

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

**JULY 11, 2006**

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

**COMMISSION  
CHAMBERS**

- 1. CALL TO ORDER**
  - A. Roll Call
  - B. Invocation
  - C. Pledge of Allegiance
- 2. AGENDA APPROVAL**
  - A. Additions, Deletions, Substitutions
  - B. Adoption
- 3. CONSENT AGENDA (Pages 8 - 41)**
- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 42)**
- 5. BOARD OF COUNTY COMMISSIONERS SITTING AS THE PALM BEACH COUNTY BIOTECHNOLOGY DEVELOPMENT DISTRICT - 9:30 A.M. (Page 43)**
- 6. PUBLIC HEARINGS - 9:30 A.M. (Pages 44 - 46)**
- 7. REGULAR AGENDA (Pages 47 - 54)**
- 8. BOARD APPOINTMENTS (Page 55)**
- 9. MATTERS BY THE PUBLIC - 2:00 P.M. (Page 56)**
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- 12. ADJOURNMENT (Page 58)**

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4B Vietnam Veterans of America Chapter 25 Day  
4C Animal Kindness Awards  
4D Florida Water, Wastewater and Systems Operations Week  
4E Special Presentation to Senator Dave Aronberg

**BOARD OF COUNTY COMMISSIONERS SITTING AS THE BIOTECHNOLOGY DEVELOPMENT DISTRICT - 9:30A.M.**

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

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**MATTERS BY THE PUBLIC - 2:00 P.M.** (Page 56)

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3. CONSENT AGENDA APPROVAL

B. CLERK AND COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings:

<u>Meeting Type</u>	<u>Meeting Date</u>
Regular	April 18, 2006
Regular	May 16, 2006
Workshop	May 23, 2006

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Department; and the Department of Airports during May 2006. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** a Joint Project Participation/Funding Agreement for the total estimated cost of \$123,050 with the Village of Palm Springs (Village) for the utility construction to be incorporated into the County's construction of Haverhill Road from 10<sup>th</sup> Avenue North to Purdy Lane roadway improvements. **SUMMARY:** As part of the Haverhill Road improvements, the County and the Village desire to jointly participate in the utility adjustments to the water distribution and sewage transmission systems, and other improvements along the right-of-way. The Village agrees to reimburse the County for the cost of these utility adjustments and other improvements. The total estimated costs for the utility construction are \$123,050. This Agreement will allow the Village's utility adjustments and other improvements to occur as a component of the County's construction. The Village will pay all construction costs associated with the utility work and perform all construction inspection of their work. District 2 (MRE)
2. **Staff recommends motion to approve:** Supplemental Agreement No. 1 to Project Agreement (R2005-0632) in the amount of \$143,422.97 with American Consulting Engineers of Florida, LLC (ACE) for professional services. **SUMMARY:** This Supplemental Agreement will provide the services necessary for a right-of-way team to evaluate alternative alignments for Old Dixie Highway from Park Avenue to Northlake Boulevard and Park Avenue west from 13<sup>th</sup> Street to Old Dixie Highway (Project). Districts 1 & 7 (PFK)
3. **Staff recommends motion to approve:** an Agreement with the Florida Department of Transportation (FDOT) and the City of Boca Raton (City) for a FDOT grant to the City through the County Incentive Grant Program. **SUMMARY:** FDOT has selected the City of Boca Raton Dynamic Message Sign project for funding through the County Incentive Grant Program. There will be no cost to Palm Beach County (County). Countywide (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

4. **Staff recommends motion to approve:** an Amendment to Agreement for Acquisition with Ascot Development, Limited Liability Corporation (Ascot) (R2005-1399). **SUMMARY:** This action will approve an Amendment to Agreement for Acquisition with Ascot for acquisition of property needed for West Atlantic Avenue from Lyons Road to Starkey Road. District 5 (PFK)
  
5. **Staff recommends motion to approve:**
  - A) a Task Authorization to the Annual Agreement (R2004-2472) in the amount of \$9,414.40 with R.J. Behar & Company, Inc. (RJB) for professional services; and
  - B) a Budget Transfer of \$13,755 in the Transportation Improvement Fund from Reserves – Fiscal Year 2006 Road Program to Lawrence Road Bridge over Boynton Canal.**SUMMARY:** This Task Authorization will provide the professional services necessary for the review of bridge plans for Lawrence Road over Boynton Canal (Project). District 3 (PFK)
  
6. **Staff recommends motion to approve:** Termination of the contract (R2005-0523) with VIP Painting, Inc. (VIP), for painting the metal lift span of the Palmetto Park Road Bascule Bridge. **SUMMARY:** VIP has been unable to initiate work on the painting of the Palmetto Park Road Bascule Bridge. They have indicated that due to the length of time between bidding and award, conditions within and outside their organization make it impossible to proceed with the project. Mr. Hume, Vice President of VIP, has acknowledged this fact in a letter and has submitted a check in the amount of \$7,000, their bid bond value, to cover the County's costs to re-advertise the project. District 4 (MRE)
  
7. **Staff recommends motion to approve:** a Budget Transfer of \$70,000 in the Municipal Service Taxing Unit (MSTU) District C Fund from Reserves to Lake Worth Corridor, Bertha Street, Filer Road, Penn Grove Street, Mee Court and Fairview Street Paving and Drainage Street Improvements. **SUMMARY:** This Budget Transfer is to provide funding for proposed Change Order No. 4, and for sufficient funding to compensate the contractor for the completion of the project. District 3 (MRE)
  
8. **Staff recommends motion to:**
  - A) accept a Warranty Deed for Parcel 4A on Seminole Pratt Whitney Road; and
  - B) **approve** payment of a counter-offer in the amount of \$260,000 for Parcel 4A.**SUMMARY:** This action will accept a Warranty Deed needed for a retention pond and approve a counter-offer in the amount of \$260,000 for the purchase of the retention pond, known as Parcel 4A. This parcel is needed for the construction widening of Seminole Pratt Whitney Road from south of Okeechobee Boulevard to north of Sycamore Drive. District 6 (PFK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

9. Staff recommends motion to approve: Supplemental Agreement No. 6 to Project Agreement (R2001-1619) in the amount of \$210,819.52 with K-F Group, Inc. (KFG) for professional services. **SUMMARY:** This Supplemental Agreement will provide the services necessary to modify the alignment at 45<sup>th</sup> Street for Jog Road from Roebuck Road to 45<sup>th</sup> Street (Project). Districts 2 & 6 (PFK)

10. DELETED

11. Staff recommends motion to approve:

**A)** a Financial Assistance Agreement with the Town of Lake Park (Town), to provide a reimbursement contribution not-to-exceed \$160,000; and

**B)** a Budget Transfer of \$160,000 in the Transportation Improvement Fund from Reserve for District 1 to Park Avenue from Seventh Street to Federal Highway.

**SUMMARY:** This item provides funding in an amount up to \$160,000 to engineer and design for the reconfiguration and beautification of Park Avenue from Seventh Street to Federal Highway. Funding comes from the District 1 Gas Tax Reserves. These improvements are in anticipation of the Town's future construction of the designed road improvements and beautification. After the installation, the Town will be responsible for perpetual maintenance of the improvements. Districts 1 & 7 (MRE)

12. Staff recommends motion to:

**A) adopt** a Resolution amending the special assessment roll for the 89<sup>th</sup> Place North from Coconut Boulevard to a canal ¼ mile east paving improvement project, Section 22, Township 42 South, Range 41 East, under the Palm Beach County Municipal Service Taxing Unit (MSTU) Street Improvement Program, to reflect a decrease in the total project costs from \$42,403 to \$42,174.38, resulting in a reduction of \$228.62; and

**B) approve** finalization of the Assessment Roll for the project so the assessment payments can be processed and collected by the Tax Collector's Office.

**SUMMARY:** Adoption of the amended Resolution provides for the collection of fifty percent (50%) of the total project costs of \$42,174.38. Assessments will be payable in ten (10) equal annual installments. The assessments, based on 50% of the amended total project costs, are \$1,463.37 per acre. District 6 (MRE)

13. Staff recommends motion to:

**A) adopt** a Resolution amending the special assessment roll for the 61<sup>st</sup> Street North from Mango Boulevard to a canal ¼ mile east paving improvement project, Section 35, Township 42 South, Range 41 East, under the Palm Beach County Municipal Service Taxing Unit (MSTU) Street Improvement Program, to reflect a decrease in the total project costs from \$42,403 to \$39,947.20, resulting in a reduction of \$2,455.80; and

**B) approve** finalization of the Assessment Roll for the project so the assessment payments can be processed and collected by the Tax Collector's Office.

**SUMMARY:** Adoption of the amended Resolution provides for the collection of fifty percent (50%) of the total project costs of \$39,947.20. Assessments will be payable in ten (10) equal annual installments. The assessments, based on 50% of the amended total project costs, are \$998.68 per acre. District 6 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

14. Staff recommends motion to:

**A) adopt** a Resolution amending the special assessment roll for 88<sup>th</sup> Place North from Coconut Boulevard to a canal one-quarter (1/4) mile east, Section 22, Township 42 South, Range 41 East, under the Palm Beach County Municipal Service Taxing Unit (MSTU) Improvement Program to reflect a decrease in the total project costs from \$42,403 to \$29,578.04, resulting in a reduction of \$12,824.96; and

**B) approve** finalization of the Assessment Roll for the project so the assessment payments can be processed and collected by the Tax Collector's Office.

**SUMMARY:** Adoption of the amended Resolution provides for the collection of fifty percent (50%) of the total project costs of \$29,578.04. Assessments will be payable in ten (10) equal annual installments. The assessments, based on 50% of the amended total project costs, are \$956.60 per acre. Indian Trail Improvement District (ITID) constructed the improvements. District 6 (MRE)

15. Staff recommends motion to approve: the renewal of the Testing Lab Services Annual Agreements with the following firms:

<u>Firm Name</u>	<u>Original Agreement Date</u>	<u>Resolution No.</u>
GFA International	June 21, 2005	R2005-1147
Tierra, Inc.	June 21, 2005	R2005-1148

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

16. Staff recommends motion to approve:

**A)** an Amendment to the Financial Assistance Agreement (R2004-1688) with the City of Palm Beach Gardens (City); and

**B)** a Budget Transfer of \$18,566 in the Transportation Improvement Fund from Unincorporated Area Only Tree Irrigation and Sod (O.T.I.S.) program.

**SUMMARY:** The original Agreement provides for a reimbursement, in an amount not-to-exceed a maximum of \$95,000, to the City, for the installation of landscaping on Northlake Boulevard and Military Trail. This Amendment, as requested by the City, provides for an increase up to \$18,566 due to cost increases for roadway beautification, and provides for a new total reimbursement funding amount of \$113,566 to enable the City to install beautification. Funding comes from the Unincorporated Area O.T.I.S. program. This Amendment also allows for an eighteen (18) month time extension until December 31, 2006. After the installation, the City will be responsible for perpetual maintenance of the improvements. District 1 (MRE)

17. **DELETED**

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

18. **Staff recommends motion to approve:** a Financial Assistance Agreement with the Ocean Parks Jupiter Condominium Association (Association), to provide a reimbursement contribution not-to-exceed \$25,000. **SUMMARY:** This Agreement provides funding to reimburse the Association up to 28% of the cost of the installation of beautification along the County's right-of-way for AIA. The Association will be responsible for the perpetual maintenance of these improvements. District 1 (MRE)
19. **Staff recommends motion to approve:**
- A)** a Budget Transfer of \$197,000 in the Municipal Services Taxing Unit (MSTU) District B Fund from Reserves – Street and Drainage to Okeechobee Boulevard and Congress Avenue Intersection Improvement;
- B)** a Budget Transfer of \$197,000 in the Transportation Improvement Fund from Fiscal Year 2004 Reserve for Intersections to Transfers – Transfer to MSTU District F; and
- C)** a Budget Amendment of \$197,000 in the MSTU District F Fund to recognize the transfer from the Fiscal Year 2004 Intersection Reserve and appropriate it to Reserves – Street and Drainage.
- SUMMARY:** Palm Beach County Engineering Services wishes to fund an intersection improvement project at Okeechobee Boulevard and Congress Avenue using MSTU District B funds. The transportation improvement transfer will reimburse MSTU District F \$197,000 for the construction of the intersection improvement. The Budget Amendment will recognize the transfer of \$197,000 from the Transportation Improvement Fund to the MSTU District F Fund. Districts 2 & 7 (MRE)
20. **Staff recommends motion to adopt:** a Resolution re-designating three (3) parcels of County-owned land as County right-of-way. **SUMMARY:** The Board recently approved the re-designation of two (2) strips of County-owned land as right-of-way located on Gulfstream Road and Coconut Road in Lake Worth, Florida. An additional right-of-way re-designation is required which incorporates the land previously re-designated. A formal Resolution is required to record all re-designations in the public record. District 3 (PFK)
21. **Staff recommends motion to approve:**
- A)** an Interlocal Agreement in the amount of \$159,687 with Loxahatchee Groves Water Control District (LGWCD) for improvements to Collecting Canal Road within the LGWCD; and
- B)** a Budget Transfer of \$159,687 in the Transportation Improvement Fund from Reserve for District 6 to Collecting Canal Road Improvements – District 6.
- SUMMARY:** This Interlocal Agreement and Budget Transfer will reimburse the LGWCD the amount of 159,687 for its Collecting Canal Road Improvement Project. District 6 (MRE)

3. **CONSENT AGENDA APPROVAL**

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

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

**A)** an Interlocal Agreement in the amount of \$60,000 with Loxahatchee Groves Water Control District (LGWCD) for acquisition of a water truck to maintain District shell rock roads; and

**B)** a Budget Transfer of \$60,000 in the Transportation Improvement Fund from the Reserve for District 6 to Loxahatchee Groves Water Truck Acquisition – District 6.

**SUMMARY:** This Interlocal Agreement and Budget Transfer will reimburse the LGWCD the amount of \$60,000 for acquisition of a water truck to maintain District shell rock roads. District 6 (MRE)

23. **Staff recommends motion to approve:** Supplemental Agreement No. 2 to Project Agreement (R2001-0620) in the amount of \$111,960.52 with K-F Group, Inc. (KFG) for professional services. **SUMMARY:** This Supplemental Agreement will provide the services necessary for the addition of a right turn lane and paved shoulders for Jog Road from Yamato Road to Clint Moore Road (Project). District 4 (PFK)

D. **COUNTY ATTORNEY**

1. **Staff recommends motion to approve:** a Mediation Settlement Agreement, inclusive of attorneys fees and costs, in the total amount of One Hundred Sixty Two Thousand Five Hundred dollars (\$162,500) in the personal injury action styled Janice Turner and David Turner, vs. Palm Beach County, Dipompeo Construction Corporation, Ultimate Pools, Inc., SCS Interactive, Inc., and Koala Corporation, Case No. 2003CA-005559 MB AB. **SUMMARY:** This is a personal injury claim arising from the alleged negligent maintenance of the Calypso Bay Water Park on July 25, 2003 in Royal Palm Beach, Florida. The plaintiff alleges that the County failed to maintain a safe water pressure in a water park jet, causing Mrs. Turner to sustain blindness in her right eye and permanent damage to her left eye. Her husband has a loss of consortium claim. Staff, including the Risk Management Roundtable Committee, agree that the settlement is in the best interest of the County. Countywide (SCL)

2. **Staff recommends motion to approve:** Amendment No. 2 to the Agreement (R2004-2573) as amended by Amendment No. 1 (R2005-0744) with the law firms of Bryant Miller and Olive P.A. and Isaacs Williams, P.A. for legal services provided prior to the dissolution of the Palm Beach County Biotechnology Development District (the "District"), authorizing the \$15,000 set aside for subcontractors to be used for attorney's fees. This Amendment does not increase the not-to-exceed amount previously approved for \$85,000. **SUMMARY:** Legal service billings exceeded the estimated amount, while subcontractor expenditures were not required. The \$15,000 that had been approved as payment for subcontractors will instead be used to pay for legal services previously provided to the District. Countywide (PFK)

3. **CONSENT AGENDA APPROVAL**

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

3. **Staff recommends motion to approve:** execution of a Quit-Claim Deed to Remo P. Calosso, an unmarried widower and Rebecca R. Calosso, an unmarried woman, as joint tenants with rights of survivorship, conveying any County interest in certain rights-of-way in Palm Beach Farms Plat No. 3. **SUMMARY:** Recent recorded quit-claim deeds to the County from West Peninsular Title Company and Absolute, Inc. have raised a title issue. County Quit-Claim Deeds have been used to resolve this title issue with other affected property owners. This Quit-Claim Deed covers certain Palm Beach Farms Plat No. 3 strips that had lost public dedication through the West Peninsular federal lawsuit. The property is located at 5688 Colbright Road, Lake Worth, Florida 33467. District 2 (PFK)
  
4. **Staff recommends motion to approve:** execution of a Quit-Claim Deed to A. Louise McLester, conveying any County interest in certain rights-of-way in Palm Beach Farms Plat No. 3. **SUMMARY:** Recent recorded quit-claim deeds to the County from West Peninsular Title Company and Absolute, Inc. have raised a title issue. County Quit-Claim Deeds have been used to resolve this title issue with other affected property owners. This Quit-Claim Deed covers certain Palm Beach Farms Plat No. 3 strips that had lost public dedication through the West Peninsular federal lawsuit. The property is located at 5721 Colbright Road, Lake Worth, Florida 33467. District 2 (PFK)
  
5. **Staff recommends motion to authorize:** Payment of \$1,208.22 to de la Parte & Gilbert, P.A., for reimbursement of travel fees to Bob Walker, P.E., for travel expenses incurred for travel to Palm Beach County as an expert witness in September 2005. **SUMMARY:** The law firm of de la Parte & Gilbert was hired to represent the County (R2005-1606) in the administrative appeal of the County's Florida Department of Environment Protection Permit No. 0048923-017-DWC. The administrative hearing on this appeal occurred in September 2005. As part of the litigation strategy for this case, de la Parte & Gilbert contacted Bob Walker, P.E., of the Uni-Bell PVC Pipe Association, to represent the County as a rebuttal expert witness on PVC pipe during the hearing. Mr. Walker graciously offered his expert witness services to the County at no cost, and requested only that his travel expenses be reimbursed. In addition to his testimony, as an expert witness utilized to rebut testimony of other witnesses, Mr Walker's presence was required during the entire hearing. The County ultimately prevailed on all matters in this administrative appeal. The law firm of de la Parte & Gilbert has reimbursed Mr. Walker for these expenses, and has requested reimbursement from the County. Due to language in the contract with de la Parte & Gilbert requiring written Board approval of expert witness fees, the Office of the Clerk and Comptroller will not authorize this reimbursement without this Board approval. Countywide (MJ)

E. **COMMUNITY SERVICES**

1. **Staff recommends motion to approve:** Contract with Oakwood Center of the Palm Beaches, Inc. for the period August 1, 2006, through July 31, 2007, in the amount of \$156,784 to serve homeless disabled individuals. **SUMMARY:** Oakwood Center has leased 17 rental apartments for disabled homeless individuals with severe mental illness or a dual diagnosis (mental illness and substance abuse). The services are funded through the Housing and Urban Development (HUD) Shelter Plus Care Grant and provide much needed permanent housing beds for homeless disabled individuals. No County funds are required. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. **Staff recommends motion to approve:** Contract with the Department of Children and Families (DCF) for the period July 1, 2006, through June 30, 2007, in the amount of \$68,530 for a Grant-in-Aid Program to prevent homelessness. **SUMMARY:** This Contract enables the Division to provide rent/mortgage, utility assistance, food or clothing to households at risk of becoming homeless. The Division provides case management for participants to assure that payment through the grant is coupled with a plan that includes a comprehensive service continuum of emergency services, economic stability and self-sufficiency. Through these funds, a minimum of 82 households will be served. A maximum payment of \$1,000 per participant per grant year is provided. A 25% match is required and is met through in-kind contributions. (Human Services) Countywide (TKF)
  
3. **Staff recommends motion to approve:** Amendment No. 001 to Standard Agreement No. IP006-9500 (R2006-0761; May 2, 2006) with the Area Agency on Aging of the Palm Beach/Treasure Coast, Inc. (AAA) for the period March 1, 2006 through March 31, 2007, for the Emergency Home Energy Assistance for the Elderly Program (EHEAP). **SUMMARY:** This Amendment will increase the maximum household benefit from \$300 to \$400 per season and decrease the approximate eligible low income households from 157 to 117 with no change in funding. This will enable the Division of Senior Services (DOSS) to provide a greater impact to approximately 117 eligible low income households who meet 150% of the federal poverty guidelines, have at least one person age 60 years or older, and are experiencing a home energy emergency. Benefits include emergency assistance to prevent disconnection of utility services. This amendment was received by DOSS on June 8, 2006. There are no County funds required. (DOSS) Countywide except for portions of Districts 3, 4, 5, & 7 south of Hypoluxo Road (TKF)
  
4. **Staff recommends motion to approve:** Amendment No. 004 to Standard Agreement No. IA005-1 (R2005-0228; dated February 1, 2005) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period January 1, 2005, through December 31, 2005 for the Older Americans Act (OAA) program decreasing the amount by \$1,631 for a new total not-to-exceed amount of \$2,068,544 (federal funds). **SUMMARY:** This Amendment decreases funds for III-E In-Home Respite by \$1,631. The required County match is decreased by \$182 (10%). This Amendment was decreased by AAA due to their over calculation of additional available grant funds. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provides OAA services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, & 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

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

A) Standard Agreement No. IC006-9500 for the Community Care for the Elderly (CCE), program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2006, through June 30, 2007, in the amount of \$1,069,638; and

B) Conflict of interest affidavit with the AAA.

**SUMMARY:** The Agreement will allow the Division of Senior Services (DOSS), as lead agency, to provide case management, case aide and adult day care services. DOSS also contracts with vendors to provide a broad spectrum of community-based services to assist age 60 plus seniors at risk of nursing home placement to live in the least restrictive environment suitable to their needs. CCE services are funded with \$1,069,638 in State funds provided through the AAA agreement, a required County match of \$118,849 and additional County funds in the amount of \$639,231 are needed to cover staff salaries and administrative costs not covered by the grant. The Agreement spans two (2) County fiscal years. Sufficient funding is available in the FY 2006 budget to meet County obligations. County match and additional funding required to meet FY 2007 obligations has been requested in the FY 2007 budget process. The Conflict of Interest Affidavit stipulates that County must maintain a written code of standards of conduct governing the performance of its employees engaging in the award and administration of the contracts. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provides CCE services under a similar agreement from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, & 7 south of Hypoluxo Road (TKF)

6. **Staff recommends motion to approve:** Standard Agreement No. IH006-9500 for the Home Care for the Elderly (HCE), program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2006, through June 30, 2007, in the amount of \$176,375 for various home care services. **SUMMARY:** The HCE Standard Agreement will allow the County, through its Division of Senior Services (DOSS), as lead agency, to provide case management services for provision of care in private homes as an alternative to nursing home or other institutional care. HCE services are funded with \$176,375 in State funds provided through the AAA Agreement and additional County funds in the amount of \$6,303 are needed to cover staff salaries and administrative costs not covered by the Agreement. The Agreement spans two (2) County fiscal years. Sufficient funding is available in the FY 2006 budget to meet County obligations. Additional funding required to meet FY 2007 obligations has been requested in the FY 2007 budget process. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provides HCE services under a similar agreement from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, & 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

7. **Staff recommends motion to approve:** Standard Agreement No. IZ006-9500 for the Alzheimer's Disease Initiative (ADI) program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2006, through June 30, 2007, in the amount of \$270,340. **SUMMARY:** The ADI Standard Agreement will allow DOSS, as lead agency, to provide case management and respite (in-home and facility-based) services to persons age 18 and older with memory disorders. ADI services are funded with \$270,340 in State funds provided through the AAA agreement and additional County funds in the amount of \$81,077 are needed to cover staff salaries and administrative costs not covered by the Agreement. The Agreement spans two (2) County fiscal years. Sufficient funding is available in the FY 2006 budget to meet County obligations. County match and additional funding required to meet FY 2007 obligations has been requested in the FY 2007 budget process. The \$85,000 budget transfer is needed to reallocate funds to cover revenues and expenditures through FY 2006. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provides ADI services under a similar agreement from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, & 7 south of Hypoluxo Road (TKF)

F. AIRPORTS

1. **Staff recommends motion to receive and file:** four (4) original contract(s)/agreement(s)/grant(s) for the Department of Airports:
  - A) Hangar Lease Agreement for North County General Aviation Airport with Cloud 9 Helicopters LLC, Hangar No. 11740-14, effective June 9, 2006;
  - B) Hangar Lease Agreement for North County General Aviation Airport with Daniel Lund, Hangar No. 11720-08, effective May 24, 2006;
  - C) Hangar Lease Agreement for North County General Aviation Airport with GEOSKY3, LLC, Hangar No. 11730-08, effective May 28, 2006; and
  - D) Hangar Lease Agreement for North County General Aviation Airport with Yachtphoto Helicopter, LLC, Hangar No. 11750-05, effective May 24, 2006.**SUMMARY:** Delegation of authority for execution of these standard County contracts/agreements/grants above was approved by the BCC in R2003-1047, pursuant to PPM No. CW-0-51 and by PPM No. CW-F-064. Countywide (LMB)
2. **Staff recommends motion to approve:** Budget Amendment in the Airport's Land Sale Proceeds Fund to establish budget for the receipt of \$3,100,000 from the sale of Hillcrest to Palm Beach Atlantic University (PBAU), expenditures of \$2,790,000 for acquisition of land, and \$310,000 to be repaid to the State of Florida. **SUMMARY:** The Board approved the sale of the Hillcrest property on December 6, 2005 to Palm Beach Atlantic University. PBAU and the County have closed on the sale and the County has received the \$3,100,000. The expenditure of the proceeds is subject to approval by the FAA and the State of Florida because the County originally acquired Hillcrest through Federal and State grant funding. The Federal Aviation Administration (FAA) has authorized their share to be used for land acquisition. The State of Florida has directed the County to return their share of the funding (10%) to the State. Countywide (LMB)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff recommends motion to approve:** a Budget Amendment of \$3,217,270 in the \$75 Million General Obligation Bonds, Series 2001 (Land Acquisition Program) to record the sale of the 75 acre Brookside property previously approved by the Board. **SUMMARY:** On June 21, 2006, the County closed on the sale of the Brookside property as part of the program to refund the outstanding General Obligation Bonds, Series 1999B and Series 2001A. This Budget Amendment records the sales proceeds in reserves for future property acquisition. Countywide (PFK)
  
2. **Staff recommends motion to approve:**
  - A) Budget Transfer of \$1,063,700 from the \$75 Million General Obligation Bonds, Series 1999B (Land Acquisition Program) Fund 3001 to provide funds for the Taxable General Obligation Refunding Bonds in accordance with federal tax regulations;
  
  - B) Budget Transfer of \$3,225,000 from the \$75 Million General Obligation Bonds, Series 2001A (Land Acquisition Program) Fund 3002 to provide funds for the Taxable General Obligation Refunding Bonds in accordance with federal tax regulations; and
  
  - C) Budget Amendment of \$4,288,700 in the \$115.825 Million Taxable General Obligation Refunding Bonds, Series 2006 (Land Acquisition Program) to set up payments to escrow agent in accordance with federal tax regulations.

**SUMMARY:** For tax purposes, the proceeds from recent sales of land in the Ag Reserve that were approved by the Board in conjunction with the issuance of Taxable General Obligation Refunding Bonds have to be included in escrow for the taxable refunding bonds. The above Amendment and Transfers set up the payments to escrow agent. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

**A) approve** a Standard License Agreement for individuals or organizations to conduct recreational or educational activities for a fee at County senior centers upon approval of their application;

**B) authorize** the County Administrator, or his designee, to sign all future license agreements; and

**C) authorize** the County Administrator, or his designee, to reduce the amount of insurance coverage required by the license agreement, if approved by Risk Management, based on the amount of risk posed by the requested activity.

**SUMMARY:** Senior Services allows individuals and organizations to conduct recreational and educational activities for a fee within County senior centers to benefit senior center participants. Offering a wide range of activities at senior centers provides a great benefit to senior center participants by creating greater opportunities for exercise and learning. This license agreement establishes the standard terms and conditions under which an individual or organization may use a County senior center to conduct an activity. An individual or organization desiring to conduct an activity at a County senior center will submit an application to the desired senior center using the standard application which becomes an attachment to the license agreement. The applicant will be permitted to charge participants in the activity the fee listed in their application. The fee will be collected by Senior Services prior to each activity session and 20 percent of the fees collected shall be retained by Senior Services as a license fee. Applicants will also be required to secure legal liability waivers from participants in the activity. If the activity is recommended by Senior Services and the application is approved by Facilities Development & Operations, the County would enter into the license agreement. Since senior centers are County facilities, the Director of Facilities Development & Operations will sign the license agreement on behalf of the County. Since the amount of insurance coverage required by this license agreement may prohibit individuals from conducting activities at the senior centers, authority to reduce the amount of insurance coverage required, in consultation with Risk Management, is sought for instances where the proposed activity poses minimal risk of liability to the County. (FDO Admin) Countywide (AH)

2. Staff recommends motion to approve: Budget Transfer of \$300,000 from funding set aside to pay property assessments in the General Fund to establish a Biotechnology Research Park - Property Management budget account. **SUMMARY:** In 2004, the County purchased approximately 1,919 acres of unimproved property with the intent of establishing the Biotechnology Research Park (including Scripps) on property formerly owned by Lantana Farms and Associates. With the decision to relocate Scripps and other elements of the Research Park to another site, the County is responsible for the on-going property management until another use for the property is determined and the property disposed of. The types of property management activities generally fall into three (3) categories; 1) traditional property management activities such as mowing, vegetation control, storm water pump operation and maintenance, trash/garbage removal, access road maintenance to Corbett, reconfiguration of spoil piles, and canal/ditch maintenance; 2) regulatory compliance activities such as water quality monitoring, impoundment inspection and miscellaneous engineering reviews and reports; and 3) safety/security improvements and services such as fencing and gates, security and signage. The property management budget does not include the costs of demolition within the Scripps site. These costs will be addressed separately. (FDO Admin) Countywide/District 1 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. **Staff recommends motion to approve:** a Declaration of Easement for a potable water line for Fire Station No. 23 in unincorporated West Palm Beach. **SUMMARY:** Fire Station No. 23 is located at 5471 Okeechobee Boulevard, just east of the Florida Turnpike. An older, outdated and undersized fire station was recently replaced with a new larger fire station immediately behind the previous. Construction of the new fire station required the relocation of the water line to service both the new fire station and the adjacent funeral home. The easement area is 20 feet wide, covers approximately 13,939 square feet (.32 acre), and follows an irregular path north and south over the property. The Declaration of Easement will be recorded to provide notice of the existence and location of the water line on County property. (PREM) District 2 (HJF)
  
4. **Staff recommends motion to approve:** a Utility Easement Agreement in favor of Florida Power & Light Company (FPL) for electrical service in connection with construction of facilities at Samuel Friedland Park located in the Acreage. **SUMMARY:** The County owns a 60 acre parcel of land in the Acreage on the south side of Hamlin Boulevard, west of 180<sup>th</sup> Avenue. FPL requires the County to grant an easement prior to installation of the electrical service to facilities that are under construction. The easement area is 10' wide and contains approximately 18,616.10 square feet (.427 acres). The easement area begins at the northern property line and extends to several areas throughout the property and returns back to the northern property line approximately 1,538 feet east of the beginning point. This Easement is being granted to FPL at no charge, as it will provide electrical service to County facilities and is required as a condition of service. (PREM) District 6 (HJF)
  
5. **Staff recommends motion to:**
  - A) **accept** a Release of Easement on .39 acres of land from the City of Greenacres (City);
  
  - B) **adopt** a Resolution authorizing the conveyance of .82 acres of land to the City without charge and with a reservation of mineral rights, but without rights of entry and exploration; and
  
  - C) **approve** a County Deed conveying .82 acres to the City.

**SUMMARY:** Water Treatment Plant No. 2 (WTP) is located on Pinehurst Drive between 10<sup>th</sup> Avenue North and Forest Hill Boulevard, west of the City of Greenacres. In 1990 (R90-424D), the County granted a 25' wide easement (.39 acres) to the City over the eastern portion of the WTP property, upon which the City constructed a pedestrian walkway. The City will release its easement rights to the 25' and the County will convey to the City two (2) parcels totaling .82 acres (.30 acres and .52 acres). These parcels, where the City has constructed a walkway, form an L-shape along the eastern and southern boundaries of the WTP property west of Liberty Park Elementary School and north of the LWDD L-10 Canal. The walkway provides a safe route for the students to travel between Pinehurst Drive, the school and nearby parks. This conveyance will release the County of any maintenance responsibility and potential liability. The .82 acres will be conveyed to the City subject to an automatic reverter should the property cease to be used for the walkway purposes and will reserve a perpetual non-exclusive easement over both parcels to maintain and improve the County's underground water and wastewater mains, utility lines, culverts, fencing and other improvements. The County will retain mineral and petroleum rights in accordance with Section 270.11, Florida Statutes, but without rights of entry and exploration. The City approved the transaction in December. However, the County Deed was subsequently revised to include the reverter, which the City has agreed to and will submit the revised County Deed for formal approval after execution by the Board. Pursuant to Section 125.38, Florida Statutes, the County is authorized to convey property to a municipality at no charge. (PREM) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. Staff recommends motion to receive and file: a Notice of exercise of renewal option under the Lease Agreement (R2002-0829) with LJL Food Management, Inc., d/b/a Tina's Café for the continued use of 1,504 sq. ft. of restaurant space in the Government Center Parking Garage in West Palm Beach. **SUMMARY:** On May 21, 2002, the Board approved the Lease Agreement with LJL Food Management, Inc. d/b/a Cher's Café for use of 1,504 sq. ft. of restaurant space in the Government Center Parking Garage located at 215 North Olive Avenue, West Palm Beach. On October 18, 2005, the Board approved a Consent to Change of Ownership (R2005-2020) of LJL Food Management, Inc. from Linda Ostrowski to Katina Bikos and Petro Bikos. The initial term of the Lease was for five (5) years effective September 1, 2001, and ending August 31, 2006, with one (1) option to renew for five (5) years. Exercise of this option will extend the term of the Lease from September 1, 2006, to August 31, 2011. No additional renewal options remain. The annual rental cost to LJL Food Management, Inc. for this renewal period is \$21,914.35/year with an annual rental increase of four (4%) percent effective September 1<sup>st</sup> of each year. Pursuant to the terms of the Lease, LJL Food Management, Inc. has the right to exercise its option 180 days prior to the expiration of original term and the Board has no discretionary authority to not allow the exercise of the option. Tenant claims to have originally sent its notice on January 5, 2006, the date exhibited on the letter. However, the letter was not received by County staff until May 5, 2006. (PREM) District 7 (HJF)

7. Staff recommends motion to:

**A) adopt** a Resolution authorizing the conveyance of 52.12+/- acres of vacant land to South Florida Water Management District (SFWMD) at no charge and without reservation of mineral rights; and

**B) approve** a County Deed conveying 52.12 +/- acres lying within the Levee L-40 Canal right-of-way located west of State Road 7 and north of Delray West Road to South Florida Water Management District (SFWMD).

**SUMMARY:** In 1951, the County conveyed several hundred acres of land along the eastern edge of the Arthur R. Marshall Wildlife Refuge to the Central & Southern Florida Flood Control District (CSFFCD) (now SFWMD). The County Deed conveying this property did not include roughly 52 acres of land within the middle of the land conveyed to CSFFCD, apparently by mistake. The subject lands lie entirely within the Levee L-40 Canal right-of-way, essentially the berm along the Wildlife Refuge. There is no parcel control number for these lands, and the tax rolls do not reflect the County as owning any of these lands. This conveyance will provide SFWMD clear title to its right-of-way. The County Deed will be granted to SFWMD without charge. Staff recommends that the Board convey the property without reservation of oil and mineral rights since this conveyance is given for the sole purpose of conveying to SFWMD the land which was intended to be conveyed in the original deed executed in 1951, which did not reserve oil and mineral rights to the property. (PREM) Districts 5 & 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

8. Staff recommends motion to:

**A) adopt** a Resolution authorizing the conveyance of the County's interest in 0.12 acres to the City of Pahokee without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration;

**B) adopt** a Resolution authorizing the conveyance of the County's interest in 2.36 acres to the City of Pahokee without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration; and

**C) approve** two (2) County Deeds in favor of the City of Pahokee.

**SUMMARY:** The City of Pahokee has requested the conveyance of two (2) improved parcels of County-owned surplus property acquired by tax deeds within the past three (3) years. The 0.12-acre parcel is located at 473 S. Lake Avenue within the City's municipal boundaries and is improved with two (2) commercial structures with an assessed value of \$69,175. Section 197.592(3), Florida Statutes, requires the conveyance of surplus property acquired by tax deed to the municipality in which it is located. The 2.36-acre parcel, known as Pee-Hokey Plaza, is located at 843 US Highway 441 in unincorporated Palm Beach County a mile outside the City's municipal boundaries. Section 125.38, Florida Statutes, allows for the conveyance of County property to a municipality. This property is improved with several commercial buildings with an assessed value of \$694,758. Staff obtained an appraisal which valued the property at \$100,000. Staff supports the appraised value and believes the assessed value is excessive due to the existing environmental contamination and the current state of deterioration of the grounds and structures. Significant funding would be required to restore the property to a functional condition. The City proposes to utilize the parcel for the Glades Regional Craftsmen's Guild through a Trade Accelerator project to stimulate growth and the economy in the Glades Region. Although staff is currently revisiting the program to convey residential parcels to the municipalities in light of the affordable housing issues, both of these parcels are commercial in nature. Staff believes that these parcels will be more appropriately developed, managed and maintained by the City. Both conveyances will relieve the County of potential liability for occurrences on these properties and also the cost of continued maintenance. The County will retain mineral and petroleum rights in accordance with Section 270.11, Florida Statutes, without rights of entry and exploration. (PREM) District 6 (HJF)

9. Staff recommends motion to approve: a Concessionaire Service Agreement with The Esther and David Company, Inc. (Esther & David) at \$10,500/year. **SUMMARY:** Ocean Inlet Park is located at 6990 North Ocean Boulevard, south of the Boynton Inlet in Ocean Ridge. In April 2006, staff issued a Request for Proposals for the operation of a food service concession to provide food, beverage and sundry items concessionaire services for the Park's visitors. Responsive proposals were received from the existing concessionaire, The Esther and David Company, Inc. and John Desensi. A Selection Committee of three (3) employees from the Parks and Recreation Department and the Property and Real Estate Management Division (PREM) ranked Esther & David's proposal the highest. Esther & David's proposal provides for a more expansive menu and range of prices than that of John Desensi and demonstrates that the owners of Esther & David have more relevant experience in the food, beverage and sundry items concessionaire business and have a local business base. This Concessionaire Agreement provides Esther & David the right to use an existing 450 sq. ft. concession building. The initial term of the Agreement is for three (3) years, with two (2) extension options, each for a period of one (1) year. Esther & David will pay the County \$10,500 per year (\$23.33/sq. ft.), subject to an annual four percent (4%) increase. The County is responsible for payment of water, sewer, and trash services and will provide general building systems maintenance. Upon the expiration of the initial term, the County has the right to cancel the Agreement for any reason upon ninety (90) days notice. Esther & David will post a \$500 security deposit. (PREM) District 4 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

10. Staff recommends motion to approve:

**A)** Budget Transfer of \$10,500,000 from reserves in the \$22.3M GO '05 Library Improvement Fund to Hagen Ranch Road project to fund construction costs for the renovation of the Hagen Ranch Road Library and;

**B)** Amendment No. 8 to the contract with The Weitz Company (R2003-1542) for construction management services for the Hagen Ranch Road Branch Library establishing a Guaranteed Maximum Price (GMP) in the amount of \$10,150,101 for construction of a new 34,000 sq. ft. library.

**SUMMARY:** On September 23, 2003, the Board entered into a contract with The Weitz Company for construction management services for the Library Expansion Program. This Amendment No. 8 is for the Hagen Ranch Road Branch Library and establishes a GMP of \$10,150,101 and 365 calendar days to complete the building construction and site work. The GMP includes the cost of work and the construction manager's fee associated with the work and a contingency of \$281,656. This contract utilizes the Sales Tax Exemption Program. The SBE goal for this contract is 15% and this project participation is 18.59%. (Capital Improvements Division) District 5 (JM)

11. Staff recommends motion to:

**A) adopt** a Resolution authorizing the conveyance of 2.85 acres of vacant land to Hypoluxo/Jog, LLC for \$513,000 without reservation of mineral rights;

**B) approve** a Deposit Receipt and Contract for Sale and Purchase with Hypoluxo/Jog, LLC for the sale of 2.85 acres of County surplus property located in unincorporated Boynton Beach; and

**C) approve** a County Deed in favor of Hypoluxo/Jog, LLC.

**SUMMARY:** The County acquired a narrow undevelopable 10.75 acre strip of land by tax deed in 1984. The property is located between Ranches Road and Western Way, east of Jog Road in unincorporated Boynton Beach. This property is deemed surplus because it serves no past or future County purpose. The property serves as an existing canal for drainage of the abutting tracts. Hypoluxo/Jog, LLC has acquired several tracts of land abutting the County-owned property and is proposing to develop a PUD including the 2.85 acre portion of the County-owned property which runs directly through the middle of the proposed PUD. Sale of the property is contingent upon Hypoluxo/Jog receiving zoning approval and the expiration of the appeals period on June 24, 2006. The approval of the PUD site plan will be conditioned upon positive stormwater outfall being provided to all property not included in the PUD, but previously served by the 2.85 acre County-owned property. The assessed value of the entire 10.75 acre parcel is \$313,470. Due to the size and shape of the parcel and the fact that it is not developable as an independent tract, an appraisal of the 2.85 acres valued the property at \$30,000. In accordance with Section 125.35(2), Florida Statutes, notice of the County's intent to sell this land was sent to adjacent property owners, who were given the opportunity to bid on this property. Hypoluxo/Jog was the only respondent. Staff negotiated with the Developer to sell the property for \$513,000 (\$180,000/per acre). The purchase price is based on the per acre price Hypoluxo/Jog paid for their acquisitions of the surrounding properties. In accordance with Section 270.11(1), Florida Statutes, staff recommends that the Board convey the property without reservation of mineral rights, due to the apparent absence of mineral deposits and the fact that such reservation would inhibit development and reduce the marketability of the property. The sale of the property will: (i) lessen the County's potential liability and maintenance responsibilities and, (ii) return the parcel to the tax rolls. (PREM) District 3 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

12. Staff recommends motion to approve:

**A)** a Deed of Conservation Easement in favor of the South Florida Water Management District (SFWMD) on approximately 2.41 acres at Jupiter Farms Park; and

**B)** a Restrictive Covenant providing for two (2) littoral planting areas covering approximately .49 acres at Jupiter Farms Park.

**SUMMARY:** The County is upgrading Jupiter Farms Park with two (2) lighted soccer/football fields and an increase to the parking area. Jupiter Farms Park is located at 16655 Jupiter Farms Road, west of Jupiter. As part of the improvements, the water management tract will be expanding to meet permit requirements. A condition of the SFWMD permit requires a conservation easement on 2.41 acres which contain existing pine flatwoods, uplands and wetlands. The easement area is located at the southwest corner of the property and is being granted to SFWMD at no charge. The Restrictive Covenant identifies the .49 acre littoral planting area, within the expanded water management tract north of the easement area, as required by SFWMD and the Environmental Resources Management Department and provides for the maintenance thereof. The Parks and Recreation Department has reviewed and approved the location for both the Conservation Easement and the Restrictive Covenant. (PREM) District 1 (HJF)

13. Staff recommends motion to:

**A) adopt** a Resolution authorizing the conveyance of 1.00 acre of surplus property to the City of West Palm Beach without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration; and

**B) approve** a County Deed in favor of the City of West Palm Beach.

**SUMMARY:** The City of West Palm Beach has requested the conveyance of one (1) surplus County property, located at 1400 Henrietta Avenue, which is within its jurisdiction and was acquired by the County via a tax deed in August 2005. The assessed value of this property is \$157,500 and contains 1.00 acre. The City is planning to develop this property for attainable housing, including housing for the elderly. The County Deed includes a right of reverter if the City does not comply with restrictions that the City and its successors: (i) remain in compliance with the County's approved attainable housing program's income eligibility standards for a period of 30 years; and (ii) acknowledge in its documents and publicity the County's donation of this parcel. The conveyance of surplus property to the municipality in which it is located is a major element of PREM's disposition program adopted by the Board upon the recommendation of the Real Estate Assets Task Force. This conveyance will assist in providing attainable housing units, relieve the County of potential liability for occurrences on this property and the cost of continued maintenance. The County will retain mineral and petroleum rights in accordance with Section 270.11, Florida Statutes, without rights of entry and exploration. (PREM) District 7 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

14. Staff recommends motion to:

**A) receive and file** notification of non-renewal of Lease Agreement (R2001-0472) with The School Board of Palm Beach County; and

**B) approve** a Lease Agreement with S&S Enterprises, Inc., a Florida corporation, for 1,247 square feet of office space within the Sierra Square Plaza located at 9250-9270 Indiantown Road in Jupiter for a PBSO substation.

**SUMMARY:** On April 3, 2001, the County entered into a Lease Agreement with The School Board of Palm Beach County for the operation of a PBSO substation at 16133 Jupiter Farms Road. In 2005, Hurricane Wilma caused extensive damage which rendered the building untenable. The Agreement's initial five (5) year term expired on April 2, 2006, and, due to the condition of the building, staff and PBSO chose not to exercise the renewal options and provided such notice to the School Board. PBSO desires to maintain a substation in western Jupiter at the Sierra Square Plaza which is located one (1) mile west of the Turnpike, for the Cops on Patrol program. The Lease provides for the use of 1,247 square feet of office space with exclusive use of two (2) parking spaces. The initial term of the Lease is for five (5) years with the County having the right to terminate the Lease upon ninety (90) days written notice anytime after the third year. The term of the Lease shall commence upon S&S Enterprises providing evidence of the issuance of a certificate of occupancy, but no later than August 1, 2006. All tenant improvements are being constructed by the landlord at its sole cost. The initial annual rental rent is \$17,271 (\$13.85/sq. ft.) with an annual increase of either CPI or four percent (4%), whichever is greater. The County is responsible for its proportionate share of annual real estate taxes, initially estimated to be \$1,632 and operating expenses estimated to be \$2,280, with an annual cap on operating expenses of five percent (5%). (PREM) District 1 (HJF)

15. **Staff recommends motion to approve:** Work Order No. 06-166 with Hi-Tech Roofing & Sheetmetal, Inc. (R2005-0750) in the amount of \$379,400 to provide replacement of the existing gymnasium roofs at the Cherry Road facility. **SUMMARY:** The work consists of removing the existing single-ply roof systems on the main upper roof and the two (2) lower roofs on either side of the main entrance; removal of the roof-top exhaust fans and installation of metal covers over the openings; installation of a new modified bitumen asphalt roof; and installation of a waterproofing surface on the covered walkways around the gym. The SBE participation in this work order is 100% overall. There are currently five (5) participating vendors under the Annual Roofing contract. When the participation for this work order is added to the total participation against the Roofing contract, the resulting values are 61.1% overall. The participation goals are 15% overall. The construction duration for this work is 90 days. (FD&O Admin) District 2 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

16. **Staff recommends motion to approve:** Consultant Services Authorization (CSA) No. 15 to the contract with Miller, Legg & Associates, Inc. (R2004-1436) to delete a portion of the professional services for the Palm Beach County Biotechnology Research Park Phase I Infrastructure in the amount of \$846,203.83. **SUMMARY:** This deductive authorization is a result of work being suspended by the County due to the ACOE invalidation of the existing permit, the reevaluation of an alternative site, and ultimate selection of a Jupiter location for the Scripps Research Institute. Services to be deleted under this Authorization include construction administration, geotechnical engineering and overall coordination of the project. The contract with Miller, Legg & Associates will remain open in order to address miscellaneous engineering requirements during the County's management of the site. There is a 30% reduction in SBE participation in this Authorization. When combined with previous Authorizations, the overall SBE participation for the contract will be 26% assuming no further services will be required. The SBE goal for this project is 15%. (Capital Improvements Division) Countywide/District 1 (JM)
17. **Staff recommends motion to approve:** Change Order No. 2 to the contract with Catalfumo Construction, Ltd. (R2004-1884) for the Biotechnology Research Park in the amount of \$104,500. **SUMMARY:** This Change Order provides for fill to raise the elevation of the Research Park's utility site approximately 2 ft. This change in elevation is necessary to allow a pump station to be constructed by Water Utilities Department. Work included in this Change Order was completed prior to Board approval. The SBE goal for this contract is 15%. There is a 0% SBE participation in this Change Order and when combined with previous change orders, the overall SBE participation is 6%. (Capital Improvements Division) Countywide/District 1 (JM)
18. **Staff recommends motion to approve:** Change Order No. 3 to the contract with Catalfumo Construction, Ltd. (R2004-1884) for the Biotechnology Research Park in the amount of \$259,426.71 and a time extension of 100 days. **SUMMARY:** This Change Order is the result of delays to the construction manager and its subcontractors and compensates the contractor for extended general conditions associated with a 100 day delay. These delays stem from work stoppage due to the Army Corps permit litigation, hurricanes, excessive rain, and additional work associated with the Research Park's utility site. Work included in this Change Order was completed prior to Board approval. The SBE goal for this contract is 15%. There is 0% SBE participation in this Change Order. When combined with previous Change Orders, the overall SBE participation is 6%. (Capital Improvements Division) Countywide/District 1 (JM)
19. **Staff recommends motion to approve:**
- A) Change Order No. 4 to the contract with Catalfumo Construction, Ltd.(R2004-1884) for the Biotechnology Research Park in the deduct amount of \$1,266,396.25; and
- B) Termination of the contract.
- SUMMARY:** This Change Order is the result of work being suspended by the County due to the Scripps Research Institute relocating to Abacoa/FAU. The work on the infrastructure improvements for the Research Park was suspended in November, 2005, and now will ultimately be terminated. This deduct to the contract is for the uncompleted work which did not take place at the Biotechnology Research Park. The SBE goal for this contract is 15%. There is 3% SBE participation in this Change Order, and when combined with previous change orders, the overall SBE participation is 7%. (Capital Improvements Division) Countywide/District 1 (JM)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** an Agreement with Mediazine, Inc., for the purchase of commercial office/work space, in the amount of \$127,480 in Community Development Block Grant (CDBG) funds for the period of July 11, 2006, through December 31, 2006. **SUMMARY:** Mediazine, Inc., wishes to purchase commercial office/work space at 5401 North Haverhill Road, Suite 118, West Palm Beach, FL 33407, to house its business operations in the West Palm Commerce Park which is under construction in the City of West Palm Beach south of 45<sup>th</sup> Street on Haverhill Road. Mediazine, Inc., offers business marketing services to companies. This Agreement will provide up to \$127,480 as partial funding for the acquisition of the property. The total cost of the project is estimated at about \$258,000, plus closing costs, with \$25,830 coming from Mediazine, Inc., and the difference equally divided between the County and the City of West Palm Beach. This is an economic development project, where the owners will be required to create 8.5 full-time equivalent permanent jobs that will be held by low/moderate income persons. **This Agreement will provide \$127,480 in federal CDBG funds, which do not require local matching funds.** District 2 (TKF)
  
2. **Staff recommends motion to approve:** Amendment No. 001 to an Agreement (R2005-2022) with the Housing Partnership, Inc., to increase the funding amount by \$20,000 to \$97,250 in Community Development Block Grant (CDBG) funds. **SUMMARY:** The Amendment provides an additional \$20,000 to fund improvements at Celtic Apartments located at 4680-4694 Davis Road, in Lake Worth. This property serves as an independent living facility for low and very low income adults with chronic mental illness. The work, which was initially funded at \$77,250, will include a gravity sewer, landscaping removal and repairs, and abandoning an existing septic tank and drain field. These additional funds are needed in order to award a contract based on the bid that was received. The bid amount was higher than anticipated. Additional CDBG funds are needed in order to supplement other private funds secured by the Housing Partnership. **These are federal funds that require no local match.** District 3 (TKF)
  
3. **Staff recommends motion to approve:** Amendment No. 001 to an Agreement (R2005-2046) with Community Caring Center of Boynton Beach, Inc., to reallocate funds within the budget of the agreement. **SUMMARY:** Community Caring Center of Boynton Beach, Inc. (CCC), has an agreement with the County for \$25,000 to provide emergency shelter through a hotel/motel voucher program with a participating vendor; and homeless prevention assistance through emergency rent, mortgage and utilities payments. The one (1) vendor which participated in CCC's hotel/motel voucher program ceased business operations on May 15, 2006 and will sell the property to developers. CCC has been unable to replace the vendor and has requested reallocation of the remaining funds of \$4,127 from the hotel/motel vouchers budget line to the emergency rent/mortgage/utilities payments budget line to enable timely utilization of those funds. **These are federal ESGP funds and the required match will be met by the agency. No match from County General Fund is required.** Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

4. **Staff recommends motion to approve:** Amendment No. 001 to an Agreement (R2005-2166) with the Urban League of Palm Beach County, Inc. for an additional \$50,000 in Community Development Block Grant (CDBG) Program funds to increase the amount funded from \$166,500 to \$216,500. **SUMMARY:** The Urban League of Palm Beach County, Inc. has an agreement (R2005-2166) with Palm Beach County for \$166,500 to provide housing counseling and homeless prevention activities to at least 450 low and moderate-income households in Palm Beach County. The catastrophic advent of Hurricane Wilma resulted in an unusually high demand for homeless prevention assistance; thereby, exhausting the Urban League's available resources to provide such assistance. The additional CDBG funds will allow the Urban League to operate its normal program and address year-round demands. The effective date of the revised contract is October 1, 2005 to September 30, 2006. **These are federal funds and no match from County General Fund is required.** Countywide (TKF)
  
5. **Staff recommends motion to approve:** Amendment No. 003 to an Agreement (R2003-1701) with the Center for Family Services of Palm Beach County, Inc., to extend the expiration date from May 31, 2006, to September 30, 2006, for the expenditure of \$200,000 in Community Development Block Grant (CDBG) funds. **SUMMARY:** The Amendment provides an extension of four (4) months to the term of the existing agreement. The project entails the construction of a two (2) story building to contain offices, a medical clinic, a computer lab, a meeting room, and residential units at 1320 Henrietta Avenue in the City of West Palm Beach, where the agency provides services to the homeless. The cost of the project is \$538,801, with amounts above the funding made available through this agreement coming from the agency. The project is presently under construction, and the additional time is needed to allow its completion. **These are federal funds that require no local match.** District 7 (TKF)
  
6. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending Resolution (R97-1154 to change the composition of the Emergency Shelter Grants Program (ESGP) Advisory Board. **SUMMARY:** This Resolution will amend Resolution R97-1154, which established the ESGP Advisory Board. The amendment will specifically include a provision that at least one (1) homeless or former homeless individual is included on the Advisory Board. The proposed amendment will allow the Board to comply with the federal requirements outlining the composition of the Board. Countywide (TKF)
  
7. **Staff recommends motion to adopt:** a Resolution approving the mid-year budget amendments to the Westgate/Belvedere Homes Community Redevelopment Agency's (CRA) FY 2005/2006 budget as follows: a) Budget Amendment increasing the Redevelopment Trust (Operating) Fund by \$407,932; and b) Budget Amendment increasing the Construction Fund by \$2,726,675. **SUMMARY:** The CRA's FY 2006 budget approved September 30, 2005 (R2005-1882) projected Tax Increment Financing (TIF) revenues of \$1,448,068. The actual TIF revenues based on the final tax roll were \$1,431,787, a decrease of \$16,281. The amendment for the Operating Fund adjusts the budget for a new TIF amount and for a \$324,213 increase in the audited fund balance brought forward. The amendment for the construction funds adjust the budget to reflect a \$298,754 decrease in the audited balance brought forward; a \$137,948 increase in Lake Worth Lagoon funding and a \$3,000,000 loan from Bank of America. District 2 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

8. **Staff recommends motion to approve:** Amendment No. 003 to an Agreement (R2002-1178) with Everglades Venture Company, LLC, to extend the expiration date of the agreement from January 31, 2006, to May 30, 2007, for the expenditure of \$224,596 in Community Development Block Grant (CDBG) funds. **SUMMARY:** This project is now under construction, and this third amendment provides an extension of sixteen (16) months to the term of the existing agreement to enable the completion of the project. Since the date of the second amendment, commencement of construction was delayed while Everglades Venture Company, LLC, obtained final approval to proceed from the U. S. Department of Agriculture who is a co-funder of the project. The contractor was also delayed by the stringent process of obtaining bonding for the project in addition to overcoming the disruption caused by Hurricane Wilma. **These are federal CDBG funds which do not require local matching funds.** District 6 (TKF)

K. WATER UTILITIES

1. **Staff recommends motion to approve:** an Amendment to a Reclaimed Water Standard Development Agreement with Home Devco/Tivoli Lakes, LLC, providing for the reimbursement of \$63,793.66 for County-required off-site utility improvements. **SUMMARY:** On April 27, 2006, the Water Utilities Department (Department) entered into a Standard Reclaimed Water Development Agreement (Agreement) with Home Devco/Tivoli Lakes, LLC (Home Devco) for reservation of reclaimed water capacity. The Agreement identified County-required off-site utility improvements and the corresponding oversizing credits and cash reimbursements that Home Devco would be entitled for completing the improvements requested by the County. During construction, Home Devco encountered significant unforeseen site conditions. Utility construction costs required to address these conditions exceeded the credits and cash reimbursements provided in the Agreement. Staff has reviewed Home Devco's request for additional compensation and recommends Home Devco be provided a cash reimbursement of \$63,793.66 for the additional construction work. This amount would be reimbursed from development fees paid by Home Devco. Board approval of the reimbursement is necessary since the Department's Uniform Policies and Procedures Manual (UPAP) does not specifically authorize the Department Director to approve reimbursements associated with differing site conditions. District 6 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. **Staff recommends motion to approve:** an Amendment to an Interlocal Agreement for Biosolids Processing and Recycling with the Solid Waste Authority of Palm Beach County (SWA). **SUMMARY:** On May 3, 2005, the Board approved an Interlocal Agreement for Biosolids Processing and Recycling with SWA (R2005-0897). Under the Interlocal Agreement, the SWA is responsible for the design, construction, operation and maintenance of the regional Biosolids Processing and Recycling Facility (BPF), and, in addition, will market the biosolids pellets to various fertilizer manufacturers. Water Utilities, along with the other participating utilities, are in turn, responsible for delivering wastewater biosolids to the new facility, and paying for the pro-rata share of capital and net operating costs. Since the Interlocal Agreement was approved in 2005, the project has experienced delays outside the control of the Contractor and SWA associated with air emission limits, water supply, and building department permitting. These delays, coupled with the unprecedented price increases in construction costs incurred over the past year, have resulted with \$3,500,000 of increased costs for the BPF project. Water Utilities' share of total amended capital costs is \$8,467,262, which includes a five percent not-to-exceed contingency amount of \$397,124 to cover unexpected conditions and construction change orders. The Amendment reflects an additional \$436,399 of capital cost to be borne by the County. All unused contingency funds will be returned to Water Utilities upon completion of facility construction. Operations & Maintenance costs are not projected to exceed the \$32.34 per wet ton rate established in the Interlocal Agreement. Countywide (MJ)
  
3. **Staff recommends motion to approve:** an Agreement with the City of Belle Glade for construction of a Floridan Aquifer production well to supply raw water to the Lake Region Water Treatment Plant (LRWTP). **SUMMARY:** On August 17, 2004, the Board approved a contract with Southeast Drilling Services, Inc. (R2004-1738), for construction of eight (8) Floridan Aquifer production wells to supply raw water to the LRWTP. On October 12, 2005, the South Florida Water Management District (SFWMD) approved a cost sharing agreement (Agreement No. DG061191) with the City of Belle Glade for construction of one Floridan Aquifer Production Well to serve the LRWTP. Since construction has been completed for several production wells, the City is ready to request \$356,000 in cost sharing funds from SFWMD. Under the terms of the Agreement, being recommended in this item, the City will transfer the \$356,000 received from SFWMD to the County. These funds will be used to reimburse the County for a portion of its costs associated with construction of the production wells. (WUD Project No. 03-169) Districts 6 (MJ)
  
4. **Staff recommends motion to approve:**
  - A) Change Order No. 1 with R.J. Sullivan Corp. for the Water Treatment Plant No. 8 Expansion Project in the deductive amount of \$1,712,386.46, deleting materials and equipment for the purpose of sales tax recovery and designating R.J. Sullivan Corp., as the County's agent for the inspection and receipt of the materials and equipment; and
  - B) Purchase Orders with vendors of the materials and equipment for sales tax recovery in the amount of \$1,615,341.

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

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

5. Staff recommends motion to approve:

A) Change Order No. 1 with TLC Diversified, Inc. for the Century Village North - Reclaimed Water Production Facility in the deductive amount of \$613,922.50, deleting materials and equipment for the purpose of sales tax recovery and designating TLC Diversified, Inc., as the County's agent for the inspection and receipt of the materials and equipment; and

B) Purchase Orders with vendors of the materials and equipment in the amount of \$579,125.

**SUMMARY:** On June 6, 2006, the Board awarded a contract with TLC Diversified, Inc. (R2006- 1007) for construction of the Century Village North – Reclaimed Water Production Facility in the amount of \$3,598,000. By approving Change Order No. 1 to this contract, and purchasing the associated materials and equipment directly from the vendors, total sales tax savings of \$34,797.50 can be achieved. TLC Diversified, Inc. has agreed to serve as the County's agent for the inspection and receipt of the equipment and materials at no additional cost. (WUD Project No. 05-062) District 2 (JM)

6. Staff recommends motion to approve:

A) a unit price Contract with Southeast Drilling Services, Inc. for the Water Utilities Department Wellfield Rehabilitation Program to repair wells over a 24 month term in a cumulative amount not-to-exceed \$1,176,000; and

B) Work Authorization No. 1 to rehabilitate wells at Water Treatment Plant No 3 in the amount of \$407,320.

**SUMMARY:** On May 24, 2006, one (1) bid was received for the Water Utilities Department Wellfield Rehabilitation Program, from Southeast Drilling Services, Inc. in the amount of \$1,176,000. This contract will be used for wellfield rehabilitation to maintain adequate raw water supply to all the Department's water treatment plants. Contract award is for the base contract only, and this contract by itself does not guarantee nor authorize Southeast Drilling Services, Inc. to perform any work. Work will be assigned during the 24 month contract period by formal work authorizations drawn against this continuing contract, with approvals pursuant to PPM CW-F-050. The unit prices contained in this contract will be used in determining the cost of these work authorizations. Supplements to work authorizations for changes that occur during construction will be subject to the change order limits for construction contracts as established under PPM CW-F-050 with each work authorization considered as an individual construction contract. Work Authorization No. 1 provides for rehabilitation of wells at Water Treatment Plant No. 3 in the amount of \$407,320. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. This contract with Southeast Drilling Services, Inc. provides for SBE participation of 0.00% overall. Rehabilitation for large water wells requires special construction services thereby reducing options for SBE participation. Overall SBE participation is zero percent because Southeast Drilling was the only bidder. (WUD Project No. 06-084) District 2, 5 & 6 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

7. **Staff recommends motion to approve:** Consultant Services Authorization No. 6, Supplement No. 1 to the contract with Jordan Jones and Goulding, Inc. (JJ&G) (R2005-0775) for the Telemetry Information Management System (TIMS) Phase IV Project in the amount of \$234,380. **SUMMARY:** This authorization with Jordan Jones and Goulding (JJ&G) provides engineering services associated with the fourth phase of the Department's lift station telemetry program. Over the past five years, the Department has been expanding its telemetry program to incorporate additional wastewater lift stations. To date, approximately 45% of the Department's lift stations are equipped with telemetry. Work to be completed under this project will include design of remote telemetry units at 66 key wastewater lift stations, programming, bidding services, and developing recommended improvements for the Department's lift station construction standards. This project will allow the Department to remotely monitor additional lift stations on a 24-hour per day basis, thereby improving system reliability and safety, while at the same time minimizing operating costs. The contract with JJ&G, Inc. includes the Small Business Enterprises (SBE) participation goal of 27%, which exceeds the 15% goal established by Palm Beach County Ordinance (No. 2002-064). This Consultant Services Authorization includes 90.91% overall participation. The consultant's cumulative SBE participation, including this Authorization is 38.94% overall. (WUD Project No. 05-090) Countywide (JM)
  
8. **Staff recommends motion to approve:** Consultant Services Authorization No. 29 to the contract with Mathews Consulting, Inc. (R2005-0777) for a comprehensive rate study in the amount of \$141,460. **SUMMARY:** Consultant Services Authorization No. 29 with Mathews Consulting, Inc. provides for a comprehensive study of the Department's rates and fees. As a result of steady growth, automation, and various efficiency measures, the Water Utilities Department has been able to avoid an on-line rate increase since October 1, 1997. However, major increases in fuel and electricity costs combined with a need for a higher level of service during emergencies have resulted in operating expenditures that are projected to exceed operating revenues. The consultant will perform a cost of service analysis to develop retail customer account, base facility, and commodity charges for water, wastewater, and reclaimed water service that are fair and equitable. The study will also examine rate indexing concepts, develop a new computerized rate model, provide recommendations for budgeting and accounting changes to better quantify renewal and replacement requirements, and evaluate any changes that may be required to base facility fees based on demand patterns rather than meter size. The contract with Mathews Consulting, Inc. includes the Small Business Enterprises (SBE) participation goal of 55%, which exceeds the 15% goal established by Palm Beach County Ordinance (No. 2002-064). This Consultant Services Authorization includes 42.69% overall participation. The consultant's cumulative SBE participation, including this Authorization, is 54.56% overall. (WUD Project No. 06-136) Countywide (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

9. **Staff recommends motion to receive and file:** twelve (12) Agreements for emergency generator purchase, operation and maintenance received during the months of April, May and June 2006:

Boca Delray Assoc., Inc.	Palm Chase Lakes Assoc.
Boca Falls HOA	The Shores @ Boca Raton
Gleneagles Country Club, Inc.	Tivoli Reserve
The Grove Comm. Assoc., Inc. @ Boynton Bch	Valencia Shores Master Assoc
Loggers Run, Inc.	Villa San Remo HOA, Inc.
Majestic Isles/Royal Lakes	Vizcaya NPOA, Inc.

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

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to approve:** a Budget Transfer of \$377,243 from reserves in the Unit 11 Acquisition/Enhancement Fund to be allocated between enhancement and acquisition activities according to revenues collected in FY2004 and FY2005. **SUMMARY:** The transfer will re-align appropriations in the Unit 11 Acquisition/Enhancement Fund from estimated to actual according to the interest and permit revenues received in FY 2004 and FY 2005. An amount of \$377,243 will be distributed from reserves to Enhancement (\$47,587) and Acquisition (\$329,656). The balance of Restoration Management (\$126,380) will be distributed to Acquisition. District 1 (SF)
2. **Staff recommends motion to approve:** a Budget Amendment of \$45,000 in the General Fund for increased funding provided by Task Assignment 4PA, Change Order No. 1, for the Aquatic Vegetation Control Program. **SUMMARY:** Task Assignment AP4 to Contract SL977 (R2002-1748) for \$361,650 from the Florida Department of Environmental Protection to control vegetation in Lake Clark, Lake Ida, Lake Osborne and Pine Lake has been increased by \$45,000 for a total assignment amount of \$406,650. This item will provide additional budget for the amount of the Task Assignment 4PA Change Order No. 1. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. **Staff recommends motion to approve:** 2006 Public Lands Grant Program application rankings as recommended by the County's Natural Areas Management Advisory Committee (NAMAC). **SUMMARY:** On February 25, 2003, the Board of County Commissioners (BCC) approved Countywide Prohibited Invasive Non-native Vegetation Ordinance No. 2003-011, along with five (5) incentive/financial assistance programs and associated funding, for the removal of the nine (9) prohibited non-native invasive plant species from privately and publicly-owned property. One (1) incentive program, the Public Lands Grant Program, provides monies to municipalities and other public agencies for the removal of invasive non-native vegetation from publicly-owned lands. NAMAC has reviewed and ranked this year's grant applications. The Department of Environmental Resources Management (ERM) recommends the funding of all nine (9) ranked projects for a total of \$285,000. On February 25, 2003, the BCC authorized the County Administrator or his designee to execute interlocal agreements for this Program. Districts 1, 2, 3, 6 & 7 (AH)

M. PARKS & RECREATION

1. **Staff recommends motion to approve:** Agreement with the Friends of Green Cay Nature Center, Inc. defining their role in the management, operation and use of the Green Cay Nature Center. **SUMMARY:** The Green Cay Nature Center ("Nature Center") is operated by the Board of County Commissioners. The Friends of Green Cay Nature Center, Inc. ("Corporation") is a private non-profit corporation whose purpose is to support and enhance the Nature Center and provide visitors and the surrounding community with educational and programmatic resources that will result in a recreation experience and a deeper understanding of Florida's environment. The Agreement outlines the Corporation's role in the management, operation and use of the Nature Center. District 5 (AH)
2. **Staff recommends motion to approve:** Agreement with Boca Panthers Travel Baseball, Inc. for the period July 11, 2006, through October 21, 2006, in an amount not-to-exceed \$2,000 for funding of the West Boca Panthers trip to participate in the National Baseball Tournament. **SUMMARY:** This funding is to help offset costs for the West Boca Panthers 11 and under baseball team's trip to Cooperstown, New York, from July 14-21, 2006, to participate in the National Baseball Tournament. There are 16 team members. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to February 1, 2006. Funding is from the Recreation Assistance Program (RAP). District 5 (AH)
3. **Staff recommends motion to approve:** Agreement with the City of Delray Beach for the period July 11, 2006, through September 15, 2006, in an amount not-to-exceed \$38,000 for funding of 2006 Palm Beach County Film Festival accommodations. **SUMMARY:** This funding is to offset costs for accommodations for film makers, distributors, judges, talent, press, and other film industry personnel during the course of the 2006 Palm Beach County Film Festival held from April 18 through April 30, 2006. The event attracted approximately 4,500 people. The Agreement allows for reimbursement of eligible pre-Agreement expenses incurred subsequent to March 1, 2006. Funding is from the Recreation Assistance Program (RAP). District 4 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

4. **Staff recommends motion to approve:** Agreement with Jewish Federation of South Palm Beach County, Inc. (Jewish Federation) for the period July 11, 2006, through September 30, 2006, in an amount not-to-exceed \$35,000 for funding of the 2006 Israel Independence Day Celebration. **SUMMARY:** This funding is to help offset costs paid by the Jewish Federation for the Israel Independence Day Celebration held on May 2, 2006, at Mizner Park. Approximately 5,000 people attended the Celebration. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to March 7, 2006. Funding is from the Recreation Assistance Program (RAP). District 5 (AH)
  
5. **Staff recommends motion to approve:**
  - A) Agreement with the Palm Beach County Sheriff's Office for the period July 11, 2006, through September 30, 2006, in an amount not-to-exceed \$12,000 for funding of the Putting Kids First event;
  - B) Budget Amendment of \$12,000 in the Sheriff's Grant Fund; and
  - C) Budget Transfer of \$12,000 from the Park Improvement Fund to the Sheriff's Grant Fund.

**SUMMARY:** This funding is to help offset costs for the Putting Kids First event sponsored by the Palm Beach County Sheriff's Office to be held on July 29, 2006. The event will provide necessary school items for approximately 3,000 children from low income families. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to January 1, 2006. The Budget Amendment is necessary for the Sheriff's Office to recognize the funding set forth in Agreement, along with other funding received for the Putting Kids First event. Funding of \$12,000 is from the Recreation Assistance Program (RAP) District 2 (\$5,000), District 6 (\$2,000), and District 7 (\$5,000). Countywide (AH)
  
6. **Staff recommends motion to approve:** Agreement with the City of West Palm Beach for the period July 11, 2006, through July 31, 2006, in an amount not-to-exceed \$5,000 for funding of the Kaleidoscope 2006 event. **SUMMARY:** This funding is to help offset costs for the annual Kaleidoscope event sponsored by the City of West Palm Beach, which was held on January 29, 2006. The event attracted approximately 25,000 participants. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to January 29, 2006. Funding is from the Recreation Assistance Program (RAP). District 2 (AH)
  
7. **Staff recommends motion to receive and file:** First Amendment to Agreement with the City of Lake Worth (R2004-1742) for the Northwest Park Ballfield Improvement Project. **SUMMARY:** This fully executed Amendment extends the project completion date for the previously approved RAP Agreement from February 16, 2006, to December 31, 2007. This extension was needed as a result of 2004 and 2005 hurricanes. The project term is amended to be ten (10) years, commencing upon the date of execution of the Agreement (August 17, 2004) until August 16, 2014, consistent with the term for other similar capital projects of this type. The Amendment is in accordance with Resolution R2005-1738, authorizing the delegation of authority for amending RAP agreements to the County Administrator or his designee. All other terms of the Agreement remain the same. District 3 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

8. **Staff recommends motion to receive and file:** Second Amendment to Agreement (R2005-1015), as amended (R2006-0885), with Toward a More Perfect Union, Inc., for the Community Youth Program. **SUMMARY:** This fully executed Second Amendment to Agreement, as amended, extends the project term and project completion date for the previously approved Agreement from March 31, 2006, to September 30, 2006. This extension was needed in order to provide reimbursement for program expenses incurred subsequent to the original project completion date. The Amendment is in accordance with Resolution R2005-1738, authorizing the delegation of authority for amending RAP agreements to the County Administrator or his designee. All other terms of the Agreement remain the same. Funding for the project is from the Recreation Assistance Program (RAP) District 2 (\$6,000) and District 4 (\$100,000). Countywide (AH)
  
9. **Staff recommends motion to receive and file:** First Amendment to Agreement (R2005-0472) with ASPIRA of Florida, Inc., for the Media Literacy and Me Project. **SUMMARY:** This fully executed Amendment to Agreement provides a revised page 3 to Exhibit "A" of the previously approved Agreement to more accurately reflect costs expended for the project. The actual line item costs expended for the project are within the approved scope of the 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 remain the same. Funding for the project is from the Recreation Assistance Program (RAP). District 2 (AH)
  
10. **Staff recommends motion to receive and file:** executed Independent Contractor Agreements received during the month of May 2006:
  - A) Lori Alpern, Kidz Art Instructor, Lake Lytal activity building (ALPERN10327006065204);
  - B) Stacey Lazos, Yoga Instructor, Lake Lytal activity building (LA10082306065204B); and
  - C) Accellearn LLC, Video Game Design Instructors, various locations (ACCE1021170606524399).**SUMMARY:** In accordance with County PPM No. CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating department as a receive and file agenda item. These Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners by the County Administrator/Director of the Parks and Recreation Department in accordance with Resolution R94-422, amended by Resolution R02-2103, and are now being submitted to the Board for receive and file. Districts 1, 2 & 3 (AH)
  
11. **Staff recommends motion to receive and file:** the following original executed Request for Funding Form for School Board Recreation Assistance Program (RAP) project:
  - A) School Police Department – Youth Court Honors Banquet, in an amount not-to-exceed \$1,500 - District 3.**SUMMARY:** This fully executed Request for Funding Form is for a School Board RAP allocation made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747) approved by the Board on October 21, 2003. District 3 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

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

**A)** submission of a Grant Application to Florida Communities Trust (FCT) requesting \$2,500,000 in funding for acquisition of the 1.10 acre waterfront Susan DuBois Kindt Estate;

**B)** the County Administrator or his designee to execute the grant project agreement and all future time extensions, task assignments, necessary minor amendments, and any other necessary forms and certifications during the term of the Agreement that do not change the scope of work or terms and conditions of the Agreement, if the grant is approved; and

**C)** the Director of the Parks and Recreation Department to serve as Liaison Agent with FCT for this project.

**SUMMARY:** This application requests \$2,500,000 from FCT as a 50% match toward the purchase of the Susan DuBois Kindt Estate. The \$2,500,000 grant will be matched with \$2,500,000 from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond. The Parks and Recreation Department has a willing seller letter from the DuBois Estate. If the grant is approved, FCT will handle the negotiations with the seller and the closing of this property. The 1.10 acre waterfront Susan DuBois Kindt Estate is also known as Zekes Marina and is located on the Jupiter Inlet, directly west of Dubois Park. The acquisition of this property will be used to expand the park's western boundary. District 1 (AH)

13. **Staff recommends motion to approve:** Agreement with The Classic Foundation, Inc. for the period July 11, 2006, through July 31, 2006, in an amount not-to-exceed \$15,000 for funding of the 2006 Honda Classic Golf Tournament. **SUMMARY:** This funding is to help offset costs paid by The Classic Foundation, Inc. a not-for-profit corporation, for bleacher rental and mail room construction for the 2006 Honda Classic Golf Tournament held from March 6 through March 12, 2006. The tournament attracted approximately 70,000 spectators. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to February 1, 2006. Funding is from the Recreation Assistance Program (RAP) District 1 (\$5,000), District 3 (\$5,000), and District 5 (\$5,000). District 1 (AH)

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

**A)** Budget Transfer of \$420,000 in the \$25M GO '99A Recreation & Cultural Bond from Lake Lytal Park Improvements to Park Ridge Golf Course;

**B)** Budget Transfer of \$50,000 in the \$25M GO '05 Parks & Cultural Improvements Bond from Lake Lytal Park Improvements to Park Ridge Golf Course; and

**C)** Budget Transfer of \$870,000 in the Park Impact Fees Zone 2 from Lake Lytal Park Improvements (\$570,000) and Zone 2 Impact Fees Reserves (\$300,000) to Park Ridge Golf Course.

**SUMMARY:** These budget transfers will fund construction budget shortfalls at Park Ridge Golf Course (f/k/a Lantana Hills Golf Course) caused by overall increases in the cost of construction and construction-related materials, changes in the conditions at the site due to hurricane-related recovery operations staged at the facility, and excessive settling during site filling activities. District 2 (AH)

3. CONSENT AGENDA APPROVAL

P. COOPERATIVE EXTENSION SERVICE

1. **Staff recommends motion to approve:** Grant Agreement with Farming Systems Research, Inc. (d/b/a Green Cay Produce) of Boynton Beach for an amount not-to-exceed \$20,000 from Agricultural Economic Development Program funds for rolling stock for this established Community Supported Agriculture (CSA) operation that will maintain seven (7) full-time jobs and create one (1) new full-time job. **SUMMARY:** On May 24, 2006, upon staff recommendation the Palm Beach County Agricultural Enhancement Council voted to recommend a grant to Farming Systems Research, Inc. This grant requires maintaining seven (7) full-time jobs and creating one (1) new full-time job. District 5 (AH)

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

**A)** Agricultural Land Management Interlocal Agreement with the Palm Beach Soil and Water Conservation District (PBSWCD), a public corporation of the State of Florida, for a period of three (3) years continuing their management of property within the Ag Reserve that has been purchased by Palm Beach County and leased out for agricultural uses, for a fee of \$53,994 per year to be paid from funds generated by the lease program; and

**B)** the authorization of the County Administrator or his designee to execute amendments to this Agreement, which would give the PBSWCD the ability to manage additional lands/property pursuant to the agreement.

**SUMMARY:** PBSWCD will manage agricultural lands under this Agreement purchased by the County with funds from the March 1999 Conservation Lands Bond Referendum. The original agreement was based on their experience with a similar program for the South Florida Water Management District (SFWMD) and their understanding of the local agricultural industry. Management fees will be for any and all agricultural leased properties owned by Palm Beach County during the period of the Agricultural Land Management Interlocal Agreement. Districts 3 & 5 (AH)

T. HEALTH DEPARTMENT

1. **Staff recommends motion to adopt:** a Resolution authorizing the transfer of \$58,900 from the Air Pollution Control Trust Fund to the Palm Beach County Health Department Trust Fund to encumber funds that will contribute to the costs of furnishing office space in a new administration building for the Palm Beach County Health Department. **SUMMARY:** The Air Pollution Control Trust Fund is supported solely by motor vehicle license registration fees collected in Palm Beach County. The Health Department is planning to construct a new administration building that will include the air pollution control program. This Resolution will enable the Health Department to utilize \$58,900 from the Air Pollution Control Trust Fund to pay for office furnishings for air program staff in the new administration building. Subsequent to this action, the net Trust Fund balance will have sufficient cash reserves to operate the air program. Countywide (GB)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEM SERVICES

1. **Staff recommends motion to approve:** BellSouth Business Class Family of Services Enrollment Form (Quote No. 060501494) for renewal of long distance telephone calling services provided by BellSouth Long Distance, Inc., for a term of 24 months, starting July 11, 2006 and ending July 10, 2008, with automatic one (1) year renewals after the initial 24 month term, in the estimated amount of \$36,000. **SUMMARY:** In July 2004, the County entered into a 24 month contract with BellSouth Long Distance Inc., Customized Pricing Arrangement ("CPA") Enrollment Form, BSLD-0204-129, (R2004-1595), as the overflow provider of long distance telephone services. This new enrollment form will continue this service for an additional 24 month period. Countywide (PFK)

X. PUBLIC SAFETY

1. **Staff recommends motion to receive and file:** the original executed grant agreement with Florida Power & Light (FPL) to receive \$178,520 for the Radiological Emergency Program of the Division of Emergency Management for the period October 1, 2006 - September 30, 2008. **SUMMARY:** Resolution R2001-0217 authorizes the County Administrator or his designee to execute grant contracts with FPL which do not require a County match. Countywide (DW)
2. **Staff recommends motion to receive and file:** a Contract with Children's Health Care Associates, P.A., in an amount not-to-exceed \$54,000 for the period October 1, 2006 to September 30, 2007 for the professional/medical services to the residents of the Highridge Family Center. **SUMMARY:** This Contract provides physical examinations, diagnosis, and treatment of illnesses of the residents of the Highridge Family Center. On July 23, 2002, the Board authorized the County Administrator or his designee to execute these contracts as long as funding was available and were approved by the County Attorney's office for legal sufficiency. Countywide (DW)
3. **Staff recommends motion to receive and file:** a standard Agreement with Diana L. Alexander-Burke, D.V.M. for veterinary services in an amount not-to-exceed \$10,000 for the period May 11, 2006, through September 30, 2006. **SUMMARY:** On May 6, 1997, the Board adopted a resolution authorizing the County Administrator or his designee to execute standard contracts with various Florida licensed veterinarians to provide needed part-time, relief and emergency "on-call" professional medical services for shelter animals. Countywide (DW)
4. **Staff recommends motion to receive and file:** the following original executed standard agreements:
  - A) Modification No. 1 to Grant Agreement No. 06CG-3A-10-60-01-132 (R2005-1912) with Florida Department of Community Affairs (DCA) to extend expiration date of grant from June 30, 2006 to August 15, 2006 for a redevelopment grant for long term recovery;
  - B) Agreement with 15<sup>th</sup> Judicial Circuit to provide psychological services for Adult Competency Evaluations for the period of July 1, 2006 to June 30, 2007; and
  - C) Agreement with 15<sup>th</sup> Judicial Circuit to provide psychological services for Juvenile Competency Evaluations for the period of July 1, 2006 to June 30, 2007.**SUMMARY:** Resolution R2006-0401 authorizes the County Administrator or his designee to execute certain operational agreements with DCA and Resolution R2005-0792 authorizes the County Administrator or his designee to sign future contracts for psychological services with the 15<sup>th</sup> Judicial Circuit. Countywide (DW)

3. CONSENT AGENDA APPROVAL

Z. RISK MANAGEMENT

1. Staff recommends motion to:

A) **accept** the resignation of Darrin Frye, M.D.; and

B) **approve** a Contract with Island Medical Care, LLC., (Earl Campazzi, M.D.) to provide twenty (20) hours per week of physician services for the Occupational Health Clinic for the term of August 7, 2006 to August 31, 2008, in an amount not-to-exceed \$270,834; and

**SUMMARY:** Dr. Frye has advised staff that he intends to return to full time private practice, and he will not be renewing his contract with the Risk Management Department's Occupational Health Clinic. Dr. Campazzi (Island Medical Care, LLC) is a local occupational health physician, willing to provide physician services that are essential to the continued operation of the Occupational Health Clinic and its efforts to control costs in the County's self-insured and self-administered Workers' Compensation program. The Contract provides for twenty (20) hours per week for an amount not-to-exceed \$270,834 for the term of August 7, 2006 to August 31, 2008. Countywide (EC)

AA. PALM TRAN

1. Staff recommends motion to:

A) **adopt** a Resolution approving a Florida Department of Transportation (FDOT) Joint Participation Agreement (JPA) FM No. 42048918401 in the amount of \$50,000 (\$25,000 State - \$25,000 Local Match) to provide funding for maintenance training;

B) **approve** a Budget Amendment of \$25,000 in the Palm Tran Grants Fund to reconcile the budget to account for this award; and

C) **approve** a Budget Transfer of \$25,000 in Palm Tran's operating budget.

**SUMMARY:** FDOT is providing a grant in the amount of \$25,000 from the Public Transit Service Development Program to expand Palm Tran's maintenance training program to improve and increase team productivity and promote greater safety awareness. The local match of \$25,000 required for this JPA is included in Palm Tran's Fiscal Year 2006 budget. Countywide (DR)

2. **Staff recommends motion to adopt:** a Resolution approving a Florida Department of Transportation (FDOT) Supplemental Locally Funded Agreement (LFA) Financial Project No. 414756 1 8B 04 for an additional \$42,632 to cover the cost of customization of the regional transit Consumer Information Network (CIN).

**SUMMARY:** On March 15, 2005, the Board approved the LFA (R2005-0583) which detailed the procedures FDOT will follow to collect the annual payments for the implementation of the CIN system. Once implementation of the system started, the participating counties continued to meet to address any issues with the system. In order to maximize the services provided by CIN, it has become necessary to customize some of the features to the different county systems. The three (3) participating counties and the South Florida Regional Transportation Authority (SFRTA) have worked with the provider to come up with a plan of what needs to be done and the provider has provided the cost of the customization. The participants agreed with the cost and will distribute the obligation as was done with the original agreement. Palm Beach County's share is 10% and Palm Tran has identified and earmarked this amount in their FY 2006 budget. Countywide (DR)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN (Cont'd)

3. **Staff recommends motion to approve:** Amendment No. 2 to agreement with the State of Florida Commission for the Transportation Disadvantaged (the Commission) (R2005-0136) to extend the expiration date from June 30, 2006 to June 30, 2007 and provide \$4,579,515 in funding. **SUMMARY:** On December 20, 2005, the BCC accepted Amendment No. 1 extending the expiration date to June 30, 2006 and a 7.74% reduction in Medicaid non-emergency funds. Amendment No. 2 includes the restoration of the 7.74% reduction that was imposed during the current fiscal year. The Amendment will: a) extend the expiration date of the Agreement from June 30, 2006 to June 30, 2007; and b) increase the monthly funding to \$381,626.25 through the amended expiration date. Palm Tran FY '06 budget includes funding for operation of this service. Staff expects there will be no budget impact for the proposed action through the June 30, 2007 amendment close out date. Countywide (DR)
  
4. **Staff recommends motion to approve:** an Interlocal Agreement with the South Florida Regional Transit Authority (SFRTA) for the payment of \$23,089 to SFRTA for Palm Tran's portion of an evaluation of National Transit Database (NTD) reporting techniques. **SUMMARY:** This Interlocal Agreement will provide for the payment of \$23,089 to SFRTA for Palm Tran's portion of an evaluation of National Transit Database (NTD) reporting techniques. Based on the 2000 U.S. Census, Broward, Miami-Dade, and Palm Beach Counties have been reclassified by the federal government as a single Urbanized Area for the purpose of receiving Section 5307 Urbanized Area ("UZA") formula grant funding. This change in the formula fund distribution has created the need to ensure that the designated recipients, that include the counties and SFRTA, are consistently reporting parameters to the Federal Transit Administration (FTA). SFRTA has negotiated a price with one of their existing consultants to perform an evaluation of each recipient's reporting techniques and identify potential strategies that may be employed to increase the overall levels of federal funding. Countywide (DR)

BB. SUPERVISOR OF ELECTIONS

1. **Staff recommends motion to approve:** Precinct boundary changes submitted by Dr Arthur Anderson, Supervisor of Elections, as required by Section 101.001(1), Florida Statutes. **SUMMARY:** Precinct boundary changes as indicated. District 3 (LSJ)

CC. HOUSING FINANCE AUTHORITY

1. **Staff recommends motion to approve:** the nomination of Judy F. Irwin as the Chairperson of the Housing Finance Authority of Palm Beach County (H.F.A. Board) for the term June 2006, through May 2007. **SUMMARY:** At the regular H.F.A. meeting of May 9, 2006, the H.F.A. nominated Judy F. Irwin as its Chairperson to serve a term of one (1) year, in accordance with Ordinance No. 2002-022. The Ordinance requires the nomination of Chairperson be done in June of each year. The Ordinance further requires the nomination be submitted to the Board of County Commissioners for approval. Countywide (TKF)

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

- A.** Special Presentation to Representative Carl Domino, Chairman and Representative Anne Gannon, Vice-Chair of the Palm Beach County Legislative Delegation acknowledging their outstanding legislative efforts in the 2006 Legislative Session.
  
- B.** Proclamation declaring August 26, 2006 as "Vietnam Veterans of America Chapter 25 Day" in Palm Beach County. (Sponsored by Commissioner Marcus)
  
- C.** Presentation of the 2006 Animal Kindness Awards to: Zachary Bishop from District 1 (sponsored by Commissioner Marcus); Esther Bondareff from District 2 (sponsored by Commissioner Koons); and Lindsey Smith from District 3 (sponsored by Commissioner Newell)
  
- D.** Proclamation declaring the week of August 7 - 11, 2006 as "Florida Water, Wastewater and Systems Operators Week" in Palm Beach County. (Sponsored by Commissioner Newell)
  
- E.** Special Presentation to Senator Dave Aronberg for receiving the Florida Association of Counties' "County Champion Award". (Note: To be presented following Agenda Item 7A-2 at 11:30a.m. Time Certain)

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**RECESS AS THE BOARD OF COUNTY COMMISSIONS**

**CONVENE AS THE PALM BEACH COUNTY BIOTECHNOLOGY DEVELOPMENT DISTRICT**

JULY 11, 2006

5. **BOARD OF COUNTY COMMISSIONERS SITTING AS THE BIOTECHNOLOGY DEVELOPMENT DISTRICT - 9:30 A.M.**

A. **Staff recommends motion to approve:** Amendment No. 2 to the contract (R2005-0609) between Special District Services, Inc. (SDS) and the Biotechnology Development District (District) terminating administrative, financial and management services. **SUMMARY:** On November 15, 2005, the District assumed a contract for professional services with SDS from Palm Beach County for administrative, financial and management consulting services associated with the District through September 30, 2006, with a total value of \$333,175. SDS suspended services in December 2005 and has been paid \$200,898.52 for all work completed prior to the suspension. Therefore, the total contract amount needs to be reduced to \$200,898.52 and Amendment No. 2 acknowledges SDS's concurrence that final payment has been made and terminates the contract. (FDO Admin) Countywide/District 1 (LMB)

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**RECESS AS THE PALM BEACH COUNTY BIOTECHNOLOGY DEVELOPMENT DISTRICT**

**RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS**

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

**A. Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida pertaining to the dissolution of the Palm Beach County Biotechnology Development District; repealing Article IV of Chapter 26 of the Palm Beach County Code, also known as the "Biotechnology Development District Ordinance" (Ordinance No. 2004-049, as amended by Ordinance No. 2005-16); dissolving the Palm Beach County Biotechnology Development District; providing for filing of Dissolution Ordinance; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for captions; and providing for an effective date. **SUMMARY:** On November 16, 2004, the Board adopted the Palm Beach County Biotechnology Development District Ordinance (2004-049) creating a dependant special district on the Mecca Farms site for the purpose of financing, planning, acquiring, developing, operating and maintaining certain infrastructure improvements within the District to serve the Mecca Farms site and Scripps' facilities. On May 2, 2006, the Board of County Commissioners approved a new Grant Agreement with The Scripps Research Institute, which provides for the construction of Scripps' facilities on the FAU/Briger sites. The District is currently inactive and is not anticipated to be used as a mechanism for financing infrastructure improvements on the Mecca Farms site in the future; therefore, staff recommends dissolving the District. Countywide (LMB)

**B. Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the Palm Beach County Action Plan (AP) for FY 2006-2007; and authorizing the Chairman of the Board of County Commissioners to endorse Standard Form 424 and Certifications for submission to the U.S. department of Housing and Urban Development (HUD) to receive FY 2006-2007 formula grant funding through the Community Development Block Grant (CDBG), Emergency Shelter grant (ESG), and HOME Investment Partnerships (HOME) Programs. **SUMMARY:** Federal Regulations at 24 CFR Part 91, require Palm Beach County to submit an Action Plan to HUD no later than August 15, 2006 in order to receive CDBG, ESG, and HOME annual entitlement grant allocations. Failure to meet the above deadline will automatically result in the loss of CDBG funds for the upcoming fiscal year.

The Palm Beach County Action Plan outlines the recommended expenditures of FY 2006-2007 entitlement grants as follows: CDBG - \$7,100,250; ESG - \$302,666; and HOME - \$2,698,345, (including American Dream Downpayment Initiative (ADDI) funds of \$53,941).

The draft FY 2006-2007 Action Plan was approved by the BCC on June 6, 2006 (Agenda Item No. 5C-1). A summary of the draft plan and a Notice of Public Hearing was published on May 14, 2006 to receive public input, to provide public notice of meetings, and to provide a thirty (30) day public comment period. Public comments received as a result of the advertisement and meetings will be summarized and added to the plans, as required by HUD regulations. Countywide (TKF)

**C. Staff recommends motion to:**

**A) conduct** a Public Hearing for approval of the use of the Uniform Method of collecting non-ad valorem special assessments provided for in Chapter 197, Florida Statutes pursuant to the Notice of Intent adopted by Resolution No. 97-2152;

**B) adopt** the non-ad valorem special assessment roll and specify the unit of measurement and amount of the assessment.

**SUMMARY:** On December 16, 1997, the Board approved Resolution No. 97-2152, expressing the intent of Palm Beach County to use the Uniform Method of collecting non-ad valorem special assessments. The Uniform Method provides for inclusion of water and street improvement project special assessments on the tax bill. This method has been utilized successfully since 1998. A Public Hearing is required to implement this collection method for new special assessment projects to be included on the 2006 tax bill. Countywide (PFK)

6. PUBLIC HEARINGS - 9:30 A.M. (Cont'd)

D. Staff recommends motion to:

**A) adopt** a Resolution confirming the special assessment process for the Palmetto Road Water Main Extension; and

**B) approve** Work Authorization No. 24 to Foster Marine Contractors, Inc., under the Water Utilities Department Continuing Construction Contract (R2005-0781) in the amount of \$106,652.05.

**SUMMARY:** Petitions in favor of the installation of a potable water main have been provided by 65% of the property owners in the Town of Haverhill project area. The project will serve 17 residential properties currently on private wells. Individual assessments of \$56.12 per front foot are based on 100% of the assessable cost and may be paid over twenty years with equal annual payments of principal and 6½% interest. The total project cost is \$142,265.32, and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration and construction contingency. The project will be constructed utilizing a Work Authorization under the Water Utilities Department Continuing Construction Contract with Foster Marine Contractors, Inc. (R2005-0781). (WUD Project No. 05-126) District 6 (MJ)

E. Staff recommends motion to:

**A) adopt** a Resolution confirming the special assessment process for the Lago Del Sol Water Main Extension Project;

**B) approve** a Budget Transfer of \$28,000 in the Transportation Improvement Fund from Reserve for District 3 to Cabana Colony Local Drainage;

**C) approve** a Budget Transfer in the Capital Outlay Fund of \$28,000 from Cabana Colony Local Drainage to Lago Del Sol Water Main; and

**D) approve** Work Authorization No. 26 to Foster Marine Contractors, Inc., under the Water Utilities Department Continuing Construction Contract (R2005-0781) in the amount of \$248,798.70

**SUMMARY:** Petitions in favor of the installation of a potable water main have been provided by 61% of the property owners in the Lago Del Sol project area. The project will serve 28 residential properties currently on private wells. Individual assessments are based on 100% of the assessable cost and may be paid over 20 years with equal annual payments of principal and 6½% interest. The total project cost is \$325,242.40, and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration and construction contingency. At the request of the District 3 Commissioner, \$28,000 (\$1,000 per parcel) is being transferred from the Reserve for District 3 to reduce the assessment. Staff recommends the per-parcel method as an equitable method of assessment because the 28 properties are similar in size. The project will be constructed utilizing a Work Authorization under the Water Utilities Department Continuing Construction Contract with Foster Marine Contractors, Inc. (R2005-0781). (WUD Project No. 05-161) District 3 (MJ)

6. PUBLIC HEARINGS - 9:30 A.M. (Cont'd)

F. Staff recommends motion to:

**A) adopt** a Resolution confirming the special assessment process for the Cheryl Lane Water Main Extension; and

**B) approve** Work Authorization No. 25 to Foster Marine Contractors, Inc., under the Water Utilities Department Continuing Construction Contract (R2005-0781) in the amount of \$59,890.80.

**SUMMARY:** Petitions in favor of the installation of a potable water main have been provided by 84% of the property owners in the Cheryl Lane project area. The project will serve 13 residential properties currently on private wells. Individual assessments of \$82.34 per front foot are based on 100% of the assessable cost and may be paid over 20 years with equal annual payments of principal and 6½% interest. The total project cost is \$82,834.04, and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration and construction contingency. The project will be constructed utilizing a Work Authorization under the Water Utilities Department Continuing Construction Contract with Foster Marine Contractors, Inc. (R2005-0781), with the asphalt overlay portion to be awarded in the future under the County's annual asphalt resurfacing contract. (WUD Project No. 05-155) District 6 (MJ)

**CONTINUED FROM MAY 16, 2006**

G. **Staff recommends motion to adopt:** an Ordinance amending Chapter 27, Article IX of the Palm Beach County Code; amending the boundaries of the Mandatory Reclaimed Water Service Area; clarifying the definition of a new development within the Mandatory Reclaimed Water Service Area; providing for repeal of laws in conflict; providing for severability; providing for a savings clause; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date. **SUMMARY:** The South Florida Water Management District, in accordance with the recent passage of growth management legislation, has mandated that water utility providers develop alternative water supplies. The Palm Beach County Water Utility Department has responded to the District's mandate with a long range program that promotes the conservation and protection of surface and groundwater resources through the use of reclaimed water within the utility's service area. The County's program specifies a geographic area known as the "Mandatory Reclaimed Water Service Area" (MRWSA). Any new development located within the MRWSA is required to construct a reclaimed water irrigation network that is connected into the County's reclaimed water system. It is much more cost effective to implement reclaimed water irrigation in developments that are being constructed than to retrofit existing developments. This program complies with the Utility Element of the County Comprehensive Plan to secure future water supplies for urban and agricultural users. The program also promotes preservation and enhancement of the regional ecosystem. This Ordinance will amend boundaries and clarify the definition of "new development" for the MRWSA. Expansion of the MRWSA helps the County comply with the District's mandate. This Public Hearing was continued from May 16, 2006, in order for the department to complete a Reclaimed Water Master Plan and to present it to the development community for review and comment. The Master Plan was completed on June 16, 2006 and a meeting of developer stakeholders was held on June 22, 2006, in order to present the Master Plan details and obtain feedback. District 5 (MJ)

H. **Staff recommends motion to adopt:** a Resolution abandoning an unimproved thirty (30) foot wide road within Palm Beach Farms Plat 3, lying between Tracts 20 and 29 and Tracts 21 and 28, Block 6, Palm Beach Farms Plat 3, as recorded in Plat Book 2, Page 45, Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located on the west side of Pike Road between Belvedere Road and Southern Boulevard. The petitioner is requesting the abandonment to accommodate construction of a fire rescue training facility. District 6 (PFK)

\* \* \* \* \*

7. REGULAR AGENDA

A. ADMINISTRATION

1. **Staff recommends motion to accept:** presentation of the 2006 Legislative Session final report. **SUMMARY:** A presentation of the final legislative report reviewing Palm Beach County's 2006 Legislative Agenda priorities and appropriations with the Board of County Commissioners. Countywide (DW)

**TIME CERTAIN 11:30 A.M.**

2. **Staff recommends motion to approve on preliminary reading and advertise for public hearing on August 15, 2006 at 9:30 a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, pertaining to posting of restaurant inspection reports; providing for definitions; providing for general requirements; providing for lettering requirements; providing for enforcement; providing for severability; providing for repeal of laws in conflict; providing for inclusion in the Code of Laws and Ordinances; providing for captions; providing for applicability; and providing for an effective date. **SUMMARY:** At the September 20, 2005 BCC workshop, there was Board direction to prepare an ordinance pertaining to posting of restaurant inspection reports to provide public awareness of the health and safety standards of restaurant establishments. This Ordinance requires restaurants to post a notice advising the public that the latest food service inspection reports are available upon request. Countywide (GB)

7. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

3. Staff recommends motion to:

**A) adopt** a Resolution to support Florida DayJet Corporation, being approved as a qualified applicant for Florida's Qualified Target Industry (QTI) Tax Refund Program, and to provide a local match of up to \$350,000; and

**B) approve** the Job Growth Incentive Grant Agreement with DayJet Corporation, totaling \$350,000, which includes the QTI local match of \$350,000, for the creation of 350 full-time jobs and the retention of 56 jobs at an average annual salary of \$77,612 (excluding benefits) in Palm Beach County.

**SUMMARY:** DayJet Corporation's, project involves the expansion and implementation of an innovative "per seat, on demand" air transport business. It includes the creation and operation of DayJet's headquarters and "South Florida" DayPort base of daily operations. DayJet Corporation has filed a Qualified Target Industry (QTI) Tax Refund Program application with Enterprise Florida, Inc. to seek State tax refunds. It is anticipated that the State will award \$5,000 per each job created based on the QTI application's 350 new full-time job commitment, which would result in a total tax refund not-to-exceed \$1,750,000. Staff recommends that this company be approved as a QTI business, and that the Board provide the necessary 20% local match by appropriating and designating \$350,000 of the total funds to be provided under the Job Growth Incentive (JGI) Grant Agreement with DayJet Corporation. The JGI Agreement award is for a total of \$350,000 and requires that the company create 350 full-time jobs. Of the jobs being created, 240 of the full-time positions must be at an average annual salary that does not fall below \$58,209, and the other 110 full-time positions (350 – 240 = 110), the average annual salary must not fall below \$77,612. DayJet Corporation must also retain 56 existing jobs within 36 months of the commencement date of this Agreement. The average annual wages of the 350 full-time positions exclude benefits. All newly created/retained jobs must be maintained an additional 48 months at the proposed Boca Raton facility. The award per job will be \$1,000 based on the program's criteria for an award per job for an aerospace business and a high salary. In the event that the grant recipient does not completely satisfy its QTI obligations and the QTI contract is terminated, but complies fully with its JGI contractual commitments, the company will be entitled to seek reimbursement of expenditures pursuant to the Agreement. However, any funds that may have been provided to the State toward the QTI match must be subtracted from the total grant amount. Staff believes that based on the information provided to the County concerning the company's planned expansion that providing a JGI grant award to DayJet Corporation and a state economic exemption are warranted and therefore staff recommends Board support for both of these incentive applications. District 4 (DW)

7. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

4. Staff recommends motion to:

**A) adopt** a Resolution to support Florida Office Depot, Inc., being approved as a qualified applicant for Florida's Qualified Target Industry Tax Refund Program; and

**B) approve** an Economic Development Ad Valorem Tax Exemption for Office Depot, Inc., not-to-exceed \$6.5 Million over a ten (10) year period. This amount includes the QTI local match, for the creation of 580 full-time jobs at an average annual salary of \$76,792 (excluding benefits). In addition, Office Depot, Inc. will be required to retain 1,750 full-time positions it currently has in its Global/U.S. Headquarters at an average annual salary of no less than \$77,269.14 (excluding benefits). The proposed estimated, annual County Tax Exemption cannot exceed \$650,000 per year for the ten (10) year period. The State is considering a package of incentives worth approximately \$10.2 million.

**SUMMARY:** Office Depot's, proposed project will involve the retention/expansion of your Global/U.S. Headquarters and the addition of a Latin American Headquarters. Office Depot will be relocating its Global/U.S. Headquarters from Delray Beach, Florida, to Boca Raton, Florida, due to the fact that its current facility is obsolete and inadequate for current usage by Office Depot. The existing facilities will not allow Office Depot to meet United States and Global growth and operational requirements. The projected relocation to Boca Raton, Florida for both of the Office Depot Headquarter expansions will result in an estimated investment of \$210 million for building and equipment under a proposed 600,000 square foot facility that would be leased by Office Depot. Office Depot, Inc. has filed a Qualified Target Industry (QTI) Tax Refund Program application with Enterprise Florida, Inc. to seek State tax refunds. Staff believes that based on the information provided to the County concerning the company's planned expansion that providing an Ad Valorem Tax Exemption award to Office Depot, Inc. and a state economic exemption are warranted and therefore staff recommends Board support for both of these incentive applications. District 4 (DW)

5. Staff recommends motion to approve:

**A) the Waiver** of the Purchasing Code requirements for competitive selection of professional and consulting services; and

**B) a Contract** with Clarion Associates, LLC in association with Dr. James C. Nicholas, to provide professional and consulting services for the preparation and design of an affordable and workforce housing mitigation program for Palm Beach County not-to-exceed \$160,000.

**SUMMARY:** On March 21, 2006, the Board of County Commissioners directed staff to contract with Clarion and Associates, in association with Dr. James C. Nicholas, to provide professional and consulting services for the preparation and design of an affordable and workforce housing mitigation program for Palm Beach County. This agenda contains a contract and detailed scope of work from Clarion and Associates for \$160,000. Under Section 5H of the Purchasing Code, the Board of County Commissioners may waive the requirements for competitive selection and approve professional and consulting services upon recommendation of the County Administrator. Countywide (LB)

7. REGULAR AGENDA

B. AIRPORTS

1. **Staff recommends motion to approve:** the advertisement of a Request for Proposals (RFP) for PBIA's Lease and Concession Agreements for General Merchandise/News and Gifts. **SUMMARY:** On October 18, 2005, the Board approved the expansion of Concourse C at PBIA, which includes an increase of approximately 4,000 square feet of additional concessions space at the Airport, half of which is dedicated to general merchandise/news and gifts, with the remaining area devoted to food and beverage concession space. At the present time, the County has a Lease and Concession Agreement with Paradies for general merchandise/news and gift concession space at PBIA, which expires on September 30, 2008. Due to the timing of the expansion of Concourse C, with an anticipated completion date of October 2007, staff recommends issuance of an RFP to solicit proposals from interested parties to develop the new general merchandise/news and gift space in the Concourse C expansion project, as well as existing space within the remainder of the Airport at the expiration of the existing Agreement on September 30, 2008. The concession operators are responsible for the cost and construction of all concession finishes necessary to provide high quality retail space, as well as the day-to-day operation of the facilities. The current PBIA Lease and Concession Agreement for food and beverage is not impacted by this RFP, and will remain in effect until October 17, 2014. Responses to the RFP will be evaluated and a firm will be selected, at which time an agreement will be brought to the Board for final approval. Countywide (LMB)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to approve:** a Policy for the acceptance of Conservation Lands whereby the County may accept, on a case-by-case basis, an interest in conservation lands (fee simple or long-term lease) from developers or homeowner associations (HOAs). This land would be incorporated into the Natural Areas Program and managed by the County's Department of Environmental Resources Management (ERM). **SUMMARY:** At the April 18, 2006 meeting of the Board of County Commissioners, staff was requested to explore a new County policy providing for transferring the ownership and management responsibilities of private conservation lands operated and maintained by developers or HOAs to the County. ERM staff has investigated this potential policy, identified procedures that would guide this process, and developed criteria for consideration when requests are made for transfer of this interest. Several of these criteria include, but are not limited to, connectivity with other County-managed natural areas, the environmental condition of the conservation lands, the restrictions that may encumber the conservation lands, and whether monetary contributions for conducting the maintenance are included in the offer to have the County take over the ownership and management of these conservation lands. ERM staff recommends the Board approve the Policy for the acceptance of Conservation Lands as presented. Countywide (SF)

7. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve:

- A) an Interlocal Agreement with the West Palm Beach Downtown Development Authority (DDA) for trolley transportation;
- B) a Budget Transfer of \$100,000 from contingency reserves in the General Fund to increase the transfer out line to the Public Improvement Fund;
- C) a Budget Amendment of \$100,000 in the Public Building Improvement Fund recognizing funds transferred from the General Fund increasing the project budget;
- D) a payment of \$148,225 to Palm Tran for the establishment and operation of a public route from the Convention Center to the Courthouse with a fare set at \$0 from August 1, 2006, through December 31, 2007; and
- E) authorization to add a full-time driver to Palm Tran's complement.

**SUMMARY:** The County is in the process of designing a vertical expansion of the Judicial Center Parking Garage in order to alleviate the parking shortage associated with the growth of the court system. Currently, the Judicial Garage is closed to the public most days and jurors have to park at off-site locations. With the closing of parking lots at 4<sup>th</sup> Street and Dixie Highway, the D&D Center, and the lot across from the Judicial Garage, jurors will soon be left with no off-site parking options near the County Courthouse. As a result, staff is recommending early implementation (August 1, 2006) of the interim parking solutions despite that construction on the vertical expansion is not scheduled to commence until January 1, 2007. Under the interim parking solution, parking for jurors will be relocated to the Palm Beach County Convention Center starting August 1, 2006. In order to transport jurors from the Convention Center in the morning, Palm Tran has agreed to create a new public route with two buses on a continual route between the Convention Center and Courthouse, Monday through Friday, 7 AM to 9:30 AM at a cost of \$148,225. To transport jurors back to the Convention Center, the DDA has agreed to expand the route of the downtown trolley transportation by adding stops at the Convention Center and the Courthouse, Monday through Friday, 9 AM to 6 PM at a cost of \$291,599. Both costs reflect services for the period of July 31, 2006 to December 31, 2007. Over 300 parking spaces will be created through these agreements. (FDO Admin) District 7 (JM)

7. REGULAR AGENDA

E. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve:

**A)** Budget Transfer of \$4,519,090 from the \$75 Million General Obligation Bonds, Series 1999B Debt Service Fund 2001 to the \$115.825 Million Taxable General Obligation Refunding Bonds, Series 2006 Debt Service Fund 2518 for payment of principal, interest and payments to escrow agent; and

**B)** Budget Amendment and Transfer of \$120,344,090 in the \$115.825 Million Taxable General Obligation Refunding Bonds, Series 2006 Debt Service Fund 2518 to record bond proceeds, principal and interest payment, cost of issuance, payment to escrow agent, reserves for future debt service payments and transfers to land acquisition funds for the General Obligation Bonds, Series 1999B and 2001A.

**SUMMARY:** On June 21, 2006, the County sold the \$115.825 Million Taxable General Obligation Refunding Bonds, Series 2006 (Land Acquisition Program) to refund the outstanding General Obligation Bonds, Series 1999B and 2001A) (Land Acquisition Program). The above Budget Amendment and Transfers set up the FY 2006 principal and interest payment on the refunding bonds, funds to be transferred to the escrow agent, cost of issuance (\$1,028,345), reserves for future debt service payments and transfers to the land acquisition capital funds. The closing for the taxable general obligation refunding bonds took place on July 10, 2006. Countywide (PFK)

F. PARKS & RECREATION

1. Staff recommends motion to:

**A) approve** Termination Agreement for Interlocal Agreement and Lease Agreement (R2000-0560) with the City of Palm Beach Gardens (City) for the development and operation of the 82 acres of County-owned land known as Palm Beach Gardens District Park; and

**B) authorize** staff to proceed with site plan approvals for a County developed and operated district park with active recreation facilities on the property.

**SUMMARY:** On April 18, 2000, the City and County executed an Interlocal Agreement and Lease Agreement (R2000-0560) that required the County to acquire an 82 acre parcel and the City to design, construct and operate a district park within five (5) years of the County closing on the property. The County acquired the land in May 2000, and subsequently the City was unable to fulfill its obligation to fund development of the park within the required five (5) year period. Several meetings with City officials to try and extend and/or amend the agreement were unsuccessful. As a result, staff developed a termination agreement that was executed by the City on December 16, 2005, and now recommends Board approval. Staff also requests Board authorization to proceed with the site plan approval from the City of Palm Beach Gardens for a county developed and operated active district park to include at a minimum seven (7) lighted athletic fields. The cost to acquire site plan approval is estimated at approximately \$100,000 and would be requested in the 2006/07 budget. The development cost for this project is estimated at \$17,000,000 and is not included in our current Five Year Plan. The cost to operate and maintain this district park is projected at \$280,000 per year. District 1 (HF)

7. REGULAR AGENDA

G. PLANNING, ZONING & BUILDING

1. [Staff recommends motion to approve on preliminary reading and advertise for first reading on July 27, 2006 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Unified Land Development Code, Ordinance 03-067, as amended, as follows: Article 1 – general provisions; Chapter I – definitions and acronyms; Article 2 – development review process; Chapter A – general; Chapter B – public hearing procedures; Chapter D – administrative process; Article 3 – overlays & zoning districts; Chapter B - overlays; Chapter E – planned development districts (PDDs); Chapter F – traditional development districts (TDDs); Article 4 – use regulations; Chapter A - use classification; Chapter B – supplementary use standards; Chapter D – excavation; Article 5 – supplementary standards; Chapter C – design standards; Article 6 – parking; Chapter A – parking; Article 8 - signage; Chapter B – exemptions; Chapter C – prohibitions; Chapter F – general provisions for all sign types; Chapter G – standards for specific sign types; Article 10 – enforcement; Chapter C – Groundwater and Natural Resources Protection Board; Article 12 – traffic performance standards; Chapter Q – Okeechobee Boulevard CRALLS point system; Article 14 – environmental standards; Chapter A – sea turtle protection and sand preservation; Chapter B – wellfield protection; Chapter C – vegetation preservation and protection; Chapter D – prohibited invasive non-native vegetation removal ordinance; Article 17 – decision making bodies; Chapter B – general provisions; Chapter C – appointed bodies; providing for: interpretation of captions; repeal of laws in conflict; severability; a savings clause; Board of Adjustment pending applications; inclusion in the Unified Land Development Code; and an effective date. **SUMMARY:** The proposed ordinance will account for minor revisions, scrivener’s errors, and omitted text from the 2005 Unified Land Development Code (ULDC), as well as several specific amendments, including:

Exhibit A	Article 3 – Overlays and Zoning Districts
Exhibit B	Article 4 – Use Regulations
Exhibit C	Board of Adjustment
Exhibit D	ERM
Exhibit E	Functional Integration
Exhibit F	Signage
Exhibit G	Special Master
Exhibit H	Commercial Kennel
Exhibit I	Department of Airports
Exhibit J	Okeechobee Boulevard CRALLS Point System

Countywide (RB)

7. REGULAR AGENDA

H. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve:

A) an Agreement with the Housing Partnership, Inc., for acquisition of property to be used for affordable housing, in the amount of \$2,400,000 in Community Development Block Grant (CDBG) funds for the period of July 11, 2006, through June 30, 2007; and

B) a Memorandum of Understanding with the South County Foundation for Mental Health, Inc., for the relocation of the occupants at the property to be acquired, and for assessing and addressing any deteriorated paint at the property to be acquired.

**SUMMARY:** The Agreement with the Housing Partnership, Inc., would fund the purchase of approximately 7.29 acres of land that are presently owned by the South County Foundation for Mental Health, Inc., and that are located on Davis Road just south of Melaleuca Lane in unincorporated Palm Beach County. The land has five (5) structures on it that are occupied by the South County Mental Health Center, Inc., and its clients. The Agreement with the Housing Partnership, Inc., envisions that they will lease this property back to the South County Foundation for Mental Health, Inc., which would allow the occupancy of the property until the occupants are relocated. The Memorandum of Understanding will assure the cooperation of the South County Foundation for Mental Health, Inc., in order to achieve compliance with applicable regulations pertaining to the use of federal CDBG funds for this project. In particular, these regulations include the Uniform Relocation Assistance and Real Property Acquisition Policies Act relating to the relocation of the occupants, and federal regulations at 24 CFR Part 35 relating to the assessment and treatment of any deteriorated paint that may be found there. It is envisioned that the property will be conveyed to the Community Land Trust of Palm Beach County, Inc., (CLT) at a later date in order to be used for affordable/attainable housing. **This Agreement will provide \$2,400,000 in federal CDBG funds which do not require local matching funds.** District 3 (TKF)

I. COMMUNITY SERVICES

1. Staff recommends motion to approve:

A) County funds of \$100,000 for Food Bank/Home Delivered Meals for persons with HIV/AIDS; and

B) Budget Transfer of \$100,000 from the General Fund Contingency Reserves.

**SUMMARY:** Palm Beach County received \$1.2 million less Federal dollars this current grant year to serve persons with HIV/AIDS. A number of organizations have met and are providing funds to assist those in need of critical services. The agencies are: the State Department of Health (\$250,000); The Quantum Foundation (\$75,000) matched with (\$37,500) Sun Sentinel Children's Fund; the Palm Beach County Health Care District (\$75,000); and the United Way of Palm Beach County (\$93,000), for a total of \$435,500. Staff is recommending that the Board of County Commissioners also participate in this funding effort by authorizing \$100,000 for services to HIV/AIDS clients. This would bring the total of additional local funds to \$535,500. Countywide (TKF)

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8. BOARD APPOINTMENTS

A. ENVIRONMENTAL RESOURCES MANAGEMENT  
(Groundwater and Natural Resources Protection Board)

1. **Staff recommends motion to approve:** the reappointment of one (1) at-large member to the Groundwater and Natural Resources Protection Board (GNRPB) for a term of three (3) years beginning August 1, 2006, through July 31, 2009:

<u>Nominee</u>	<u>Representing</u>	<u>Seat No.</u>	<u>Nominated by</u>
John Flanigan	Attorney	2	Commissioner Marcus Commissioner Koons Commissioner McCarty Commissioner Aaronson Commissioner Masilotti Commissioner Greene

**SUMMARY:** A memorandum was sent to the Board of County Commissioners on May 17, 2006 advising that the term for Seat No. 2 would expire on July 31, 2006. The requirement for Seat No. 2 is to be an attorney. Reappointments for Mr. Flanigan to remain on the GNRPB for another three (3) year term were received from Commissioner Marcus, Commissioner Koons, Commissioner McCarty, Commissioner Aaronson, Commissioner Masilotti and Commissioner Greene. No other nominations were received. Countywide (SF)

B. PUBLIC AFFAIRS  
(Education and Government Programming Advisory Board)

1. **Staff recommends motion to approve:** appointment of one (1) new member to the Education and Government Programming Advisory Board for a term from July 1, 2006, through June 30, 2008.

<u>Nominee</u>	<u>Requirement</u>	<u>Seat</u>	<u>Nominated By</u>	<u>Term Expires</u>
<u>Appoint:</u> Sara Alsofrom	Resident of Palm Beach	9	Comm. Masilotti Comm. Greene Comm. Marcus Comm. Koons Comm. McCarty Comm. Aaronson	6/30/08

**SUMMARY:** There is one (1) vacant position that needs to be filled on the Education and Government Programming Advisory Board. The following member no longer wishes to serve on the board at this time due to health problems; James Devaney. Ms. Sara Alsofrom was nominated by Public Affairs staff for this position. A memo was sent to the Board of County Commissioners requesting nominations. Countywide (MJ)

C. COMMISSION DISTRICT APPOINTMENTS

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JULY 11, 2006

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

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**JULY 11, 2006**

**10. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**JULY 11, 2006**

**11. COMMISSIONER COMMENTS**

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

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

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

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

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

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

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

**12. ADJOURNMENT**

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

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**JULY 11, 2006**

<u>PAGE</u>	<u>ITEM</u>	
23	3H-11	<b>DELETED:</b> <u>Staff recommends motion to:</u> <b>A) adopt</b> a Resolution authorizing the conveyance of 2.85 acres of vacant land to Hypoluxo/Jog, LLC for \$513,000 without reservation of mineral rights; ... (FD&O) (Further staff review)
24	3H-13	<b>REVISED SUMMARY:</b> The City of West Palm Beach has requested the conveyance of one (1) surplus County property, located at 1400 Henrietta Avenue, which is within its jurisdiction and was acquired by the County via a tax deed in August 2005. The assessed value of this property is \$157,500 and contains 1.00 acre. The City is planning to develop this property for <u>attainable or workforce</u> housing, including housing for the elderly. The County Deed includes <del>a right of reverter if the City does not comply with</del> restrictions that the City and its successors <u>must</u> : (i) remain in compliance with the <del>County's</del> <u>City's</u> approved <u>attainable or workforce</u> housing program's income eligibility standards <del>for a period of 30 years</del> , and (ii) acknowledge in its documents and publicity the County's donation of this parcel. The conveyance of surplus property to the municipality in which it is located is a major element of PREM's disposition program adopted by the Board upon the recommendation of the Real Estate Assets Task Force. This conveyance will assist in providing <u>attainable or workforce</u> housing units, relieve the County of potential liability for occurrences on this property and the cost of continued maintenance. The County will retain mineral and petroleum rights in accordance with Section 270.11, Florida Statutes, without rights of entry and exploration. (PREM) <u>District 7</u> (HJF TKF)
30	3K-4	<b>DELETED:</b> <b>Staff recommends motion to approve: A)</b> Change Order No. 1 with R.J. Sullivan Corp. for the Water Treatment Plant No. 8 Expansion Project in the deductive amount of \$1,712,386.46, deleting materials and equipment for the purpose of sales tax recovery and designating R.J. Sullivan Corp., as the County's agent for the inspection and receipt of the materials and equipment; and.... (Water Utilities) (Further staff review)
31	3K-5*	<b>REVISED TITLE &amp; SUMMARY:</b> <b>Staff recommends motion to approve:</b>  <b>A)</b> Change Order No. 1 with TLC Diversified, Inc. for the Century Village North - Reclaimed Water Production Facility in the deductive amount of <del>\$613,922.50</del> <u>\$518,365</u> , deleting materials and equipment for the purpose of sales tax recovery and designating TLC Diversified, Inc., as the County's agent for the inspection and receipt of the materials and equipment; and  <b>B)</b> Purchase Orders with vendors of the materials and equipment in the amount of <del>\$579,125</del> <u>\$489,000</u> .  <b>SUMMARY:</b> On June 6, 2006, the Board awarded a contract with TLC Diversified, Inc. (R2006- 1007) for construction of the Century Village North – Reclaimed Water Production Facility in the amount of \$3,598,000. By approving Change Order No. 1 to this contract, and purchasing the associated materials and equipment directly from the vendors, total sales tax savings of <del>\$34,797.50</del> <u>\$29,365</u> can be achieved. TLC Diversified, Inc. has agreed to serve as the County's agent for the inspection and receipt of the equipment and materials at no additional cost. (WUD Project No. 05-062) <u>District 2</u> (JM)

- 38 3P-1 **DELETED: Staff recommends motion to approve:** Grant Agreement with Farming Systems Research, Inc. (d/b/a Green Cay Produce) of Boynton Beach for an amount not-to-exceed \$20,000 from Agricultural Economic Development Program funds for rolling stock for this established Community Supported Agriculture (CSA) operation that will maintain seven (7) full-time jobs and create one (1) new full-time job. (Cooperative Extension) (Further staff review)
- 38 3P-2 **REVISED SUMMARY:** PBSWCD will manage agricultural lands under this Agreement purchased by the County with funds from the March 1999 Conservation Lands Bond Referendum. The original agreement was based on their experience with a similar program for the South Florida Water Management District (SFWMD) and their understanding of the local agricultural industry. Management fees will be for any and all agricultural leased properties owned by Palm Beach County during the period of the Agricultural Land Management Interlocal Agreement. This Agreement is for a three (3) year period beginning July 1, 2006 for an annual fee of \$53,994.
- 38 3T-1 **REVISED TITLE: Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida authorizing the transfer of \$58,900 from the Air Pollution Control Trust Fund to the Palm Beach County Health Department Trust Fund to encumber funds that will contribute to the costs of funds to support the furnishing of office space for the Air Pollution Control Program in a the new Palm Beach County Health Department administration building. for the Palm Beach County Health Department.
- 49 7A-4 **REVISED MOTION & SUMMARY: Staff recommends motion to:**
- A) adopt** a Resolution to support Florida Office Depot, Inc., being approved as a qualified applicant for Florida's Qualified Target Industry Tax Refund Program; and
- B) conceptually approve** an Economic Development Ad Valorem Tax Exemption for Office Depot, Inc., not-to-exceed \$6.5 Million over a ten (10) year period. This amount includes the QTI local match, for the creation of 580 full-time jobs at an average annual salary of \$76,792 (excluding benefits). In addition, Office Depot, Inc. will be required to retain 1,750 full-time positions it currently has in its Global/U.S. Headquarters at an average annual salary of no less than \$77,269.14 (excluding benefits). The proposed estimated, annual County Tax Exemption cannot exceed \$650,000 per year for the ten (10) year period. The State is considering a package of incentives worth approximately \$10.2 million.
- SUMMARY:** Office Depot's, proposed project will involve the retention/expansion of ~~your~~ its Global/U.S. Headquarters and the addition of a Latin American Headquarters. Office Depot will be relocating its Global/U.S. Headquarters from Delray Beach, Florida, to Boca Raton, Florida, due to the fact that its current facility is obsolete and inadequate for current usage by Office Depot. The existing facilities will not allow Office Depot to meet United States and Global growth and operational requirements. The projected relocation to Boca Raton, Florida for both of the Office Depot Headquarter expansions will result in an estimated investment of \$210 million for building and equipment under a proposed 600,000 square foot facility that would be leased by Office Depot. Office Depot, Inc. has filed a Qualified Target Industry (QTI) Tax Refund Program application with Enterprise Florida, Inc. to seek State tax refunds. Palm Beach County was competing with Georgia, Tennessee, North Carolina and South Carolina in retaining Office Depot's Global/US Headquarters, and the County was competing with Mexico and Brazil for the Company's new Latin American Headquarters. Staff believes that based on the information provided to the County concerning the company's planned expansion that providing an Ad Valorem Tax Exemption award to Office Depot, Inc. and a state economic exemption are warranted and therefore staff recommends Board support for both of these incentive applications. District 4 (DW) (Admin/Economic Development)

**REVISED TITLE: Staff recommends motion to approve:**

**A)** an Interlocal Agreement with the West Palm Beach Downtown Development Authority (DDA) for trolley transportation;

**B)** a Budget Transfer of \$100,000 from contingency reserves in the General Fund to increase the transfer out line to the Public Improvement Fund;

**C)** a Budget Amendment of \$100,000 in the Public Building Improvement Fund recognizing funds transferred from the General Fund increasing the project budget;

**D)** ~~a payment~~ expenses of \$148,225 to Palm Tran for the establishment and operation of a public route from the Convention Center to the Courthouse with a fare set at \$0 from August 1, 2006, through December 31, 2007; ~~and~~

**E)** authorization to add a full-time driver to Palm Tran's complement. (PalmTran); and

**F)** Budget Amendment of \$25,025 in Palm Tran Operating Fund recognizing a transfer from Public Building Improvement Fund and increasing the salary budget for the additional full-time driver.

**REVISED TITLE & SUMMARY: Staff recommends motion to approve:**

**A)** County funds of \$100,000 for Food Bank/Home Delivered Meals for persons with HIV/AIDS; and

**B)** Budget Transfer of ~~\$100,000~~ \$10,865 from the General Fund Contingency Reserves.

**SUMMARY:** Palm Beach County received \$1.2 million less Federal dollars this current grant year to serve persons with HIV/AIDS. A number of organizations have met and are providing funds to assist those in need of critical services. The agencies are: the State Department of Health (\$250,000); The Quantum Foundation (\$75,000) matched with (\$37,500) Sun Sentinel Children's Fund; the Palm Beach County Health Care District (\$75,000); and the United Way of Palm Beach County (\$93,000), for a total of ~~\$435,500~~ \$530,500. Staff is recommending that the Board of County Commissioners also participate in this funding effort by authorizing \$100,000 for services to HIV/AIDS clients. The Financially Assisted Agencies Operating Reserves currently has \$89,135 available in the FY 2006 budget, the remainder is being requested from General Fund Contingency Reserves. This would bring the total of additional local funds to ~~\$535,500~~ \$630,500. Countywide (TKF) (Community Services)

**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 (\*).