahatchee Reserve tract was renamed Loxahatchee Reserve South. The combined development is now known as Rialto. As part of the settlement, Lennar was required to preserve a 135-foot-wide strip on the northern boundary of the development as an addition to the existing wildlife/greenway corridor, plant the entire corridor with fire-resistant native vegetation, and dedicate the 135-foot-wide strip to the Town by plat. Lennar later provided a quit-claim deed for that property to the Town. The Town intends to convey the property to the County to be managed in concert with two (2) adjacent corridor strips already managed by the County as part of the Natural Area. District 1 (SF/JMB)

DECEMBER 2, 2008

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

5. Staff recommends motion to receive and file:

- A)** Interlocal Agreement with the City of Boca Raton (District 4)
- B)** Interlocal Agreement with the City of Delray Beach (Districts 4 & 7)
- C)** Interlocal Agreement with the City of West Palm Beach (Districts 2 & 7)
- D)** Interlocal Agreement with the City of Boynton Beach Police Department (District 4)
- E)** Interlocal Agreement with the Florida Fish and Wildlife Conservation Commission (Countywide)

SUMMARY: As part of the Manatee Protection Plan, the County has committed to annually provide \$200,000 of funding for additional on-water law enforcement in the County's waterways. On December 18, 2007, the Board of County Commissioners approved a Resolution (R2007-2277) with a standard form Interlocal Agreement with law enforcement agencies for an increased law enforcement presence in estuarine waters of Palm Beach County. Delegation of the authority to execute these standard form Interlocal Agreements was approved, pursuant to PPM No. CW-O-051, on January 2, 2008. Districts 2, 4, 7/Countywide (SF)

6. Staff recommends motion to:

- A) receive and file** Project Agreement No. PB-08-133 with the Florida Inland Navigation District (FIND) to reimburse up to \$559,575 for the construction of the Snook Islands Public Use Facility Project (Project);
- B) approve** Budget Transfer in the Metropolitan Planning Organization (MPO) Fund of \$100,000 (R2008-1507) from Transfer to the Capital Outlay Fund to Transfer to the Environmental Capital Projects Fund to consolidate the Project funding into the Environmental Capital Projects Fund;

C) approve Budget Amendment of \$438,500 in the Capital Outlay Fund to decrease the Transfer from the MPO Fund by \$100,000 and decrease the Transfer from the Natural Areas Fund by \$338,500 to consolidate the Project funding into the Environmental Capital Projects Fund;

D) approve Budget Transfer of \$338,500 in the Natural Areas Fund decreasing the Transfer to the Capital Outlay Fund to reduce Natural Areas Funding; and

E) approve Budget Amendment of \$659,575 in the Environmental Capital Projects Fund for the FIND Waterways Assistance Program Project Agreement PB-08-133 totaling \$559,575 and \$100,000 from the MPO (R2008-1507) to consolidate the Project funding into the Environmental Capital Projects Fund.

SUMMARY: The County will receive \$559,575 to partially fund construction costs for the Project. Funding from the Natural Areas Fund is no longer needed because of the approval of grant applications submitted to FIND in May 2008. County matching funds of \$559,575 are required and already included in the budget. Grant funds must be expended by September 1, 2010. FIND may extend the project period for one (1) year. The bid process for the Project is scheduled to occur within the next 1-2 months and construction is scheduled to begin in the spring of 2009. Districts 2 & 3 (SF)

DECEMBER 2, 2008

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

7. Staff recommends motion to:

A) approve Interlocal Agreement with the City of Riviera Beach for twenty percent (20%) cost share up to \$7,020,000 on the Singer Island Erosion Control Project with reimbursement of eligible project costs retroactive to May 3, 2005;

B) approve Budget Amendment of \$7,020,000 to recognize the revenue 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 this Agreement, and necessary minor amendments that do not change the scope of work or terms and conditions of the Agreement.

SUMMARY: The Interlocal Agreement with the City of Riviera Beach establishes a twenty percent (20%) cost-share of eligible project costs up to \$7,020,000 which include project management, engineering and design, permitting, construction, mitigation, and environmental and project performance monitoring. The term of the Agreement is from the date of execution through September 30, 2015, with reimbursement of eligible project costs retroactive to May 3, 2005. District 1 (SF)

8. Staff recommends motion to approve: Task Order No. 0878-02 to a continuing Contract (R2008-0878) with Humiston and Moore Engineers (Humiston) in the amount of \$123,339 to provide professional coastal design and permitting services to respond to the Florida Department of Environmental Protection (DEP) and Fish and Wildlife Service (FWS) Requests

for Additional Information (RAI) in support of the Erosion Control Project (ECP) for Singer Island. **SUMMARY:** The BCC approved the Contract with Humiston on May 20, 2008 (R2008-0878). The County has issued \$59,152 in task orders since the Contract was executed. Task Order No. 0878-02 authorizes Humiston to develop a response to the permitting agencies RAI's. The County executed a funding agreement (R2007-0046) with the Florida Department of Environmental Protection (DEP) on January 9, 2007 to cost share on Singer Island ECP costs. This Task Order has been submitted to DEP for cost share approval, it is anticipated 39.945% of the cost (\$49,268) will be reimbursed under the 06PB2 agreement. The City of Riviera Beach will reimburse 20% (\$24,667). Humiston committed to an overall 25% Small Business and Minority Business Enterprise (SBE-MBE) participation in the Contract. Humiston has achieved 13.72% cumulative SBE-MBE participation on the Contract including this Task Order. District 1 (SF)

DECEMBER 2, 2008

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

9. **Staff recommends motion to:**

A) receive and file Amendment No. 1 to Grant No. 06PB2 with the Florida Department of Environmental Protection (FDEP) to extend the Agreement to June 1, 2010;

B) approve Amendment No. 2 to Grant Agreement No. 06PB2 with the Florida Department of Environmental Protection (FDEP) for increased cost-sharing on the Singer Island Shore Protection Project up to a revised grant amount of \$7,285,395 through June 1, 2010; and

C) approve Budget Amendment of \$7,014,964 to recognize the revenue increase in the Beach Improvement Fund.

SUMMARY: The Florida Legislature authorized funding through the FDEP to provide assistance to eligible governmental entities for beach erosion control activities under the Florida Beach Management Funding Assistance Program. DEP Grant Agreement No. 06PB2 was executed by the BCC on January 9, 2007 (R2007-0046) for cost share of the design and permitting of the Singer Island Erosion Shore Protection Project (up to \$270,431). Amendment No. 1, executed on May 13, 2008, extended the Agreement until June 1, 2010. Amendment No. 2 authorizes FDEP to reimburse the County an additional \$7,014,964 for design, permitting, construction and monitoring costs on the Singer Island Shore Protection Project. Local matching funds of \$10,953,173 (60.055%) are required. The City of Riviera Beach has executed an Interlocal Agreement for 20% of eligible project costs. Grant reimbursement is retroactive to January 1, 2005. District 1 (SF)

10. **Staff recommends motion to approve:** Contract with Murray Logan Construction, Inc. in the amount of \$216,000 for the construction of the Pedestrian Bridge for Loxahatchee Slough over C-18 Canal-Project No. 2008ERM03. **SUMMARY:** Seven (7) bids were received for this Project. Murray Logan Construction, Inc. (Murray Logan) was the lowest responsive, responsible bidder with 0% Small Business Enterprise (SBE) participation, which does not meet the established 15% goal. However, the second and third low bids fall outside the range for the ranking of responsive bidder consideration. The Contract includes construction of a 105-foot pedestrian bridge over the west leg of the C-18 Canal connecting the Ocean to Lake Hiking Trail in the Loxahatchee Slough Natural Area as part of the Northeast Everglades Natural Area (NENA). District 1 (JM)

M. PARKS & RECREATION

1. **Staff recommends motion to receive and file:** original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for Rosenwald Elementary School in an amount not to exceed \$3,000 for funding of the Safety Patrol Trip to Atlanta, Georgia. **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 6 Funds. District 6 (DW)

DECEMBER 2, 2008

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

2. **Staff recommends motion to receive and file:** original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project for Boynton Beach Community High School in an amount not to exceed \$50,000 for the Dimensional Harmony Chorus Trip to New York City to perform at the Heritage Festival. **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 3 (DW)
3. **Staff recommends motion to receive and file:** First Amendment to Agreement (R2008-1111) with the City of Boynton Beach for the 2008 Boynton Beach Heritage Celebration event. **SUMMARY:** This fully executed First Amendment to Agreement in an amount not to exceed \$7,000 extends the project completion date from June 30, 2008, to September 30, 2008. The amendment is needed to accommodate dates of payment and completion of the reimbursement process for this completed project. 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)
4. **DELETED**
5. **Staff recommends motion to approve:** Agreement with Cops Helping Kids, Inc. for the period December 2, 2008, through May 1, 2009, in an amount not to exceed \$5,000 for funding of the 2008 Silver Gloves Boxing Tournament. **SUMMARY:** This funding is to offset costs for the 2008 Silver Gloves Boxing Tournament to be held from December 5, through December 6, 2008, at the Westgate Park Recreation Center. The tournament is expected to attract approximately 500 participants. The Agreement allows for reimbursement of eligible expenses incurred subsequent to May 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 2 Funds. District 2 (DW)
6. **Staff recommends motion to approve:** Agreement with Police Athletic League of West Palm Beach, Inc. for the period December 2, 2008, through December 30, 2008, in an amount not to exceed \$7,000 for funding of the 2008 Gramercy Park summer camp program. **SUMMARY:** This funding is to help offset costs paid by the Police Athletic League of West Palm Beach, Inc. for the summer camp program held at Gramercy Park. The summer camp served approximately 66 participants each day. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to June 9, 2008. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (DW)
7. **Staff recommends motion to approve:** Agreement with Artists Showcase of the Palm Beaches, Inc. for the period December 2, 2008, through December 30, 2009, in an amount not to exceed \$10,000 for funding of multi-cultural art programs. **SUMMARY:** This funding is to

help offset costs for Artists Showcase of the Palm Beaches, Inc.'s ongoing multi-cultural art programs for at-risk youth. Approximately 200 youth participate in the programs. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to October 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (DW)

DECEMBER 2, 2008

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

8. **Staff recommends motion to approve:** Agreement with Lake Okeechobee Regional Economic Alliance of Palm Beach County, Inc. for the period December 2, 2008, through March 31, 2009, in an amount not to exceed \$5,000 for funding the creation and distribution of a recreational and cultural amenities map. **SUMMARY:** This funding is to offset costs incurred by Lake Okeechobee Regional Economic Alliance of Palm Beach County, Inc. (LORE) to develop and distribute a map that highlights recreational and cultural amenities in the Lake Okeechobee region. The map will be viewed by the local population and by approximately 100,000 people from outside of the area. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to October 1, 2008. Funding is from Recreation Assistance Program (RAP) District 6 Funds. District 6 (DW)

9. **Staff recommends motion to:**
 - A) **receive and file** a fully executed Florida Fish and Wildlife Conservation Commission Florida Boating Improvement Program Grant Agreement for DuBois Park docks and shoreline stabilization project for the period October 20, 2008, through June 15, 2030; and
 - B) **approve** Budget Amendment of \$500,000 within the Park Improvement Fund to establish budget for the approved grant.

SUMMARY: On July 8, 2008, the Board adopted a Resolution (R2008-1211) authorizing the Director of Parks and Recreation, as Project Manager, to apply for a Florida Fish and Wildlife Conservation Commission (FFWCC) Florida Boating Improvement Program (FBIP) grant for improvements associated with the DuBois Park docks and shoreline stabilization project. The Board also authorized the County Administrator or his designee to execute the Grant Agreement (FWC Contract No. 08083) and other standard state and/or federal grant forms related to this project if the grant was approved. This grant was approved by the FFWCC and the Grant Agreement has been fully executed, and it is now being submitted to the Board to receive and file and to establish a project budget. District 1 (DW)

10. **Staff recommends motion to approve:** Agreement with Martin Luther King, Jr. Coordinating Committee of West Palm Beach, Inc. for the period December 2, 2008, through January 1, 2010, in an amount not to exceed \$5,500 for funding of the 2008 Performing Arts Competition and the Martin Luther King, Jr. Scholarship Breakfast. **SUMMARY:** This funding is to help offset costs for special community events being sponsored by the Martin Luther King, Jr. Coordinating Committee of West Palm Beach, Inc. Approximately 5,000 people will participate in the two events, which will be held at Roosevelt Middle School and the Palm Beach County Convention Center. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to October 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (DW)

DECEMBER 2, 2008

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

11. **Staff recommends motion to receive and file:** original executed Third Amendment to Request for Funding Form for School Board Recreation Assistance Program project for Golden Grove Elementary School for the purchase and installation of fitness trail equipment (R2007-0991), as amended (R2008-0545, R2008-1224), to extend the project completion date from December 31, 2008, to June 30, 2009. **SUMMARY:** This fully executed Third Amendment to Request for Funding Form is being processed in accordance with the Interlocal Agreement for the Funding of Recreation Assistance Program (RAP) Projects (R2003-1747), as amended. The amended project completion date of December 31, 2008, is being extended by six (6) months to allow project completion time and completion of reimbursement documentation. All other project terms, including the funding amount of \$5,000, remain the same. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (DW)
12. **Staff recommends motion to:**
- A) receive and file** a fully executed Florida Recreation Development Assistance Program Project Agreement for John Prince Memorial Park;
- B) approve** Budget Amendment of \$135,611 within the Park Improvement Fund to establish budget for the approved grant; and
- C) execute** a Notice of Limitation of Use/Site Dedication identifying the project site for outdoor recreation for the use and benefit of the public in perpetuity.
- SUMMARY:** On October 16, 2007, the Board authorized submission of a Florida Recreation Development Assistance Program (FRDAP) grant application for improvements at John Prince Memorial Park (R2007-1839). The Board also authorized the County Administrator or his designee to execute the Project Agreement (Florida Department of Environmental Protection Agreement No. A9007) and other standard state and/or federal grant forms related to this project if the grant was approved. This grant was approved, the Project Agreement has been fully executed, and it is being submitted to the Board to receive and file. The Project Agreement requires the County to execute and record a Notice of Limitation of Use dedicating the land in perpetuity as an outdoor recreation site. The John Prince Memorial Park project includes the construction of a fishing pier, group picnic shelter, canoe/kayak launch, and 12 parking spaces, as well as renovations to an existing playground, restroom, parking lot and bike trail. According to the terms of this agreement, the project period commenced on July 16, 2008, and will end on April 30, 2011. District 3 (DW)

DECEMBER 2, 2008

3. **CONSENT AGENDA APPROVAL**

M. PARKS & RECREATION (Cont'd)

13. **Staff recommends motion to:**
- A) receive and file** a fully executed Florida Recreation Development Assistance Program Project Agreement for Lake Ida Park;
- B) approve** Budget Amendment of \$135,611 within the Park Improvement Fund to establish budget for the approved grant; and
- C) execute** a Notice of Limitation of Use/Site Dedication identifying the project site for outdoor recreation for the use and benefit of the public in perpetuity.
- SUMMARY:** On October 16, 2007, the Board authorized submission of a Florida Recreation Development Assistance Program (FRDAP) grant application for improvements at Lake Ida Park (R2007-1841). The Board also authorized the County Administrator or his designee to execute the Project Agreement (Florida Department of Environmental Protection Contract No. A9008) and other standard state and/or federal grant forms related to this project if the grant was approved. This grant was approved, the Project Agreement has been fully executed, and it is being submitted to the Board to receive and file. The Project Agreement requires the County to execute and record a Notice of Limitation of Use dedicating the land in perpetuity as an outdoor recreation site. The Lake Ida Park project includes construction of a new group

picnic pavilion, playground, bike trail, canoe/kayak launch, parking lot and landscaping, as well as renovations to an existing playground, group picnic shelter and parking lot. According to the terms of this Agreement, the project period is from July 16, 2008, through April 30, 2011. District 4 (DW)

14 **Staff recommends motion to:**

A) ratify the signature of the Chairperson on a Florida Coastal Partnership Initiative grant application submitted to the Florida Department of Environmental Protection on October 15, 2008, requesting \$50,000 for development of the newly acquired Zeke's Marina property to be matched with \$50,000 from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond;

B) authorize the County Administrator or his designee to execute the grant funding Agreement, as well as task assignments, certifications, standard forms, or amendments to the Agreement that do not change the scope of work or terms and conditions of the Agreement, if the grant is approved; and

C) authorize the Director of the Parks and Recreation Department to serve as Liaison Agent with Florida Department of Environmental Protection for this project.

SUMMARY: The Florida Coastal Partnership Initiative makes federal funds from the National Oceanic and Atmospheric Administration (NOAA) available to local governments for the protection and effective management of Florida's coastal resources. The grant is administered by the Florida Department of Environmental Protection (FDEP). If awarded, the grant funds will be used at Zeke's Marina to clear exotic vegetation, plant native vegetation, install picnic shelters, provide picnic tables, grills, a bike rack, and to construct a 12' multi-purpose path. The grant requires a \$50,000 match which will come from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond. District 1 (DW)

DECEMBER 2, 2008

3. **CONSENT AGENDA APPROVAL**

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

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

A) Karen Lindquist, Photography, Riverbend Park;

B) Joy Deco Enterprises, Inc., Dance Program, Coconut Cove Recreation Center; and

C) Cynthia Davis, Art Class, Therapeutic Recreation Complex.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 02-2103 and 07-0409, and are now being submitted to the Board to receive and file. Districts 1, 3 & 5 (DW)

16. **Staff recommends motion to approve:** Budget Transfer of \$33,002 in the Park Improvement Fund from Boat Ramp Improvement Reserve to Bert Winters Boat Ramp Improvements. **SUMMARY:** This Budget Transfer will provide additional funding necessary to renovate the two (2) existing boat ramps at Bert Winters Park. Funding is from the Park Improvement Fund Boat Ramp Improvement Reserve. District 1 (DW)
17. **Staff recommends motion to approve:** Budget Transfer of \$50,000 in the Park Improvement Fund from Reserves to Sansbury Way Park. **SUMMARY:** This Budget Transfer will provide additional funding for professional planning services necessary to process a Development Order Amendment application and other associated costs for District Park "K" also known as Sansbury Way Park. Funding is from the Park Improvement Fund Reserve. District 6 (DW)
18. **Staff recommends motion to approve:** Interlocal Agreement with the School District of Palm Beach County for the period December 2, 2008, through December 1, 2009, for the mutual use of recreational facilities. **SUMMARY:** This Agreement enables the School Board of Palm Beach County and the Palm Beach County Parks and Recreation Department to utilize each other's recreational facilities at no cost. It outlines a procedure for requesting and authorizing the use of recreational facilities and establishes the requirements for use by County-affiliated recreation organizations. The current Agreement (R2003-1973) expires on December 2, 2008. The Department has worked with the School Board to create this Agreement and recommends approval in the best interest of the community. The term of this Interlocal Agreement is for one year, and shall be automatically renewed up to four additional consecutive one year terms. The School Board approved the new Agreement at its November 12, 2008 meeting. Countywide (DW)

DECEMBER 2, 2008

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. **Staff recommends motion to approve and select:**
 - A)** Michael C. McCurdy for appointment by the Town of Lantana, as Trustee, on the Lantana Firefighters Pension Fund Board. The term will expire September 28, 2010; and
 - B)** John Sluth for appointment by the Town of Lantana, as Trustee, on the Lantana Firefighters Pension Fund Board. The term will expire September 28, 2010.

SUMMARY: Pursuant to the Interlocal Agreement for Fire Protection and Emergency Medical Services with the Town of Lantana (Town) (R2004-0364), the Town is requesting the County's approval of their selection to appoint John Sluth and Michael C. McCurdy, Town residents, to the Lantana Firefighters Pension Fund Board, as Trustees. Under the Interlocal Agreement, the Town retained the power and responsibility to make appointments to the Fund's Board of Trustees for its Chapter 175 plan. Any Trustee to be appointed by Lantana first must be approved by the County. Mr. Sluth and Mr. McCurdy's current positions expired on September 28, 2008. Their reappointments would expire on September 28, 2010. District 7 (SB)

2. **Staff recommends motion to receive and file:** one (1) original standard Interlocal

Agreement for Swimming Lessons with the Young Men's Christian Association of the Palm Beaches, Inc. **SUMMARY:** On September 27, 2005, the Board adopted Resolution No. R2005-1906 authorizing the County Administrator, or his designee (the Fire Rescue Administrator) to execute standard agreements with municipalities and independent contractors to provide swimming lessons to members of the public through the Palm Beach County Drowning Prevention Coalition's Learn to Swim Program. Pursuant to Countywide PPM CW-O-051, one (1) standard County agreement that has been executed by the County Administrator, or his designee (the Fire Rescue Administrator) is being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (SB)

3. **Staff recommends motion to approve:** an Interlocal Agreement for Interfacility Ambulance Funding with Glades Hospital Holdings, Inc., d/b/a Glades General Hospital, for a three (3) year term, effective retroactively to March 8, 2008. **SUMMARY:** Glades Hospital Holdings, Inc., d/b/a Glades General Hospital (Hospital) is a public hospital located in the Glades area of Palm Beach County that predominantly serves a population residing within the Fire Rescue Municipal Service Taxing Unit (MSTU). The Hospital entered into a Healthcare Transportation Service Agreement with American Medical Response (AMR) on March 8, 2008, which requires AMR to station an ambulance at the Hospital to provide interfacility transport services for patients under the care of the Hospital. The Transport Agreement requires the Hospital to pay AMR for ambulance transport as well as an annual Stationing and Availability Fee. The Hospital has requested the County fund one-half the Availability Fee. Having a dedicated interfacility ambulance provider in the Glades area will ease the strain on the resources of the County and its Fire Rescue MSTU for emergency response in that area. The total funding to be provided by the County shall not exceed One-Hundred Thirty-One Thousand Four-Hundred Dollars (\$131,400) for the first year of the Agreement. Countywide (SB)

DECEMBER 2, 2008

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. **Staff recommends motion to receive and file:** the following executed grant documents with the Florida Council Against Sexual Violence (FCASV):
 - A)** Amendment with FCASV increasing grant funding from \$51,124 to \$107,343 for the period July 1, 2007, through June 30, 2009; and
 - B)** Standard Subcontract with FCASV providing an additional grant of \$17,648 for the period July 1, 2008, through June 30, 2009.

SUMMARY: Resolution R06-0096 authorizes the County Administrator or his designee to execute certain FCASV grant agreements on behalf of the County. These FCASV grant funds will be used to provide sexual battery recovery services to victims. No County match is required. Countywide (GB)
2. **Staff recommends motion to:**
 - A) receive and file** the executed FY 2008-2009 Victim of Crime Act (VOCA) Grant Agreement with the State of Florida, Office of the Attorney General to receive \$127,290 for the period of

October 1, 2008, through September 30, 2009;

B) approve a downward Budget Amendment of \$33,301 in the Public Safety Grant Fund; and

C) approve a downward Budget Amendment of \$3,810 in the General Fund to adjust budget to actual.

SUMMARY: Resolution R97-1057 authorizes the County Administrator or his designee to execute certain VOCA grant agreements on behalf of the County with the State of Florida. The FY '09 VOCA grant is \$21,985 less than the FY '08 grant. The shortfall will be absorbed through reductions in operating budget and reserves. The grant requires a 20% in-kind match. Countywide (GB)

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

A) receive and file the executed SARA Planning Grant Agreement with the Florida Division of Emergency Management in the amount of \$23,865 for the period of July 1, 2008, through June 30, 2009; and

B) approve a Budget Amendment of \$1,831 in the EM Grant Fund to adjust grant budget to actual.

SUMMARY: The Florida Division of Emergency Management will provide Palm Beach County Division of Emergency Management \$23,865 to perform the SARA Title III Hazards Analysis Program. Site visits will be conducted as part of the hazardous materials contingency plan. This program will provide first responders information concerning the chemicals at facilities in the county and assist these facilities in their emergency hazard materials planning. Facility information, Risk Analysis, Vulnerability Analysis, and Vulnerability Zone information are shared with hazardous materials (HazMat) teams, and first responding public safety agencies. R06-0401 authorizes to the County Administrator or his designee, to execute contracts with the Florida Department of Community Affairs on behalf of the County. No County match is required. Countywide (GB)

DECEMBER 2, 2008

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

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

A) adopt Resolution approving a Florida Department of Transportation (FDOT) Joint Participation Agreement (JPA) FM No. 423865-1 in the amount of \$490,000 (100% State) to fund the construction of park and ride lots;

B) approve Budget Amendment of \$490,000 in the Palm Tran Grant Fund to reconcile the budget to account for this award; and

C) approve Budget Amendment of \$490,000 in the Public Building Improvement Fund to reconcile the budget to account for this award.

SUMMARY: FDOT is providing funds for the construction of park and ride lots that will facilitate and encourage the public to use public transit. FDOT is focusing on service from Martin County, for which FDOT also provided funding, and service from the western communities specifically a location in the Village of Wellington. The funds can be used for planning, design, right-of-way acquisition, engineering, construction, inspection, and marketing of the lots. Funds are 100% state, no local match is required. Countywide (DR)

DECEMBER 2, 2008

4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A. Presentation of check in the amount of \$1,206,750 from the Florida Inland Navigation District for redevelopment of Burt Reynolds Park.
- B. Presentation of check in the amount of \$233,220 from the Florida Inland Navigation District for the South Lake Worth Inlet Sand Trap Dredging Project.
- C. Governor’s Point of Light Award to Matilda Nieves for outstanding volunteerism in honor of Hispanic Heritage Month. (Sponsored by Commissioner Santamaria)
- D. Proclamation declaring January 12, 2009 as “Arbor Day” in Palm Beach County. (Sponsored by Commissioner Vana)
- E. Proclamation declaring December 2008 as “Joey Bergsma Retinoblastoma Awareness Month” in Palm Beach County. (Sponsored by Commissioner Greene)
- F. Certificate of Appreciation to Frank Barbieri in recognition for his many valuable years on the Zoning Commission. (Sponsored by Commissioner Aaronson)
- G. Proclamation declaring December 17, 2008 as “Animal Rights Day” in Palm Beach County. (Sponsored by Commissioner Greene)

DECEMBER 2, 2008

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

- A. **Staff recommends motion to adopt:** an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five-Year Road Program; providing for title; purpose; adoption of revised

Five-Year Road Plan and revised list of projects contained in Exhibit "A"; implementation of the Plan; modification of Plan; funding of other roadway improvements, interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date. **SUMMARY:** This is the annual update of the County's Five-Year Road Plan which is required to be considered each year by the Five-Year Road Program Ordinance. On November 18, 2008, the Board approved this Ordinance on preliminary reading. Exhibit "A" to the Ordinance contains the road projects to be undertaken by the County in the next five (5) years. Countywide (MRE)

- B.** Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, adopting an Interlocal Service Boundary Agreement with the Village of Palm Springs to coordinate future land use, public facilities and services and protection of natural resources in advance of annexation; authorizing the Chair of the Board of County Commissioners to sign the interlocal agreement; providing for severability; providing for captions; and providing for an effective date. **SUMMARY:** Pursuant to the Palm Beach County Board of County Commissioners' direction to resolve annexation issues in a proactive and cooperative manner, staff from the County and the Village of Palm Springs jointly prepared a Palm Springs Annexation (PSA) Study in 2005. Subsequently, this Study was used as a framework for developing an Interlocal Service Boundary Agreement (ISBA) and Joint Planning Agreement (JPA) between the County and the Village. On July 10, 2007, Palm Beach County and the Village of Palm Springs entered into resolutions to commence negotiations for an ISBA/JPA. By Ordinance No. 2008-23, the Village has accepted the terms of the proposed ISBA/JPA for the annexation of a Municipal Service Area, generally located on the north and south sides of Forest Hill Boulevard, east of Military Trail and west of Kirk Road. Based on recommendations from the PSA Study, this area was identified as a very high priority sub-area. The proposed ISBA/JPA meets the requirements of Chapter 171, Part II, F.S., and is consistent with the Intergovernmental Coordination Element Policy 1.4-d of the County's Comprehensive plan. District 2 (RB)

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DECEMBER 2, 2008

6. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to approve: Amendment No. 3 to the Palm Beach County Section 108 Loan Program Criteria funded by the U.S. Department of Housing and Urban Development's (HUD) Section 108 Loan Guarantee Program. **SUMMARY:** The Palm Beach County Section 108 Loan Program was created as a federal source of loan funding to be used by businesses, investors, communities and non-profit and economic development organizations to implement business ventures that will create new jobs and help revitalize local communities. HUD approved Palm Beach County's request for Section 108 funding on September 26, 2002 for a \$15,000,000 loan pool that was available through September 30, 2008. HUD renewed the loan pool for \$12,000,000 through September 30, 2011. The proposed Amendment will make the program more accessible to the businesses community by streamlining and aligning the County policies with HUD and Small Business Administration (SBA) guidelines and requirements. The proposed Amendment modifies the following key elements of the criteria:

(I.) & (II.) Program Objectives and Fundamental Loan Requirement: Eliminates the category of job retention as per HUD guidelines, modifies the job creation to begin at the issuance of a certificate of occupancy, completion of the construction/renovation project or

when the loan is disbursed, whichever is first, and modifies the job creation time frame from one (1) to five (5) years.

(III.) Eligible Activities: Amends the maximum amount of working capital from \$50,000 or ten percent (10%) of the total project cost to a maximum of 40% of the total project cost as per HUD guidelines.

(IV.) Eligible Applicants: Reduces the minimum number of years in business from three (3) to two (2) years.

(V.) Types of Assistance Available: No changes.

(VI.) Interest Rates, Loan Fees and Terms: Eliminates the requirement to increase the interest rate by 1% for projects located in non-distressed areas, reduces the application fee from 1% of the total loan amount to a non-refundable application fee of \$100, increases the loan closing fee from 0.75% to 1.5% of the total loan amount, and amends the minimum loan amount from \$250,000 to 40% of the total project cost.

(VII.) Lending Criteria/Underwriting: Increases the maximum amount of assistance per job created from \$15,000 to \$35,000 as per HUD guidelines.

(VIII.) Public Benefit Requirements: Aligns the salary requirement with HUD guidelines. Additional procedural changes are also being proposed to streamline the program.

These modifications are recommended to assist businesses, allow business development and investment in distressed areas, such as the Glades communities and Development Regions, and promote more participation of commercial lenders in economic development projects, which will leverage more private investment. These proposed Amendments are consistent with HUD guidelines. Because this amendment will not impact Palm Beach County's HUD-approved underwriting guidelines, HUD review and approval is not required. Countywide (DW)

B. CLERK & COMPTROLLER

TIME CERTAIN - 10:15 A.M.

1. Clerk Sharon R. Bock presents "*MyMinutes*" – a new interactive online tool that links Board of County Commissioner meeting video directly to the meeting minutes.

DECEMBER 2, 2008

6. REGULAR AGENDA

C. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** the Application of Pine Crest Preparatory School, Inc. for the issuance of up to \$18,000,000 industrial development revenue bonds. **SUMMARY:** Pine Crest Preparatory School, Inc. (collectively the "Company") has applied for the issuance of industrial development revenue bonds by the county in an amount not to exceed \$18,000,000. This transaction will be a tax-exempt lease-purchase of a new energy management (HVAC system) at the Company's middle and upper school facilities in Ft. Lauderdale, and is part of the overall capital improvement plan of the Company for which the County issued \$75,000,000 in revenue bonds in August 2008. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay**

principal or redemption premiums, if any, or interest on the Bonds. District 4 (PFK)

D. ENGINEERING & PUBLIC WORKS

1. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on December 16, 2008 at 9:30 a.m.:](#) an Ordinance amending Palm Beach County Code Chapter 26, Article II, known as the Municipal Service Taxing Unit (MSTU) Special Assessment Ordinance (Ordinance 94-11 as amended); amending Section 26-17, creation and purpose; amending Section 26-18, governing body of municipal service taxing unit; amending Section 26-19, powers; amending Section 26-20, funding; amending Section 26-21, budget adoption; amending Section 26-22, trust funds; amending Section 26-23, improvements; amending Section 26-24, special assessments; amending Section 26-29, percentage of costs, further procedures; providing for savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for captions; providing for effective date. **SUMMARY:** The proposed Ordinance will amend Chapter 26, Article II, known as the Municipal Service Taxing Unit(MSTU) Special Assessment Ordinance (Ordinance 94-11 as amended) to merge the original six(6) MSTU into a single unit and to allow for assessments and collections of 100% of the costs of road improvements. Countywide (MRE)

2. Staff recommends motion to approve:

A) the originally agreed to Reimbursement Agreement with the Village of Wellington not to exceed \$150,000 for the installation of a traffic signal at the intersection of Forest Hill Boulevard and Quercus Lane and;

B) a Budget Transfer of \$150,000 in the Transportation Improvement Fund from Reserve for District 6 to Forest Hill Boulevard/Quercus Lane Intersection Traffic Signal – District 6.

SUMMARY: This Agreement and Budget Transfer will fund the installation of a non warranted traffic signal at the intersection of Forest Hill Boulevard and Quercus Lane. District 6 (MRE)

DECEMBER 2, 2008

6. REGULAR AGENDA

E. FIRE RESCUE

1. [Staff recommends motion to approve:](#) the Collective Bargaining Agreement between Palm Beach County and the Professional Firefighters/Paramedics of Palm Beach County, Local 2928, IAFF, Inc., for the period October 1, 2008, through September 30, 2011, retroactively to October 1, 2008. **SUMMARY:** This Agreement was ratified by the Union membership on November 18, 2008. The three (3) year cumulative fiscal impact amounts to \$23 million and includes across-the-board increases as follows:

FY 2009	October 1, 2008	0%
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FY 2010	October 1, 2009	2%
	April 1, 2010	1%
FY 2011	October 1, 2010	1%
	April 1, 2011	2%

Countywide (SB)

2. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on December 16, 2008 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Section 26-51, Subsection (b), of Chapter 26, Article II, Division 3, of the Palm Beach County Code; amending the boundaries of the Fire Rescue MSTU (Municipal Service Taxing Unit) to include the Village of Palm Springs; providing for effectiveness; providing for opt-out procedures; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for captions. **SUMMARY:** The Fire Rescue MSTU (MSTU) encompasses the unincorporated areas of Palm Beach County plus the incorporated areas within the municipal boundaries of municipalities that have opted to join the MSTU. The County currently provides dispatch services to the Village of Palm Springs (Village) through an Emergency Services Agreement for Mutual Assistance, Automatic Aid, and Dispatch Services (R2007-0904). The Village now desires to abolish its fire rescue department and opt into the MSTU as a method to receive and pay for fire rescue services from the County. The proposed Ordinance amends the existing boundaries of the Fire Rescue MSTU to include properties within the municipal boundaries of the Village. Countywide (SB)

3. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on December 16, 2008 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Section 26-51, Subsection (b), of Chapter 26, Article II, Division 3, of the Palm Beach County Code; amending the boundaries of the Fire Rescue MSTU (Municipal Service Taxing Unit) to include the City of Lake Worth; providing for effectiveness; providing for opt-out procedures; providing for opt-out procedures for tax year 2009; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for captions. **SUMMARY:** The Fire Rescue MSTU (MSTU) encompasses the unincorporated areas of Palm Beach County plus the incorporated areas within the municipal boundaries of municipalities that have opted to join the MSTU. The County currently provides dispatch services to the City of Lake Worth (City) through an Emergency Services Agreement for Mutual Assistance, Automatic Aid, and Dispatch Services (R2005-1563). The City now desires to abolish its fire rescue department and opt into the MSTU as a method to receive and pay for fire rescue services from the County. The Department is currently in negotiations with the City to enter into a service agreement. However, if no action is taken by the City and the BCC prior to December 31, 2008 to include the City in the MSTU they could not be included in the MSTU until October 2010. The proposed Ordinance amends the existing boundaries of the Fire Rescue MSTU to include properties within the municipal boundaries of the City. If the County decides not to move forward with the provision of fire rescue services to the City, the Board has the option to repeal this Ordinance prior to April 30, 2009. Countywide (SB)

DECEMBER 2, 2008

6. REGULAR AGENDA

F. 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 Orange Road to Old Orange Road, located in Section 35, Township 40, Range 42, Loxahatchee Gardens, recorded in Plat Book 23, Page 237. **SUMMARY:** Planning, Zoning & Building Department (PZ&B) requests a street name change for Orange Road, to eliminate and/or reduce confusion with another street in the unincorporated area with the same name. In conjunction with Emergency Services, Planning, Zoning & Building Department staff believes this duplication could result in a delay of emergency services to the neighborhood. Upon receiving a copy of the approved resolution, PZ&B staff will implement the name change by notifying appropriate parties and agencies. District 1 (RB)

G. PUBLIC SAFETY

1. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on December 16, 2008 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 17, Article V, Division 1, Section 17-153 of the Palm Beach County Code concerning work identification cards for individuals performing in adult entertainment establishments; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for captions; providing for an effective date. **SUMMARY:** Section 17-153 of the Adult Entertainment Ordinance requires performers in adult entertainment establishments to apply for work identification cards from the Public Safety Department, and show proof that they are at least 18 years old. Some application requirements of the current Ordinance such as social security numbers and two (2) separate forms of identification were deemed unnecessary. The Ordinance, adopted in 1999, also fixed the fees at \$25 for each new request and \$5 for each duplicate. The revenues generated do not recoup the current costs of the Department to administer the program. Staff will be recommending an adjustment to the fees to offset the cost of issuing the license. The amendment modifies the application requirements, designates the Public Safety Department responsible in creating the application form to verify that the applicant is at least 18 years old, and provides that fees for work identification cards be established by Board resolution. Countywide (MJ)

H. WATER UTILITIES

1. [Staff recommends motion to approve:](#) the addition of six (6) Meter Reader positions in the Water Utilities Department's operating budget for FY 2009. **SUMMARY:** The Water Utilities Department (Department) is requesting that six (6) additional Meter Readers be added to the Department's complement in order to read customers' meters on a monthly basis. The Department recognizes the concerns of its customers who have recently received bills with large month to month variations. Much of this problem is due to the current policy of bi-monthly meter reading with the intervening month's bill being based on the customer's average usage over the previous 12 months. Converting to monthly reading of all meters will avoid the problems posed by the estimation procedure. The Department had adopted a long-term policy to move toward monthly reading of all meters. In 2006, the Department began replacing its meters with radio-read meters that are read electronically on a monthly basis simply by driving through the neighborhood. To date, the Department has 19,500 radio-read meters from a total of approximately 170,000. The original plan was to have all of the meters replaced by 2014. The additional staff can be phased out as more radio-read meters are installed. The Department is making cuts in other areas of its 2009 budget; therefore, no budget amendment is necessary. A significant reduction in Excessive Usage Commodity Credits is expected to partially offset the estimated cost of \$325,000. Countywide (MJ)

DECEMBER 2, 2008

6. **REGULAR AGENDA**

I. **SHERIFF**

1. **Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on December 16, 2008 at 9:30 a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, pertaining to the regulation of nightclubs; providing short title; providing definitions; providing a security fee; providing additional security measures; providing enforcement and penalties; providing patron age restrictions; providing police supervision; providing right of entry for purpose of inspection; providing exemption; providing for severability; providing for repeal of laws in conflict; providing for applicability; providing for inclusion in the Code of Laws and Ordinances; providing captions; and providing an effective date. **SUMMARY:** The public health, safety and welfare of the citizens of Palm Beach County will be best served by prohibiting the admission of persons under the age of twenty-one (21) to nightclubs. The Palm Beach County Nightclub Security Ordinance will require nightclubs to have security officers/law enforcement presence when the nightclub is open to the public between 11:00 p.m. and 8:00 a.m. It also requires that security officers complete a security officer training course approved by the Sheriff's Office. Additionally, the Owner must provide a minimum number of off-duty Sheriff's deputies and exterior security lighting. Upon adoption, it will be unlawful for persons under the age of 21 to patronize, visit, loiter, be admitted or allowed access, in any nightclub unless: they are employed by or at the nightclub; the nightclub is not serving or selling alcoholic beverages to the public; or the person is a member of the military or armed services with proper military identification. This Ordinance is only applicable in the unincorporated area. Countywide (DW)

DECEMBER 2, 2008

7. **BOARD APPOINTMENTS**

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

1. **Staff recommends motion to approve:** the reappointment/appointment of the following members to the Treasure Coast Regional Planning Council for a term beginning on December 2, 2008, through December 1, 2009:

A) Reappoint:
Regular Appointments:

<u>Nominees</u>	<u>Seat No.</u>	<u>Requirement</u>
Commissioner Karen Marcus	1	Palm Beach County Official
Commissioner Jeff Koons	2	Palm Beach County Official
Commissioner Addie L. Greene	3	Palm Beach County Official

Alternate Appointments:

Commissioner Mary McCarty	1A	Palm Beach County Official
Commissioner Jess R. Santamaria	3A	Palm Beach County Official; and

B) Appoint:
Alternate Appointment (Appoint 1):

Commissioner Shelley Vana	2A	Palm Beach County Official; or
Commissioner Burt Aaronson	2A	Palm Beach County Official

SUMMARY: In accordance with the Treasure Coast Regional Planning Council (TCRPC) Rules of Order, the Board of County Commissioners (BCC) is requested to appoint their members and alternates for the coming year before the Council's Annual meeting on December 12, 2008. Currently, the County's regular members are Commissioners Marcus, Koons and Greene; and the alternates are Commissioners McCarty and Santamaria with a vacant seat (No. 2A) left by the departure of former Commissioner Kanjian. Countywide (RPB)

DECEMBER 2, 2008

7. BOARD APPOINTMENTS

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

2. **Staff recommends motion to approve:** appointment of one (1) individual to the Small Business Assistance Advisory Committee, for a term of three (3) years:

<u>Nominee</u>	<u>Seat</u>	<u>Designation</u>	<u>Term</u>	<u>Nominated By</u>
Bryan K. Boysaw	14	Black Chamber of Commerce	3 years 12/2/08 – 12/1/2011	Comm. Marcus Comm. Koons Comm. Greene

SUMMARY: The SBA Advisory Committee (Committee) was established by Ordinance 2002-064. The committee consisted of 13 members representing one (1) black business owner certified as a small business by the County; one (1) Hispanic business owner certified as a small business by the County; one (1) woman business owner certified as a small business by the County; one (1) white male business owner certified as a small business by the County; one (1) business owner domiciled in Palm Beach County; one (1) representative of the Palm Beach County Resource Center; one (1) representative of the Hispanic Chamber of Commerce; one (1) representative of the National Organization of Women in Construction; one (1) representative of a Women's Business Organization; one (1) certified minority contractor; one (1) representative of the Associated General Contractors; one (1) representative of the Small Business Development Center; one (1) representative of the Business Loan Fund of the Palm Beaches. On May 20, 2008, the Board of County Commissioners adopted Ordinance 2008-014, which created an additional seat on the Committee. This seat has a designation which allows for representation by a Black Chamber of Commerce. The creation of this seat has increased the membership of the Committee to 14 members. A memo was sent to the Board of County Commissioners on October 30, 2008 which requested nominations to the Committee. The above nominations are being submitted for approval. No other nominations were received. Countywide (TKF)

**B. COMMUNITY SERVICES
(Treasure Coast Health Council, Inc.)**

1. **Staff recommends motion to approve:** appointment of one (1) new member to Seat No. 9 for a term of two (2) years to the Treasure Coast Health Council, Inc.:

<u>Nominee</u>	<u>Category/Seat No.</u>	<u>Term Expire</u>
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SUMMARY: The Treasure Coast Health Council, Inc. consists of 12 members: seven (7) representatives for Palm Beach County; one (1) member appointed by Indian River County, one (1) member appointed by Martin County, one (1) member appointed by Okeechobee County, and two (2) members appointed by St. Lucie County. Appointees shall be representatives of health care providers, health care purchasers, and non-governmental health care consumers, not to exclude elected government official. A majority of the Council member must be health care purchasers and health care consumers and the Council must include a representative number of persons over 60 years of age. Appointments shall be for a term of two (2) years and be eligible for reappointment. Countywide (TKF)

DECEMBER 2, 2008

7. BOARD APPOINTMENTS

**B. COMMUNITY SERVICES (Cont'd)
(Citizens Advisory Committee on Health & Human Services)**

- 2. **Staff recommends motion to approve:** reappointment of two (2) members to Seats 8 and 11 to the Palm Beach County Citizens Advisory Committee on Health and Human Services for the term indicated;

<u>Nominee</u>	<u>Category/Seat No.</u>	<u>Term Expire</u>	<u>Nominated by:</u>
Dr. Richard Galeta	PBC League of Cities/Seat 8	12/02/08-9/30/11	Comm. Marcus Comm. McCarty Comm. Koons
Mary (Jill) Hanson	Legal Services/ Seat 11	12/02/08-9/30/11	Comm. Marcus Comm. Koons

SUMMARY: The Citizens Advisory Committee on Health and Human Services consists of 11 members with at least one (1) member being a resident west of the 20 Mile Bend and at least one (1) member being a representative of the Palm Beach County League of Cities. Founding members were appointed for 1, 2 and 3 year terms with subsequent terms for three (3) years. Resolution R2001-0913 requires the Executive Committee of the Citizens Advisory Committee to solicit and recommend member nominations for transmittal to the Board of County Commissioners. The Board of County Commissioners was notified by memo dated October 13, 2008, when requested to provide nominations for reappointment. Term dates reflect lapses in reappointments, which are being corrected by the item. Countywide (TKF)

C. COMMISSION DISTRICT APPOINTMENTS

DECEMBER 2, 2008

8. MATTERS BY THE PUBLIC – 2:00 P.M.

DECEMBER 2, 2008

9. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

DECEMBER 2, 2008

10. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS

Certificate of Appreciation to Bruce Dawson in recognition of your foresight and in and in appreciation of your diligent and tireless efforts to ensure the Jupiter Inlet Lighthouse Outstanding Natural Area became a reality.

B. District 2 - COMMISSIONER JEFF KOONS, CHAIRMAN

C. District 3 - COMMISSIONER SHELLEY VANA

D. District 4 - COMMISSIONER MARY MCCARTY

E. District 5 - COMMISSIONER BURT AARONSON, VICE CHAIRMAN

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 26, 2008 – 11:30 a.m.

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

DECEMBER 2, 2008

PAGE ITEM

8 3A-3 **REVISED TITLE & WAITING FOR BACKUP: Staff recommends motion to approve:**

A) Amendment No. 1 to the Business Development Board of Palm Beach County Inc. (BDB) Five-Year Agreement (R2006-1998) in accordance with Board direction to reduce the grant amount by ~~5.4%~~ 5% or ~~\$55,250~~ \$51,605 annually. ~~The total Agreement will be reduced from \$1,032,100 to \$976,850~~ \$980,495 annually beginning FY 2009; and

B) Modification to the Scope of Services for FY 2009. The Agreement period is from October 1, 2006, through September 30, 2011, and it is in its the third year of the term.

- 12 3E-1 **WAITING FOR BACKUP: Staff recommends motion to approve:** Amendment No. 001 to Standard Agreement No. IA008-9500 (R2008-0337) for the Older Americans Act (OAA) Program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. for the period January 1, 2008, through December 31, 2008, increasing the agreement amount by \$9,136 for a new total not to exceed the amount of \$1,933,750 for various supportive services to seniors.
- 12 3E-2 **WAITING FOR BACKUP: 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 of \$16,000, for mental health services for Early Head Start children.
- 13 3E-3 **WAITING FOR BACKUP: Staff recommends motion to approve: A)** Standard Contract for the Brief Intervention and Treatment for Elders (BRITE) Program with the Florida Department of Children and Families (DCF) for the period December 1, 2008, through November 30, 2009, for a total not to exceed the amount of \$150,000; and
- 13 3E-4 **REVISED SUMMARY & WAITING FOR BACKUP: Staff recommends motion to approve:** Travel for two (2) Head Start /Early Head Start Policy Council Members to attend the National Head Start Association, 25th Annual Parent Training Conference in Atlanta, Georgia, December 13, 2008, through December 18, 2008, for an estimated cost of \$2,695. **SUMMARY:** Travel approval is requested for Head Start/Early Head Start Policy Council members Tawania Nubin and Karen Simpson to attend the National Head Start Association, 25th Annual Parent Training Conference in Atlanta, Georgia. The grantor agency requires that Head Start parents and community representatives receive training in order to take an active role in the program. Alternates Cynthia Smith and/or Patricia Jacques, will be selected in the event any of the above named members cannot attend this conference. The estimated cost of \$2,695 provides for conference registration, lodging, ground transportation, airfare and meals for two (2) participants. Funding consists of ~~\$2,155~~ \$2,156 (80%) in Federal funds and \$539 (20%) in County funds. (Community Services)
- 23 3L-7 **WAITING FOR BACKUP: Staff recommends motion to: A) approve** Interlocal Agreement with the City of Riviera Beach for twenty percent (20%) cost share up to \$7,020,000 on the Singer Island Erosion Control Project with reimbursement of eligible project costs retroactive to May 3, 2005;..
- 23 3L-8 **WAITING FOR BACKUP: Staff recommends motion to approve:** Task Order No. 0878-02 to a continuing Contract (R2008-0878) with Humiston and Moore Engineers (Humiston) in the amount of \$123,339 to provide professional coastal design and permitting services to respond to the Florida Department of Environmental Protection (DEP) and Fish and Wildlife Service (FWS) Requests for Additional Information (RAI) in support of the Erosion Control Project (ECP) for Singer Island.
- 24 3L-9 **WAITING FOR BACKUP: Staff recommends motion to: A) receive and file** Amendment No. 1 to Grant No. 06PB2 with the Florida Department of Environmental Protection (FDEP) to extend the Agreement to June 1, 2010;
- 33 4D* **REVISED TITLE:** Proclamation declaring January ~~12~~ 16, 2009 as "Arbor Day" in Palm Beach County. (Sponsored by Commissioner Vana)
- 34 5A* **REVISED MOTION TITLE & SUMMARY & WAITING FOR BACKUP: Staff**

~~recommends motion to; adopt an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five-Year Road Program; providing for title; purpose; adoption of revised Five-Year Road Plan and revised list of projects contained in Exhibit "A"; implementation of the Plan; modification of Plan; funding of other roadway improvements, interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date. **SUMMARY:** This is the annual update of the County's Five-Year Road Plan which is required to be considered each year by the Five Year Road Program Ordinance. On November 18, 2008, the Board approved this Ordinance on preliminary reading. Exhibit "A" to the Ordinance contains the road projects to be undertaken by the County in the next five years~~

A) determine that Palm Beach County (County) has adhered to and implemented its Five-Year Road Program based on substantial evidence that the funding for the current fiscal year and the addition of the new fifth year are as contemplated in the Comprehensive Plan and that fewer than 20% of the FY 2007 construction projects are more than 12 month behind schedule;

B) approve delaying construction of Okeechobee Blvd., Australian Ave. to Tamarind Ave./Parker Ave and Silver Beach Rd. east of Congress Ave. to Old Dixie Hwy. based on the findings of fact presented by staff; and

C) adopt an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five-Year Road Program; providing for title; purpose; adoption of revised Five-Year Road Plan and revised list of projects contained in Exhibit "A"; implementation of the plan; modification of plan; funding of other roadway improvements, interpretation of exhibit; repeal of Laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date.

SUMMARY: In accordance with Traffic Performance Standards, Article 12, Chapter N, Section 5 of the present Unified Land Development code requires that concurrent with the adoption of the annual Five-Year Road Program, the Board of County Commissioners (Board) must determine that the Findings have been made. The Findings of Fact have been made and are defined in Attachment "1" to the Agenda Item.

In accordance with Article 12.N.4.B of the Unified Land Development Code, and prior to the deletion/delay of any construction project from the County's Five-Year Road Program, the Board must determine that the Findings of Fact have been made. The Findings of Fact have been made and are defined in Attachment "2" to the Agenda Item.

This is the annual update of the County's Five-Year Road Plan which is required to be considered each year by the Five-Year Road Program Ordinance. On November 18, 2008, the Board approved this Ordinance on preliminary reading. Exhibit "A" to the Ordinance contains the road projects to be undertaken by the County in the next five (5) years. (Engineering)

36

6D-2*

REVISED TITLE & SUMMARY & WAITING FOR BACKUP: Staff recommends motion to approve:

A) the originally agreed to a Reimbursement Agreement with the Village of Wellington (Village) not to exceed \$150,000 for the installation of a traffic signal at the intersection of Forest Hill Boulevard and Quercus Lane;

B) requiring, as part of the Agreement, the Village pay for maintaining the traffic signal;
and

B) C) a Budget Transfer of \$150,000 in the Transportation Improvement Fund from Reserve for District 6 to Forest Hill Boulevard ~~and~~ Quercus Lane ~~Intersection Traffic Signal~~ – District 6.

SUMMARY: Approval of tThis Agreement and Budget Transfer will partially fund the installation of a non warranted mast arm traffic signal at the intersection of Forest Hill Boulevard and Quercus Lane. The Village will be installing the signal after receipt of the funds. The Village Council considered the Agreement in mid-November, but requested the Agreement be amended to have the Palm Beach County (County) accept maintenance responsibility. County staff disagrees and feels the County should not pay for maintenance for a signal that does not meet our installation standards. Annual maintenance is expected to be approximately \$2,000. (Engineering)

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6I-1

WAITING FOR BACKUP: Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on December 16, 2008 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, pertaining to the regulation of nightclubs; providing short title; providing definitions; providing a security fee; providing additional security measures; providing enforcement and penalties; providing patron age restrictions; providing police supervision; providing right of entry for purpose of inspection; providing exemption; providing for severability; providing for repeal of laws in conflict; providing for applicability; providing for inclusion in the Code of Laws and Ordinances; providing captions; and providing an effective date. (PBSO)

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 (*).