

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

MAY 6, 2008

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

**COMMISSION
CHAMBERS**

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

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

- 3. CONSENT AGENDA (Pages 7 - 36)**

- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 37)**

- 5. PUBLIC HEARING – 9:30 A.M. (Page 38)**

- 6. REGULAR AGENDA (Pages 39 - 41)**

- 7. BOARD APPOINTMENTS (Pages 42 - 45)**

- 8. MATTERS BY THE PUBLIC - 2:00 P.M. (Page 46)**

- 9. STAFF COMMENTS (Page 47)**

- 10. COMMISSIONER COMMENTS (Page 48)**

- 11. ADJOURNMENT (Page 48)**

TABLE OF CONTENTS

CONSENT AGENDA

A. ADMINISTRATION

Page 7

- 3A-1 Resolutions from various municipalities relating to Western landfill and County Impact Fees
- 3A-2 Amendment No. 1 with Bryan Boysaw & Associates regarding economic development funds
- 3A-3 Modification to award with U.S. Equal Employment Opportunity Commission for processing and resolving employment discrimination complaints

Page 8

- 3A-4 Agreement with Regina J. Blair to facilitate

B. CLERK & COMPTROLLER

Page 8

- 3B-1 Warrant List
- 3B-2 Minutes
- 3B-3 Contracts and claims settlements list
- 3B-4 Change orders, work task orders, minor contracts, final payments, etc.

C. ENGINEERING & PUBLIC WORKS

Page 8

- 3C-1 Release of Posted and Viewed Road Rights relative to Pine Glades Natural Area

Page 9

- 3C-2 Supplemental Agreement No. 5 with Metric Engineering for professional services relative to Northlake Blvd.
- 3C-3 Agreement with FDOT regarding widening/reconstruction of Hypoluxo Road
- 3C-4 Amendment No. 2 w/FDOT for Blue Heron Blvd/Congress Ave intersection improvements
- 3C-5 Reimbursement Agreement with Addison Reserve Master Property Owners Association regarding removal of brick pavers and asphalt resurfacing
- 3C-6 Deleted
- 3C-7 Deleted

Page 10

- 3C-8 Resolution approving recordation and filing of a Specific Purpose Survey Maintenance Map with Clerk regarding 60th Street North

D. COUNTY ATTORNEY - None

E. COMMUNITY SERVICES

Page 10

- 3E-1 Twelve (12) contracts with various provider agencies for Ryan White funds/services

Page 11

- 3E-2 Use of Facility Agreement with Village of Royal Palm Beach for congregate meal site manager
- 3E-3 Home & Community Based Waiver Case Management Referral Agreement with FL Dept. of Children & Families
- 3E-4 Aging Resource Center Referral Agreement with Area Agency on Aging

Page 12

- 3E-5 Repayment to the Florida Department of Children & Families relative to Homeless Housing Assistance Grant
- 3E-6 Two (2) amendments to Ryan White support services contracts

F. AIRPORTS

Page 13

- 3F-1 Budget Transfer/Amendments regarding Administration & Communications Facility

Page 14

- 3F-2 Agreement for Purchase and Sale of Specialty Restaurants Corporation's and the 94th Aero Squadron of West Palm Beach, Inc.'s leasehold interest in the 391st Bomb Group restaurant
- 3F-3 Declaration of Easement for water/sewer facilities to serve Galaxy Aviation 2 new hangars

Page 15

- 3F-4 Change Order No. 2 with Brang Construction, Inc. relative to Terminal skylight replacement
- 3F-5 Change Order No. 20 with David Brooks Enterprises relative to Administration & Communications facility

Page 16

- 3F-6 Receive & file ten (10) standard agreements for Dept. of Airports

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

- Page 17
3G-1 Budget Amendments/Transfer regarding revenue bonds for Scripps facilities

H. FACILITIES DEVELOPMENT & OPERATIONS

- Page 17
3H-1 Amendment No. 3 with S& F Construction for annual pavilions, shelters & sheds contract
- Page 18
3H-2 JOC Work Order No. 08-081 with Holt Contractors for Pahokee AC&C modular building
3H-3 First Amendment with Town of Palm Beach relative to County's 800MHz radio system
3H-4 Agreement with City of Fort Lauderdale relative to County's 800MHz radio system
- Page 19
3H-5 Deposit Receipt and Contract for Sale and Purchase with National Land Company, Inc. for 4.85 acres of vacant land adjacent to Lake Ida Park
3H-6 Consent to Change of Ownership of Procell Watersports, Inc. to Annette Arriaga Roque and Roger Roque relative to Okeeheelee Park recreational rental concession
- Page 20
3H-7 First Amendment to Pedestrian Walkway Easement Agreement with Courthouse Commons
3H-8 Declaration of Cross Access Easement for Royal Palm Beach Library and Mid-Western Community Center
3H-9 Donation Agreement with Pahokee Housing Authority and PBSO for portable Magnum Light Towers
- Page 21
3H-10 First Amendment to Lease Agreement with Closter Farms, Inc. for 7.3 +/- acres in Pahokee

I. HOUSING & COMMUNITY DEVELOPMENT

- Page 21
3I-1 Agreement with Comprehensive Community Care Network for emergency generator
3I-2 Third Amendment to State Housing Initiative Partnership Local Housing Assistance Plan

J. PLANNING, ZONING & BUILDING

- Page 22
3J-1 Voluntary annexation of a County-owned parcel into City of West Palm Beach

K. WATER UTILITIES

- Page 22
3K-1 Contract with AKA Services, Inc. for potable water, reclaimed water and wastewater services
- Page 23
3K-2 Interlocal Agreement with City of Lake Worth for purchase/sale of bulk potable water
3K-3 Budget Amendments/Transfer regarding Water & Sewer Revenue Refunding Bonds
- Page 24
3K-4 Unilateral Termination/Partial Release of Standard Potable Water/Wastewater agreement
3K-5 Receive and file seven (7) standard development agreements and one (1) renewal agreement

L. ENVIRONMENTAL RESOURCES MANAGEMENT

- Page 25
3L-1 Contract with InWater Research Group, Inc. to evaluate sea turtles on nearshore reefs
3L-2 Amendment No. 2 with FDEP regarding Chain of Lakes system

M. PARKS & RECREATION

- Page 26
3M-1 Agreement with ACCESSPORTAMERICA for outrigger canoeing/windsurfing programs
3M-2 Agreement with EPOCH for Kids Cultural Club programs
3M-3 Agreement with Palm Beach Shakespeare Festival, Inc. for "A Comedy of Errors" performance
3M-4 Agreement with The Lake Worth Playhouse for 2008 children's programming
3M-5 Agreement with City of Delray Beach for 2008 Delray Beach Sister Cities Safari Dinner event

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

M. PARKS & RECREATION (Cont'd)

Page 27

- 3M-6 Agreement with Palms West Chamber of Commerce for SalsaFest event
- 3M-7 Agreement w/Ann Norton Sculpture Gardens for studio restoration and archives preservation
- 3M-8 Agreement with West Boca Youth Baseball for uniform expenses
- 3M-9 Agreement with Adolph and Rose Levis Jewish Center for Camp Kavod 2008
- 3M-10 First Amendment with PBC XXtreme Heat, Inc. for Girls U14 basketball team expenses

Page 28

- 3M-11 First Amendment with City of Belle Glade for Airport Park improvements
- 3M-12 Receive and file three (3) independent contractor agreements for Parks & Recreation

Page 29

- 3M-13 Waterways Assistance Grant Application with FIND for DuBois Marina/Shoreline project
- 3M-14 Addendum 1 to Grant Contract with Florida Communities Trust regarding acquisition of 1.10 acre waterfront Susan DuBois Kindt Estate

Page 30

- 3M-15 Budget Transfers regarding improvements to Morikami Museum

N. LIBRARY - None

P. COOPERATIVE EXTENSION SERVICE - None

Q. CRIMINAL JUSTICE COMMISSION

Page 30

- 3Q-1 Amendment with Florida State University regarding second year evaluation of the Youth Violence Prevention project

R. HUMAN RESOURCES - None

S. FIRE RESCUE

Page 31

- 3S-1 Grant Application to U.S. Dept. of Homeland Security 2008 Assistance to Firefighters program

T. HEALTH DEPARTMENT - None

U. INFORMATION SYSTEMS SERVICES

Page 31

- 3U-1 Amendment No. 1 with CGI-AMS regarding Advantage System

V. METROPOLITAN PLANNING ORGANIZATION - None

W. PUBLIC AFFAIRS - None

X. PUBLIC SAFETY

Page 32

- 3X-1 Receive and file four (4) standard veterinary agreements for Public Safety Department

Y. PURCHASING - None

Z. RISK MANAGEMENT - None

AA. PALM TRAN

Page 32

- 3AA-1 Resolution authorizing Palm Tran to file Transportation Disadvantaged Trip & Equipment Grant Application with Florida Commission for the Transportation Disadvantaged

BB. INTERNAL AUDITOR

Page 32

- 3BB-1 Amendment No. 4 with Joseph Bergeron, Internal Auditor

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

CC. SHERIFF

Page 33

- 3CC-1 Accept Police Athletic League donations for PBSO community events
- 3CC-2 Accept donation from Manucy and Associates, Inc. for PBSO equipment
- 3CC-3 Accept citizens' donations through Safety Council for Child Seat Distribution Program

Page 34

- 3CC-4 Accept State Homeland Security Grant for equipment and supplies
- 3CC-5 Accept State Homeland Security Grant for PBSO SWAT and EOD Sustainment project

Page 35

- 3CC-6 Accept State Homeland Security Grant for PBSO SWAT and EOD Build-out
- 3CC-7 Grant Adjustment Notice for Edward Byrne Memorial Discretionary Grant for Multi-Agency Violent Crimes Strategy
- 3CC-8 Grant Adjustment Notice for FDLE Grant for PBSO Bomb & SWAT Build-out

DD. SUPERVISOR OF ELECTIONS

Page 36

- 3DD-1 Redistricting of the PBC Republican Executive Committee Districts

SPECIAL PRESENTATIONS - 9:30 A.M.

Page 37

- 4A Women's Lung Health Week
- 4B Clean Air Month
- 4C Certificate of Appreciation to Robert Higgins
- 4D Workforce Development Professionals Month
- 4E Drug Court Month
- 4F PBC Disaster Preparedness Conference for Persons with Disabilities recognition
- 4G Building Safety Week
- 4H World Lupus Day
- 4I Nurses Week
- 4J National Goodwill Week
- 4K St. Mary's Medical Center Day
- 4L Certificates of Appreciation to the Safe Harbor Animal Hospital Fire First Responders
- 4M Lord's Place Award to PBC Homeless Outreach Team

PUBLIC HEARING – 9:30 A.M.

Page 38

- 5A Resolution regarding County seat expansion

REGULAR AGENDA

ADMINISTRATION

Page 39

- 6A-1 Ordinance revoking tax exemption granted to Florida Turbine Technologies, Inc.

CLERK & COMPTROLLER

Page 39

- 6B-1 Presentation of the Comprehensive Annual Financial Report for FY ending 09/30/07

COUNTY ATTORNEY

Page 39

- 6C-1 Small Business Enterprise Program Ordinance

Page 40

- 6C-2 Increase in funds for expert litigation services regarding lawsuit with Mizner Trail Golf Club, Ltd.

MAY 6, 2008

TABLE OF CONTENTS
REGULAR AGENDA CONTINUED

ENVIRONMENTAL RESOURCES MANAGEMENT

Page 40

6D-1 Pine Glades Natural Area Management Plan

FACILITIES DEVELOPMENT & OPERATIONS

Page 41

6E-1 Donation of 2.5 acres of Haverhill Linear Park property to Boys & Girls Clubs of Palm Beach County

OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 41

6F-1 Unified Land Development Ordinance (Countywide Impact Fees)

BOARD APPOINTMENTS (Pages 42 - 45)

MATTERS BY THE PUBLIC – 2:00 P.M. (Page 46)

STAFF COMMENTS (Page 47)

COMMISSIONER COMMENTS (Page 48)

ADJOURNMENT (Page 48)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to receive and file:

A) Resolution No. R2008-2642 adopted by the City Commission of the City of Belle Glade, Florida recognizing the importance of a Western Landfill; supporting location in Western Palm Beach County; and recognizing conformance to the Palm Beach County Comprehensive Plan;

B) Resolution No. 2008-08 adopted by the City Council of the City of Greenacres, Florida recognizing the importance of a Western Landfill; supporting the location in Western Palm Beach County in accordance with the Palm Beach County Comprehensive Plan; and

C) Resolution No. 43-2008 adopted by the City of Boca Raton advising the Palm Beach County Board of County Commissioners of the City's opposition to any increase in County Impact Fees.

2. Staff recommends motion to approve:

A) Amendment No. 1 to Agreement (R2007-0911) with Bryan Boysaw & Associates a/k/a Law Offices of Bryan Boysaw and Associates, P.A., to extend the expiration date from April 1, 2008, to April 1, 2010; and

B) a Subordination Agreement to the Declaration of Restrictions with Bryan Boysaw & Associates.

SUMMARY: On June 19, 2007, the Board of County Commissioners approved the Community Development Block Grant (CDBG) Economic Set-Aside Agreement (R2007-0911) with Bryan Boysaw & Associates in the amount of \$60,000 for the acquisition of real property located at 501 Rosemary Avenue, West Palm Beach, Florida 33401 for the company's expansion. This Amendment will allow for a twelve (12) month extension to the existing agreement for the completion of construction and twelve months for the hiring of four (4) full-time equivalent jobs. The Subordination Agreement will allow the company to close a \$500,000 construction loan with SunTrust Bank ("Suntrust") and the loan to be secured by a mortgage and security agreement encumbering the Property ("Suntrust Mortgage"). The project was delayed until funds could be secured for construction. **These are Federal funds and require no local matching funds.** District 7 (DW)

3. Staff recommends motion to approve: a Modification to an Award/Contract (R2007-0833) (Charge Resolution Contract No. 6FPSLP0103) with the U. S. Equal Employment Opportunity Commission (EEOC) allowing the Office of Equal Opportunity to receive revenue in the total amount of \$83,050 as payment for processing and resolving employment discrimination complaints. **SUMMARY:** Execution of this modified contract is required so that OEO can receive payment for processing and resolving complaints of employment discrimination pursuant to the Worksharing Agreement with the EEOC. This Charge Resolution Contract is for FY 2007-2008 and is in the amount of \$83,050 (\$80,850 - charge processing; \$700 Intake Services, and \$1,500 - attendance at EEOC sponsored annual training). EEOC Charge Resolution contracts for all fair employment practices agencies nationwide provide payment at a rate of \$550 per charge. OEO's contract is for a total of 147 charges. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

4. **Staff recommends motion to approve:** an Agreement with Regina J. Blair as a Certified Neighborhood Coordinator, to facilitate a Building Sustainable Neighborhood Public Workshop, conduct OCR Strategic Program Development Training, and present the Keynote Speech and assist with the award and certificate ceremony for the Resident Education to Action Program (REAP) Graduation Ceremony on May 9 &10, 2008, in an amount not-to-exceed \$3,000. **SUMMARY:** The Agreement being submitted for approval provides for Regina J. Blair, as a Certified Neighborhood Coordinator, to facilitate a Building Sustainable Neighborhood Public Workshop for the citizens of Palm Beach County, conduct OCR Strategic Program Development Training for the Office of Community Revitalization, and present the Keynote Speech and assist with the award and certificate ceremony for the REAP Graduation Ceremony, in an amount not-to-exceed \$3,000. Countywide (AH)

B. CLERK & COMPTROLLER

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Regular	December 4, 2007
Regular	February 5, 2008
Workshop	February 26, 2008
Zoning	February 28, 2008
Workshop	March 25, 2008

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during February 2008. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** a Release of Posted and Viewed Road Rights (Rights), as recorded in Palm Beach County Board of County Commissioners Minutes and Summaries Book 20, Page 566, in Sections 5 and 8, Township 41 South, Range 41 East. **SUMMARY:** This action will approve the release of Rights, created on September 25, 1939, within an area managed by the Department of Environmental Resources Management. This area is known as the Pine Glades Natural Area. District 1 (PK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

2. Staff recommends motion to approve: Supplemental Agreement No. 5 to Project Agreement R2004-0621 in the amount of \$63,767.28 with Metric Engineering, Inc. for professional services. **SUMMARY:** This Supplemental Agreement will provide the services necessary to revise the Pond Siting Report and the right-of-way procurement map for Northlake Boulevard from Seminole Pratt Whitney Road to Coconut Boulevard. Districts 1 & 6 (PK)

3. Staff recommends motion to:

A) adopt a Resolution approving a County Incentive Grant Program (CIGP) Agreement with the State of Florida Department of Transportation (FDOT), in the amount of \$2,250,000 for the widening and reconstruction of Hypoluxo Road from Jog Road to Military Trail (Project); and

B) approve a Budget Amendment of \$2,250,000 in the Road Impact Fee Fund – Zone 4 to recognize a CIGP Agreement with FDOT and appropriate it to the Project.

SUMMARY: Through this Agreement, Palm Beach County (County) will receive a matching grant of \$2,250,000 from the CIGP for the Project. The County will be responsible for matching the FDOT funds up to the grant amount and for all costs above this grant. District 3 (MRE)

4. Staff recommends motion to adopt: a Resolution approving Amendment Number Two to the Joint Participation Agreement (JPA) with the State of Florida Department of Transportation (FDOT), approved on June 7, 2005 (R2005-1064), to modify the required begin construction date to no later than June 15, 2009 for the intersection improvements at SR-708/Blue Heron Boulevard and Congress Avenue (Project). **SUMMARY:** This action approves an Amendment to the JPA Agreement with FDOT for the Project. This Amendment extends the required begin construction date to no later than June 15, 2009. District 7 (PK)

5. Staff recommends motion to approve:

A) a Budget Transfer of \$16,000 in the Transportation Improvement Fund from Reserve for District 5 to Addison Reserve Boulevard at Jog Road – District 5; and

B) a Reimbursement Agreement with Addison Reserve Master Property Owners Association (Association) for up to \$16,000 for removal of brick pavers and asphalt resurfacing.

SUMMARY: This Agreement will reimburse the Association with funds from the Transportation Improvement Fund up to \$16,000 for the removal of brick pavers and replacement with asphalt. District 5 (MRE)

6. **DELETED**

7. **DELETED**

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

8. **Staff recommends motion to adopt:** a Resolution approving recordation and filing of a Specific Purpose Survey Maintenance Map with the Clerk of the Circuit Court of and for Palm Beach County (County), Florida, certifying that 60th Street North, from the "M" Canal east to Seminole Pratt Whitney Road, was constructed by the County and has been maintained or repaired, continuously and uninterruptedly, by the County for over four (4) years and therefore all right, title, easement appurtenances in and to the road is vested in the County. **SUMMARY:** This recordation and filing will establish and confirm title of 60th Street North, to the County in accordance with Section 95.361, Florida Statutes, which provides that upon construction by the County and upon four years of continuous and uninterrupted maintenance or repair of the road by the County and upon filing of a map with the Clerk, all right, title, easement, appurtenances in and to the road becomes vested in the County. The Road and Bridge Division Director has certified on the cover of the 60th Street Specific Purpose Survey Maintenance Map, that the Map depicts the limits of maintenance by the County. District 6 (PFK)

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** contracts with listed provider agencies for the period March 1, 2008, through February 28, 2009, totaling \$4,010,738 for Ryan White Part A HIV Emergency Relief Formula/Supplemental funds:

	<u>Formula</u>	<u>Supplemental</u>
A) Compass, Inc	\$ 266,512	\$ 119,136
B) Comprehensive AIDS Program	\$1,187,878	536,925
C) Comprehensive Community Care Network, Inc.	\$ 392,173	91,850
D) Florida Housing Corporation	\$ 41,491	12,515
E) Gratitude House	\$ 37,500	NA
F) Legal Aid Society of Palm Beach County	\$ 139,794	55,206
G) Minority Development & Empowerment, Inc.	\$ 100,000	NA
H) Oakwood Center of the Palm Beaches, Inc.	\$ 75,000	NA
I) Treasure Coast Health Council- Medical	\$ 460,322	194,436
J) Treasure Coast Health Council-CC Support	<u>NA</u>	<u>300,000</u>
	\$2,700,670	\$1,310,063
	Total	\$4,010,738

SUMMARY: A Notice of Grant Award from the Department of Health and Human Services Health Resources and Services Administration (HRSA) was received on March 3, 2008, that conveys an award for the contract period March 1, 2008, through February 28, 2009. Total funds awarded are \$7,786,995, of which \$778,699 is allocated for Grantee Administration (which includes \$300,000 for Care Council Support subcontracted to Treasure Coast Health Council listed above); and \$389,350 for Quality Management. The remaining \$2,908,208 has been allocated and contracts will be presented for approval on a future agenda. The grantee, Palm Beach County, is responsible for selecting and contracting with service providers. The HIV Council is charged with the sole responsibility of determining service priorities and the allocation of funding the service priorities. The grant award is for the provision of services related to HIV affected clients, such as medical case management, medical care, oral health care and substance abuse treatment. The agencies listed were selected through the Request For Proposal (RFP) process and have been recommended to receive funding. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to approve:

A) Use of Facility Agreement with the Village of Royal Palm Beach for an amount not-to-exceed \$11,250 for the period October 1, 2007, through June 30, 2008; and

B) a one (1) time payment of \$15,000 to the Village of Royal Palm Beach for prior service rendered at the Kevin Harvin Center October 1, 2006, through September 30, 2007.

SUMMARY: DOSS operates a congregate dining site for the elderly in Royal Palm Beach at the Kevin M. Harvin Center located at 1030 Royal Palm Beach Blvd. DOSS provides the meals and nutritional services. There is no cost for the use of the site for congregate dining. The County will reimburse the Village of Royal Palm Beach for expenses incurred by a site manager to manage the congregate dining site and to provide recreational activities for the elderly totaling \$11,250 for the period October 1, 2007, through June 30, 2008 with a termination clause. The County will also reimburse the Village for prior services rendered October 1, 2006, through September 30, 2007 totaling \$15,000. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. Staff recommends motion to approve: Home and Community Based Waiver Case Management Referral Agreement with the State of Florida Department of Children and Families (DCF), Southeast Zone, Circuit 15, Adult Services Program for the period of April 1, 2008, through June 30, 2010, or until terminated. **SUMMARY:** The purpose of this agreement is to enable eligible disabled adult participants 18 to 59 years old choice of case management services from the Division of Senior Services (DOSS) in Palm Beach County. DCF authorizes these services in order for the participant to remain in the least restrictive setting and avoid or delay nursing home placement. As a service provider under the Home and Community Based Services program, DOSS will bill the State of Florida's Medicaid fiscal agent directly on a negotiated unit rate basis of \$45.00 per hour for Case Management, \$21 per hour for Case Aide, \$10 per hour In Facility Respite. There will be approximately two (2) case management clients per month totaling approximately \$90 per month, with no clients for the Day Care or Case Aide services. DCF authorizes these services in order that the participant may remain in the least restrictive setting and avoid or delay nursing home placement. (DOSS) Countywide (TKF)

4. Staff recommends motion to approve: Aging Resource Center (ARC) Referral Agreement with the Area Agency on Aging Palm Beach/Treasure Coast, Inc. (AAA) beginning April 1, 2008, for a period of three (3) years, or until terminated. **SUMMARY:** The purpose of this agreement is to set forth the specific actions to be performed by AAA and the Division of Senior Services (DOSS) in ensuring that elders and their families are able to obtain information and services in the most efficient and least cumbersome manner possible when contacting an "Access Point" prior to contacting the ARC. DOSS as an Access Point, is a local community service organization that will provide information and access to available resources. DOSS will ensure all employees that perform Access Point services complete required training on the statewide web-based information and referral database (REFER) and training on the ARC Operational Policies and Procedures, including all continuing education training, track and log all contacts made to the Access Point once REFER is implemented, and provide information on the most appropriate alternatives, including private pay and community organizations. The ARC will maintain the waitlist and determine the clients who will receive services based on the applicable prioritization criteria. (DOSS) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. **Staff recommends motion to approve:** a repayment of \$187,500 to the State of Florida Department of Children and Families. **SUMMARY:** This repayment covers the advance payment made to the County from the State of Florida Department of Children and Families (DCF) Homeless Housing Assistance Grant (R2008-0029). The total grant award was \$375,000, but only one (1) of two (2) advance payments occurred in the amount of \$187,500. Upon receipt of the grant award, funds were to be subcontracted to Florida Housing Corporation, Inc., also known as McCurdy Senior Housing Corporation, for construction of a 93-bed assisted living facility in Belle Glade primarily for homeless individuals. On January 28, 2008, DCF received a request from the sub-grantee to withdraw their 2007 Homeless Housing Assistance Grant Application. On February 6, 2008, DCF notified the Division of Human Services of the termination of contract (No. IFZ12) effective February 15, 2008 and requested repayment in the amount of \$187,500. No County funds are required. (Human Services) Countywide (TKF)

6. **Staff recommends motion to approve:** two (2) amendments to the Ryan White Part A HIV Health Support Services Contracts (Supplemental) for the period March 1, 2007, through February 29, 2008 totaling \$18,377.45:

A) Amendment No. 2 to contract (R2007-1408), with Comprehensive Community Care Network, Inc. to decrease funding by \$18,377.45 for a total not-to-exceed amount of \$69,294.55; and

B) Amendment No. 3 to contract (R2007-1407) with Comprehensive AIDS Program, Inc. to increase funding by \$18,377.45 for a total not-to-exceed amount of \$749,536.45.

SUMMARY: Ryan White HIV Health Support service dollars are reviewed throughout the contract year and dollars unlikely to be spent by the end of the contract period are reallocated to best meet the need of the affected clients. These funds provide compensation for additional case management services by Comprehensive AIDS Program, Inc. and were not needed by Comprehensive Community Care Network, Inc. No County funds are required. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to approve:

A) a Budget Transfer of \$2,750,000 in the Airports Operating Fund to change inter-fund transfers from the Airports Debt Service \$8M PBI A Subordinated Indebtedness Fund to the Airports Improvement and Development Fund;

B) a Budget Amendment of \$2,750,000 in the Airports Improvement and Development Fund recognizing the transfer receipt from the Operating Fund and increasing the project expenditure account;

C) a Budget Amendment of \$3,000,000 in the Airports Capital Project \$8M PBI A Subordinated Indebtedness Fund decreasing loan proceeds revenue and the project expenditure account; and

D) a Budget Amendment of \$2,750,000 in the Airports Debt Service \$8M PBI A Subordinated Indebtedness Fund decreasing inter-fund transfer revenues and principle payment expenditures.

SUMMARY: On August 15, 2006 (R2006-1408), the Board approved the construction of the Airports Administration and Communications Facility at a cost of \$10,997,000. In addition to Airport revenues and grant funding, the Board authorized the use of \$3,000,000 in loan proceeds to fund construction. Additional airport revenues are now available to fund the remaining cost without any further need of loan proceeds. Therefore, staff recommends funding the remaining construction costs with airport revenues rather than loan proceeds. The recommended budgetary adjustments decrease the project budget by \$250,000, but do not affect construction costs. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. Staff recommends motion to:

A) approve an Agreement for Purchase and Sale of Specialty Restaurants Corporation's and the 94th Aero Squadron of West Palm Beach, Inc.'s Leasehold Interest in the 391st Bomb Group restaurant (Purchase Agreement) located on the Palm Beach International Airport (PBIA) for the amount of \$750,000;

B) authorize the County Administrator or his designee (Director of Department of Airports) to sign required closing documents on behalf of the County, including an Agreement to Terminate Lease;

C) authorize staff to enter into negotiations with Galaxy Aviation of Palm Beach, Inc. (Galaxy Aviation), for the lease of the restaurant site; and

D) approve a Budget Transfer of \$768,625 in the Airports Improvement and Development Fund to provide sufficient budget, including a transfer from reserves in the amount of \$768,625.

SUMMARY: On June 19, 1979, the County entered into a lease with Specialty Restaurants Corporation and the 94th Aero Squadron of West Palm Beach, Inc. d/b/a the 391st Bomb Group (collectively "Specialty Restaurants") for a restaurant and cocktail lounge on PBIA (R79-786), for a term of 30 years with an option to extend the lease for two (2) additional terms of five (5) years each at Specialty Restaurants' election. On February 6, 2007, the Board approved staff entering into negotiations with Specialty Restaurants for the voluntary, early termination of the lease (R2007-0211). In an October 31, 2007 appraisal, Anderson and Carr determined the value of Specialty Restaurants' leasehold interest to be \$540,000. Specialty Restaurants questioned certain assumptions made by Anderson and Carr, including the estimated costs of repair and future rentals payable to the County. In an addendum to the October 31, 2007 appraisal, Anderson and Carr determined the value of Specialty Restaurants' leasehold interest to be \$900,000. Specialty Restaurants has agreed to terminate its leasehold interest for a negotiated purchase price of \$750,000. The Purchase Agreement also requires the pro-ration of rentals payable to the County from March 1, 2008. Continued use of the property as a restaurant site is inconsistent with future development plans for PBIA. Termination of the lease will permit use of the property for appropriate aeronautical uses. The Department of Airports (DOA) is recommending the Board approve the Purchase Agreement and requesting authorization to permit DOA to enter into negotiations with Galaxy Aviation, a fixed base operator at PBIA, for the lease of the property. DOA will require any future tenant of the property to reimburse the County \$750,000 for the termination of the Specialty Restaurants' lease. Countywide (JMB)

3. Staff recommends motion to approve: a Declaration of Easement, declaring an easement on a portion of the Palm Beach International Airport (PBIA) for water and sewer facilities to serve two (2) new hangars being constructed by Galaxy Aviation of Palm Beach, Inc., on the south side of PBIA. **SUMMARY:** Galaxy Aviation provides fixed base operator services at PBIA subject to a long term lease with the County. Galaxy Aviation is constructing two (2) new hangars on the south side of PBIA along Airport Perimeter Road. The Water Utilities Department is requesting a Declaration of Easement to provide public notice of a utility easement and to remind the County of the necessity of reserving a utility easement upon conveyance of the property to another party. Countywide (JMB)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. **Staff recommends motion to approve:** Change Order No. 2 to the Contract with Brang Construction, Inc. decreasing the contract in the amount of \$117,205 for the Terminal Skylight Replacement Project at Palm Beach International Airport (PBIA). **SUMMARY:** On August 21, 2007, the BCC approved the construction contract (R2007-1288) with Brang Construction, Inc. for construction services for the Terminal Skylight Replacement Project at PBIA in the amount of \$2,429,000. Change Order No. 1 was approved for a net increase to the contract in the amount of \$7,121.12. Approval of Change Order No. 2 to decrease the contract in the amount of \$117,205 will provide a cost savings to the owner for the use of an alternate design. The Disadvantaged Business Enterprise (DBE) goal for this project was established at 17.00%. Brang Construction, Inc. was unable to obtain any qualified DBE participation, but met the DBE requirement of good faith effort described in the bid documents. The Disadvantaged Business Enterprise (DBE) participation for this Change Order is 0%. Countywide (JCM)

5. **Staff recommends motion to approve:** Change Order No. 20 to the Contract with David Brooks Enterprises, Inc. in the amount of \$121,472 for the Administration Building and Communications Facility Project at Palm Beach International Airport (PBIA). There is no change in contract time in Change Order No. 20. **SUMMARY:** On August 15, 2006, the BCC approved the construction contract (R2006-1408) with David Brooks Enterprises, Inc. for construction services for the Administration Building and Communications Facility Project at PBIA in the amount of \$10,997,000. Change Orders 1-19 were approved for an increase to the contract in the amount of \$540,980 and an increase in time of 86 Calendar Days. Approval of Change Order No. 20 in the amount of \$121,472 will provide funds for electrical modifications to accommodate the second phase relocation of the Communications Center from the Terminal to this building. The Disadvantaged Business Enterprise (DBE) participation for this Change Order is 0.00%. The total DBE contract goal including all change orders is 9.23%. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. Staff recommends motion to receive and file: ten (10) original Agreements for the Department of Airports:

A) Agreement to Terminate Hangar Lease Agreement with Charles W. DeVane, Unit 4, Building 11350 at North County Airport, terminating R2003-0768 on March 31, 2008;

B) Agreement to Terminate Hangar Lease Agreement with P&C Leasing, LLC, Unit 4, Building 11220 at North County Airport, terminating R2007-1081 on March 31, 2008;

C) Agreement to Terminate Hangar Lease Agreement with Michael Scheff, Unit 6, Building 11230 at North County Airport, terminating R2005-0835 on March 31, 2008;

D) North County General Aviation Airport Hangar Lease Agreement with Mark Baker, Unit 4, Building 11240, for one (1) year, automatically renewed at one (1) year intervals, commencing on April 1, 2008;

E) North County General Aviation Airport Hangar Lease Agreement with Paul Burke, Unit 4, Building 11220, for one (1) year, automatically renewed at one (1) year intervals, commencing on April 1, 2008;

F) North County General Aviation Airport Hangar Lease Agreement with P&C Leasing, LLC, Unit 17, Building 11300, for one (1) year, automatically renewed at one (1) year intervals, commencing on April 1, 2008;

G) North County General Aviation Airport Hangar Lease Agreement with Michael Scheff, Unit 6, Building 11300, for one (1) year, automatically renewed at one (1) year intervals, commencing on April 1, 2008;

H) North County General Aviation Airport Hangar Lease Agreement with Skylane Sky, LLC, Unit 6, Building 11230, for one (1) year, automatically renewed at one (1) year intervals, commencing on May 1, 2008;

I) License Agreement with Vanguard Car Rental USA, Inc. to use property for short term storage of operable vehicles commencing February 25, 2008, and expiring March 10, 2008; and

J) Agreement Covering Operation of Aircraft at PBIA with MN Airlines, LLC d/b/a Sun Country Airlines commencing December 1, 2007, terminating September 30, 2008 and automatically extended on year-to-year basis.

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the BCC in R-2004-1367, R-2007-1755, R-2007-1968 and R-2007-2070. Countywide (AH)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve:

A) Budget Amendment of \$1,148,863 in the \$133.9M Revenue Bonds, Series 2005 Scripps Construction Capital Fund to budget and transfer interest income and reserves for future debt service to the \$133.9M Revenue Bonds Series Scripps Construction Debt Service Fund;

B) Budget Amendment of \$5,915,750 in the \$133.9M Revenue Bonds, Series 2005 Scripps Construction Debt Service Fund for reserves for future debt service payments;

C) Budget Transfer of \$831 in the \$24.3M Taxable Revenue Bonds, Series 2004 Scripps/Mecca Acquisition Capital Fund for transfer to \$24.3M Taxable Revenue Bonds, Series 2004 Scripps/Mecca Debt Service Fund;

D) Budget Amendment of \$831 in the \$24.3M Taxable Revenue Bonds, Series 2004 Scripps/Mecca Debt Service Fund for reserves for future debt service payments;

E) Budget Amendment of \$1,587,887 in the \$98M Revenue Bonds, Series 2007 Scripps/Briger Capital Fund to budget and transfer interest income to the \$98M Revenue Bonds, Series 2007 Scripps/Briger Debt Service Fund; and

F) Budget Amendment of \$1,587,887 in the \$98M Revenue Bonds, Series 2007 Scripps/Briger Debt Service Fund for reserves for future debt service payments.

SUMMARY: The above Budget Transfers and Amendments are needed to transfer interest earnings on proceeds from revenue bonds for Scripps facilities. Under the terms of the Agreements, the interest earnings on bond proceeds in the Scripps Capital Funds are used by the County for debt service payments on the bonds. These earnings will be used to pay debt service in FY 2009. Countywide (PFK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Amendment No. 3 to Contract with S&F Construction, Inc. (R2005-1871) to implement the third renewal of the annual pavilions, shelters and sheds contract with a maximum value of \$400,000. **SUMMARY:** Amendment No. 3 is a renewal to the Annual Contract–Pavilions, Shelters and Sheds which was awarded to S&F Construction, Inc. The contractor will continue to perform as an annual pavilion contractor for various pavilion projects. This annual pavilions contract is an indefinite-quantity (work orders) contract and this renewal has a maximum value of \$400,000. The renewal term is twelve (12) months or until \$400,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the third of four (4) extensions allowed by the Contract. SBE participation goals are 15%. S&F Construction, Inc.'s participation, for work orders issued-to-date is 89.22%. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve: JOC Work Order No. 08-081 with Holt Contractors, Inc., (R2007-0947) in the amount of \$385,098.94 to provide a new double-wide modular building; and renovations to the existing buildings for Pahokee Animal Care & Control. **SUMMARY:** The work consists of the purchase and installation of a new 24' x 72' modular building with interior build-out for use as the public reception area and as a surgical unit, including all utilities, stairs, and ramps. In addition, the existing office building/surgical unit will be remodeled for use as food storage/feline holding including a new A/C system, exterior wall/ceiling insulation, a new drop ceiling with new light fixtures, and replacement doors/frames and locksets, interior and exterior painting of both the existing office and kennel buildings. The SBE goals are 15%. The SBE participation in this Work Order is 100%. When the participation for this Work Order is added to Holt's total participation-to-date, the resulting values are 100%. The total construction duration is 180 days. This work will comply with all applicable local, state, and federal codes and regulations. (FD&O Admin) Countywide/District 6 (JM)

3. Staff recommends motion to approve: a First Amendment to the Agreement (R2003-1697) with the Town of Palm Beach (Town) allowing for interoperable communications through the countywide common groups of the County's 800MHz radio system to extend the term of the Agreement until October 21, 2013. **SUMMARY:** The Agreement with the Town which provides the terms and conditions under which the Town can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications will expire on October 21, 2008. The Agreement provides for three (3) - five (5) year renewals but renewals require approval by both parties. The Town has approved a renewal to extend the term of the Agreement until October 21, 2013. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of state and federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The Town is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the system. The Agreement may be terminated by either party, with or without cause. (FDO/ESS) Countywide (JM)

4. Staff recommends motion to approve: an Agreement with the City of Fort Lauderdale (City) allowing for interoperable communications through the countywide common groups of the County's 800MHz radio system. **SUMMARY:** This Agreement provides the conditions under which the City can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications. The County's system will not be utilized for routine operational communications by the City. The terms of the Agreement are standard and have been offered to all municipalities and local branches of state and federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The City is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the system. The term of the Agreement is five (5) years with three (3) - five (5) year renewals. The Agreement may be terminated by either party, with or without cause. (FDO/ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. Staff recommends motion to approve:

A) a Deposit Receipt and Contract for Sale and Purchase with National Land Company, Inc. for the sale of 4.85 acres of vacant land adjacent to Lake Ida Park for \$1,600,000; and

B) a County Deed in favor of National Land Company, Inc.

SUMMARY: The County owns 4.85 acres of surplus vacant land at the north end of Lake Ida Park. This property is separated from the rest of the Park by a canal and currently has no legal access. It is adjacent to the old B.E. Aerospace property recently purchased by National Land Company, the principal of which is David Paladino. National Land Company is proposing a new residential development on its adjoining property, and desires to include this property into its development plans. Several appraisals of the property were obtained over the years, indicating values ranging between \$92,000 and \$2,400,000. The most recent appraisal valued the property "as is", without legal access, at \$1,237,000, and at \$1,994,000 assuming legal access. The property was advertised for sale and a Request For Bids (RFB) was issued in September 2007 with a minimum bid of \$1,500,000. National Land Company was the sole bidder on this RFB in the amount of \$1,600,000. The property is being sold "as is" without contingencies. National Land Company will be obligated to create and maintain shoreline enhancement and littoral zones at its sole cost and expense. Closing is to occur within thirty (30) days of Board approval. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, but will not retain rights of entry and exploration. (PREM) Districts 3 & 4 (HJF)

6. Staff recommends motion to approve: a Consent to Change of Ownership of Procell Watersports, Inc., the operator of the water sports and recreational concession located in Okeeheelee Park, from Carol Procell, to Annette Arriaga Roque and Roger Roque, d/b/a Kayak-King Watersports, Inc. **SUMMARY:** On June 19, 2007, the Board approved a Concessionaire Service Agreement (CSA) with Procell Watersports, Inc., for operation of the water sports and recreational rental concession at Okeeheelee Park (R2007-0958). The term of this CSA extends until June 30, 2008, with four (4) options to extend, each for a period of one (1) year. Carol Procell, the sole shareholder of Procell Watersports, Inc., has sold the company to Annette Arriaga Roque and her husband, Roger Roque. The CSA allows the change of ownership with the County's written consent. All terms and conditions of the CSA will remain unchanged. In the event of a default under the terms of the Agreement, Carol Procell will remain individually liable for performance of all Concessionaire's obligations under the CSA. Both Annette Roque and Roger Roque will execute personal guarantees of the CSA. The Roques have several years experience helping to run this concession and are well suited to taking on the obligations and responsibilities of this concession. A Disclosure of Beneficial Interests was obtained and indicates that Annette Roque and Roger Roque own 100% of the interests in Procell Watersports, Inc. (PREM) District 6 (JMB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. Staff recommends motion to approve: a First Amendment to the Pedestrian Walkway Easement Agreement (R2005-1334) with Courthouse Commons, LLC. **SUMMARY:** On July 12, 2005, the Board approved a non-exclusive Pedestrian Walkway Easement Agreement in favor of Courthouse Commons, LLC. Under this Agreement, the County authorized Courthouse Commons, a private developer, to construct an aerial bridge over 3rd Street in West Palm Beach in order to connect the Courthouse Commons parking garage to the County's existing Judicial Center parking garage pedestrian bridge. The Easement approved certain surface and aerial rights over County property for construction of the bridge. During construction of the bridge, it was determined that a column support needed to be relocated due to the existence of an underground utility line. The column support was relocated, construction has been completed and this First Amendment revises the legal description and sketch to memorialize placement of the support column. (PREM) District 7/Countywide (HJF)

8. Staff recommends motion to approve: a Declaration of Cross Access Easement for the Royal Palm Beach Library and Mid-Western Community Center. **SUMMARY:** Palm Beach County is currently planning to expand the Royal Palm Beach Library, located near the southwest corner of Okeechobee Boulevard and Royal Palm Beach Boulevard in Royal Palm Beach. The existing 7,955 square foot library will be expanded by 12,530 square feet to handle the heavy volume of residents who use this facility. The Village imposed a condition of site plan approval requiring the County to establish a Cross Access Easement between the Library and the County's adjacent Mid-Western Community Center. The Cross Access Easement provides for access between the Community Center and Library at three (3) separate points for smooth ingress/egress. The Declaration of Cross Access Easement will be recorded to provide public notice of the existence of three (3) cross access points between the two County-owned properties. (PREM) District 6 (HJF)

9. Staff recommends motion to approve: a Donation Agreement with the Pahokee Housing Authority, Inc. (Housing Authority) and the Sheriff of Palm Beach County (Sheriff) for two (2) portable Magnum Light Towers, MLT 4060 for the Sheriff's Midnight Hoops Program. **SUMMARY:** The Sheriff is seeking to implement a Midnight Hoops Program at Fremd Village, a public housing development that is owned and operated by the Housing Authority. In order to implement the program, lighting for the basketball courts in Fremd Village is needed. The County has procured portable light towers to provide the necessary lighting and the Sheriff has reimbursed the County for the cost of the procurement with grant funds. The purpose of the Donation Agreement is to convey the light towers to the Housing Authority with certain restrictions. Pursuant to terms of the Agreement, the Housing Authority may only use the light towers for the Midnight Hoops Program and community programs conducted by the Housing Authority. If the Housing Authority ceases using the light towers for their intended purpose, the light towers will be returned. In addition, the County and Sheriff have reserved the right to use the light towers, if necessary. There will be no on-going costs to the County or Sheriff for the light towers as the Housing Authority shall be solely responsible for funding the costs of maintaining the light towers. The Sheriff will be responsible for administering this Agreement on behalf of the County. The term of this Agreement is five (5) years. Upon expiration of this Agreement, title to and possession of the light towers shall remain with the Housing Authority. (FD&O Admin) District 6 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

10. Staff recommends motion to approve: a First Amendment to Lease Agreement (R95-812D) with Closter Farms, Inc. for 7.3+/- acres of County-owned unimproved land south of Pahokee in unincorporated Palm Beach County. **SUMMARY:** Since 1995, the County has leased to Closter Farms a 7.3+/- acre parcel of unimproved land located on the north side of Eastgate Farms Road, south of Pahokee, for an annual base rent of \$2,555. The current term of the Lease expires March 31, 2015. In review of the Lease, Staff has discovered that Closter Farms rental adjustments had not been calculated in accordance with the rental adjustment provisions contained in the Lease. This resulted in a \$7,145 underpayment of rent for the period of 1995 - 2007. As best as we can determine, it appears that previous PREM staff members utilized the method for calculating rental increases contained within State Leases of adjoining land. Closter Farms has argued that the rental adjustment provision was not what they intended, differs from the way in which the State calculates rental increases on leases with Closter Farms of adjoining land and would result in a rent that Closter Farms can not afford to pay based upon current market conditions. Because this has been continuing for many years, and due to the likely inability to lease this small property to another farmer, staff is recommending the Lease be amended consistent with how rental increases are calculated by the State. This First Amendment: i) modifies the Lease to formalize adjustment of the annual Base Rent by application of the Producer Price Index; ii) clarifies the method of computation of rent; iii) acknowledges and corrects past computations of rental increases (resulting in a \$7,145 total reduction in rent); and iv) updates the Notice provisions of both parties. All other terms and conditions of the Lease shall remain in full force and effect. (PREM) District 6 (HJF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: an Agreement with the Comprehensive Community Care Network, Inc., for the purchase and installation of an emergency generator in the amount of \$300,000 for the period of May 20, 2008, through December 31, 2008. **SUMMARY:** The emergency generator will serve the Comprehensive Community Care Network, community health care center located at 2330 S. Congress Avenue, in the Village of Palm Springs. The work includes the construction of a concrete slab for the generator, the installation of the generator, fuel tank and fuel lines, and all electrical connections and automatic transfer switches. **This Agreement will provide \$300,000 in Federal Community Development Block Grant funds, which do not require local matching funds.** District 3 (TKF)
2. Staff recommends motion to adopt: a Resolution approving the Third Amendment to the State Housing Initiatives Partnership (SHIP) Local Housing Assistance Plan (LHAP) for fiscal years 2007-2008, 2008-2009 and 2009-2010; and authorizing various technical revisions to the LHAP for Florida Housing Finance Corporation compliance for the Multi-Family Rental Program, the Special Needs Barrier Free Program, the Special Needs Replacement Housing Program and the Palm Beach County housing Lien Policy. **SUMMARY:** The State Housing Initiatives Program provides funding to the Commission on Affordable Housing for various programs designed to assist in the development and preservation of affordable housing. The programs will provide financial assistance to eligible extremely-low, very low, and low-income households to make needed repairs to their individually owned residences. The technical revisions to the LHAP were recommended by the Florida Housing Finance Corporation (FHFC) and the Florida Housing Coalition (FHC) to assure compliance with the State SHIP rules regarding required expenditure rates for extremely-low and very-low income households. The technical revisions to existing Commission on Affordable Housing (CAH) programs are necessary to address recent recommendations by the FHFC and the FHC. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve: the voluntary annexation of a parcel owned by Palm Beach County into the City of West Palm Beach. **SUMMARY:** Palm Beach County requests to voluntarily annex a County-owned property into the City of West Palm Beach. The 0.042-acre parcel, as described is a County-owned lift station maintained by the Palm Beach County Water Utilities Department (PBCWUD) and will otherwise be an unincorporated enclave when the adjacent property to the east is voluntarily annexed into the City. Pursuant to the Interlocal Agreement between Palm Beach County and the City of West Palm Beach regarding Water and Wastewater Service Area dated December 20, 2005 (County Resolution No. R2005-2445), the property is within the PBCWUD water and wastewater service area and will remain in the County's water and wastewater service area following the annexation. By signing the voluntary annexation petition, Palm Beach County does not transfer ownership rights for the parcel, but rather consents to the property being annexed into, and included within, the municipal boundary of the City of West Palm Beach. The annexation has been processed through the County's review departments, including Fire Rescue, Engineering, Planning, Zoning, Environmental Resources Management, Parks and Recreation, Water Utilities, County Attorney, Property and Real Estate Management and the Office of Financial Management and Budget departments. None of the departments are opposed to the annexation. The proposed annexation meets the requirements of Chapter 171, F. S. and is consistent with the Intergovernmental Coordination Element, Objective 1.4, of the County's Comprehensive Plan. District 2 (RB)

K. WATER UTILITIES

1. Staff recommends motion to approve: a unit price Contract with AKA Services, Inc. for the Water Utilities Department Continuing Construction Contract to install potable water, reclaimed water, and wastewater pipelines over a twelve (12) month term in a cumulative amount not to exceed \$2,104,187. **SUMMARY:** On February 27, 2008, seven (7) bids were received for the Water Utilities Department Continuing Construction Contract. AKA Services, Inc. is the responsive low bidder. This Contract will be used to expedite utility special assessment projects and other pipeline projects where timing is critical. Contract award is for the base contract only, and the contract by itself does not guarantee nor authorize AKA Services to perform any work. Work will be assigned during the twelve month contract period by formal work authorizations drawn against this contract, with approvals pursuant to PPM CW-F-050. The unit prices contained in this Contract will be used in determining the cost of 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. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. This Contract with AKA Services, Inc. provides for SBE participation of 15.63% overall. (WUD Project No. 08-017) Districts 1, 2, 3, 5 & 6 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. Staff recommends motion to approve: an Interlocal Agreement with the City of Lake Worth for the purchase and sale of bulk potable water. **SUMMARY:** In order to ensure the most efficient delivery of potable water service, the County has encouraged the use of cooperative agreements with other utility systems. This Agreement provides for the City of Lake Worth (City) to purchase up to six (6) million gallons per day (GPD) of potable water from the County. The City will initially purchase two (2) MGD of capacity at the rate of \$2.99 per gallon (\$5,980,000) and will pay \$1.37 per 1,000 gallons for water delivered during off-peak hours. The commodity rate will be increased beginning October 1, 2010, based on 75% of the Consumer Price Index. Initial capacity fees are due within one year of the Agreement's effective date. The City may purchase additional capacity in 100,000 gallon increments at the initial rate for up to five (5) years; thereafter, additional capacity may be reserved at the then current capacity fee. The City will also be responsible for paying the cost of Phase 1 of the pipeline (estimated to be \$2,200,000) along Lantana Road from Military Trail to Congress Avenue to provide for the initial flow. If additional water is needed, a Phase 2 pipeline will be constructed from Jog Road to Military Trail at an estimated cost of \$3,400,000 which will be reimbursed by the City except for \$2,500,000 which will be the responsibility of the County, and which will also be used to serve other County customers. The City is also agreeing to make its best efforts to assist the County in receiving a transfer of 1.6 MGD of non-renewed water withdrawal rights in the City's Consumptive Use Permit. The term of the Agreement is 40 years and may be renewed for successive terms of five (5) years each. The City may cancel the agreement after ten (10) years with five (5) years' notice and will be entitled to a refund of capacity fees at the then current rate but only if the County has the ability use the reserved capacity or to re-sell the capacity to another entity. After 15 years, the amount of the potential refund will be reduced annually by a carrying charge equal to \$0.13 per gallon increased annually by three-fourths of the CPI. District 3 (MJ)

3. Staff recommends motion to approve:

A) a Budget Transfer of \$1,519,500 in the Water Utilities (WUD) Revenue Fund;

B) a downward Budget Amendment of \$1,549,500 in the Debt Service WUD Series 1985 Fund; and

C) an upward Budget Amendment of \$8,022,500 in the Debt Service WUD Series 2008 Fund.

SUMMARY: On March 11, 2008, The Board of County Commissioners adopted a Resolution authorizing the issuance of up to \$6,500,000 principal amount of Water and Sewer Revenue Refunding Bond, Series 2008 in connection with the refunding of all of the County's outstanding Water and Sewer Revenue Bonds, Series 1985. Approval of this item will establish all the budgetary accounts necessary to reflect the impact of the March 11, 2008 Resolution. Countywide (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. [Staff recommends motion to receive and file:](#) Unilateral Termination and Partial Release of Standard Potable Water and Wastewater Development Agreement Due to Non-Renewal for the following property owners:

Termination of Standard Development Agreements

- A) Palm Beach Habilitation Center, Inc. (District 6) 01-01103-000
- B) Boos-Military, LLC (District 2) 02-01065-000

SUMMARY: The terms and conditions for Standard and Non-Standard Development Agreements are outlined in the Water Utilities Department's Uniform Policies and Procedures Manual (UPAP). Development Agreements are valid for a period of five years and may be renewed for an additional five years by paying an additional Mandatory Agreement Payment (MAP). If the additional MAP is not paid or the Agreement has reached its ten-year expiration date, the Agreement is terminated. This agenda item recommends the Board receive and file the attached terminations. Countywide (SF)

5. [Staff recommends motion to receive and file:](#) seven (7) Standard Development Agreements and one (1) Standard Development Renewal Agreement complete with executed documents received during the months of February and March 2008:

Standard Development Agreement

- A) 8190 Investors, LLC (District 6) 01-01206-000
- B) Tidal Wave Management Corp and Tidal Wave Development Corp (District 6) 01-01207-000
- C) Lantana Plaza Development, LLC and EMM Enterprises Two, LLC (District 3) 02-01119-000
- D) Atlantis Reserve, LLLP (District 3) 02-01120-000
- E) GKK-Hagen Ltd. (District 3) 05-01090-000
- F) Kerekes Land Trust No. 9 U/A dtd 6/11/92 (District 3) 05-01095-000
- G) GKK-Hagen Ltd. (District 3) 05-90012-000

Standard Development Renewal Agreement

- H) Richard S. Pribell (District 3) 05-01052-R00

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

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) approve Contract with InWater Research Group, Inc. (IRG), a not-for-profit corporation, in an amount not-to-exceed \$47,848 for a permit-required study to evaluate sea turtles on nearshore reefs;

B) approve Contract with IRG, in an amount not-to-exceed \$88,120 for a sea turtle population study in the Lake Worth Lagoon (LWL); and

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

SUMMARY: These studies will evaluate the sea turtle populations on the nearshore reefs and in the Lake Worth Lagoon (LWL). Nearshore reef sea turtle population studies are part of permit-required monitoring for current and future shoreline protection projects, including the Juno Beach Nourishment, Jupiter Carlin Nourishment, and the Singer Island Erosion Control Project. The LWL Management Plan recommends evaluating sea turtle populations in the LWL to provide information on the status of LWL environmental restoration efforts. IRG will collect data for the County by visual transects (nearshore reefs) and netting (LWL). The IRG Contracts authorize quarterly sea turtle monitoring events after a Notice to Proceed. The Contract for nearshore reef monitoring expires April 30, 2012 and the Contract for LWL monitoring expires January 15, 2011. Districts 1, 2, 3, 4 & 7 (SF)

2. Staff recommends motion to approve:

A) Amendment No. 2 to the State of Florida Agreement No. LP6077 with the Florida Department of Environmental Protection (FDEP) (R2006-0579) to extend the Agreement period to December 31, 2010, and to provide for a \$750,000 reimbursement increase from \$2,050,000 to \$2,800,000 for projects in the Capital Outlay Fund, within the Chain of Lakes System; and

B) Budget Amendment of \$750,000 in the Capital Outlay Fund to recognize the Grant Amendment revenues and increase the Environmental Enhancement Project.

SUMMARY: The FDEP Agreement will reimburse \$750,000 of these costs and requires a \$750,000 cost share through a combination of match and in-kind funds. The FDEP Agreement will reimburse \$367,692 for Palm Beach County Engineering and Public Works Department (Towns of Cloud Lake and Glen Ridge Infrastructure Improvements); \$240,000 for Palm Beach County Environmental Resources Management (Lake Ida Restoration Project); \$75,000 for Chain of Lakes Monitoring Studies, and \$67,308 for Grant Administration. This Agreement is part of the State Legislature's disbursement of funds for restoring and protecting surface waters of the State. The funds are being allocated and managed under the Chain of Lakes Partnership Grant Program. The budget documents will establish funding. Countywide (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. **Staff recommends motion to approve:** Agreement with ACCESSPORTAMERICA, INC. to develop and implement outrigger canoeing and windsurfing programs for people with disabilities. **SUMMARY:** This Agreement provides for the development and implementation of an outrigger canoeing and windsurfing program with instruction for citizens with disabilities in Palm Beach County. ACCESSPORTAMERICA, INC. will provide the County with boats, equipment and instructors. The County will provide assistance with supervision of program, docks and a storage area within Okeeheelee Park. This Agreement is for one (1) year with the option to renew on an annual basis if agreed upon by both parties. ACCESSPORTAMERICA, INC. will provide instruction to the Therapeutic Recreation Section program participants free of charge. District 6 (AH)

2. **Staff recommends motion to approve:** Agreement with Expanding and Preserving Our Cultural Heritage, Inc. (EPOCH) for the period May 6, 2008, through December 30, 2008, in an amount not-to-exceed \$7,000 for funding of Kids Cultural Club programs. **SUMMARY:** This funding is to help offset costs for Kids Cultural Club programs sponsored by EPOCH at the Spady House Cultural Heritage Museum and the Delray Full Service Center. Approximately 300 children and youth participate in these programs. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to October 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

3. **Staff recommends motion to approve:** Agreement with Palm Beach Shakespeare Festival, Inc. (PBSF) for the period May 6, 2008, through December 30, 2008, in an amount not-to-exceed \$25,000 for funding of "A Comedy of Errors" at Sunset Cove Amphitheatre. **SUMMARY:** This funding is to assist with expenses for the PBSF performance of "A Comedy of Errors", to be presented at Sunset Cove Amphitheatre from July 10-13, July 17-20, and July 24-27, 2008. The play is anticipated to be viewed by approximately 18,000 people. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to May 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 5 (AH)

4. **Staff recommends motion to approve:** Agreement with The Lake Worth Playhouse, Inc. for the period May 6, 2008, through September 30, 2008, in an amount not-to-exceed \$5,000 for funding of 2008 children's programming. **SUMMARY:** This funding is to help offset costs for children's programming at The Lake Worth Playhouse for at-risk children. The children's programming serves approximately 35 at-risk children who attend the Lake Worth Empowerment Center. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to October 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

5. **Staff recommends motion to approve:** Agreement with the City of Delray Beach for the period May 6, 2008, through December 1, 2008, in an amount not-to-exceed \$5,000 for the 2008 Delray Beach Sister Cities Safari Dinner Event. **SUMMARY:** This funding is to offset the cost of 2008 Delray Beach Sister Cities Safari Dinner Event held by the City of Delray Beach on April 26, 2008. The event was attended by approximately 175 people. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to January 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

6. **Staff recommends motion to approve:** Agreement with Palms West Chamber of Commerce, Inc. for the period May 6, 2008, through June 1, 2008, in an amount not-to-exceed \$10,000 for funding of the SalsaFest Event. **SUMMARY:** This funding is to help offset costs incurred by the Palms West Chamber of Commerce for the SalsaFest Event held at Greenacres Community Park on November 3, 2007. Approximately 7,500 people participated in the event. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to October 1, 2007. Funding is from the Recreation Assistance Program (RAP) District 2 Funds. District 2 (AH)
7. **Staff recommends motion to approve:** Agreement with Ann Norton Sculpture Gardens, Inc. for the period May 6, 2008, through January 30, 2009, in an amount not-to-exceed \$10,000 for funding of the Artist Studio Restoration and Archives Preservation Project. **SUMMARY:** This funding is to assist with the cost of the restoring the artist studio and preserving archives at the Ann Norton Studio. Approximately 4,000 people visit the Ann Norton Sculpture Gardens and Artist Studio annually. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to January 14, 2008. Funding is from the Recreation Assistance Program (RAP) District 2 Funds. District 2 (AH)
8. **Staff recommends motion to approve:** Agreement with West Boca Youth Baseball, Inc. for the period May 6, 2008, through July 8, 2008, in an amount not-to-exceed \$10,000 for funding of uniform expenses. **SUMMARY:** This funding is to help offset the cost of baseball uniforms for the West Boca Youth Baseball program. The program serves approximately 500 youth. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to January 15, 2008. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 5 (AH)
9. **Staff recommends motion to approve:** Agreement with Adolph and Rose Levis Jewish Community Center, Inc. for the period May 6, 2008, through December 30, 2008, in an amount not-to-exceed \$20,000 for funding of Camp Kavod 2008. **SUMMARY:** This funding is to assist with expenses for Camp Kavod 2008 offered by the Adolph and Rose Levis Jewish Community Center. This non-denominational summer camp program serves approximately 50 special needs children. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to June 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 5 (AH)
10. **Staff recommends motion to receive and file:** First Amendment to Agreement (R2008-0078) with Palm Beach County XXtreme Heat, Inc. for Girls U14 traveling basketball team tournament expenses. **SUMMARY:** This fully executed First Amendment to Agreement in an amount not-to-exceed \$12,100 extends the project completion date from November 30, 2007, to April 1, 2008, and the term of the Agreement from March 1, 2008, to April 1, 2008, in order to allow additional time to accommodate dates of payment and completion of the reimbursement process. The Amendment is in accordance with Resolution R2005-1738 authorizing the delegation of authority for amending RAP agreements to the County Administrator or his designee. All other terms of the Agreement, including the funding amount, remain the same. Funding for the project is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

11. Staff recommends motion to approve:

A) First Amendment to Agreement (R2007-1152) with the City of Belle Glade for Airport Park Improvements to increase funding from \$57,015 to \$200,000; to extend the project completion date from September 30, 2008, to March 30, 2009, and the reimbursement request date from December 30, 2008, to June 30, 2009; and to provide a revised Exhibit A and cost estimate;

B) a Budget Transfer of \$142,985 in the Transportation Improvement Fund from Reserve for District 6 to the County Transportation Trust Fund;

C) a Budget Transfer of \$142,985 in the Transportation Trust Fund increasing the annual transfer from the Transportation Improvement Fund and decreasing the annual transfer from the General Fund;

D) a Budget Transfer of \$142,985 in the General Fund decreasing the annual transfer to the County Transportation Trust Fund and increasing the annual transfer to the Park Improvement Fund; and

E) a Budget Amendment of \$142,985 in the Park Improvement Fund increasing the annual transfer from the General Fund and increasing the appropriation to the District 6 Recreation Assistance Program (RAP).

SUMMARY: This Amendment increases the amount of funding for the Airport Park Improvements project by \$142,985 for a total project amount not-to-exceed \$200,000, extends the project completion date from September 30, 2008, to March 30, 2009 and the reimbursement request date from December 30, 2008, to June 30, 2009. The Amendment also allows for the expansion of project elements and an increase in the project cost estimate. All other terms of the Agreement remain the same. The budget transfers and budget amendment increase the gas tax support and decrease the ad valorem support of the County Transportation Trust Fund, thereby allowing for the allocation of the available ad valorem support to the District 6 Recreation Assistance Program (RAP). At the November 21, 2006 Board meeting, the flexibility of up to \$200,000 per year in Transportation Improvement Fund transfers was approved for this purpose. With the approval of this project, the remaining balance available in transfers for District 6 for Fiscal Year 2008 will be \$57,015. District 6 (AH)

12. Staff recommends motion to receive and file: executed Independent Contractor Agreements received during the month of March:

A) Ken Nemet, United States Master's Swim Team Coach, Lake Lytal Pool;

B) Cooperative Martial Arts, Inc., Martial Arts Instructor, Coconut Cove Recreation Center; and

C) 3D Diving, Inc., Competitive Diving Team Coach, North County Aquatic Complex.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 02-2103 and 07-0409, and are now being submitted to the Board to receive and file. Districts 1, 2 & 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

13. Staff recommends motion to:

A) ratify the signature of the Chairperson of the Board of County Commissioners on a Waterways Assistance Program Grant application, submitted to Florida Inland Navigation District (FIND) on March 25, 2008, requesting \$987,000 for the DuBois Park Marina and Shoreline Stabilization project;

B) adopt Resolution for assistance under the FIND Waterways Assistance Program for grant funding for DuBois Park Marina and Shoreline Stabilization project in the amount of \$987,000;

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

D) authorize the Director of the Parks and Recreation Department to serve as Liaison Agent with FIND for this project.

SUMMARY: This grant application requests up to \$987,000 from the FIND Waterways Assistance Program (WAP) for construction of the DuBois Park Marina and Shoreline Stabilization project. This project includes construction of 24 dock slips along the peninsula, renovating the dock slips at Zeke's Marina, repairing the existing single concrete boat ramp, shoreline revetment and stabilization and construction of an approximately one acre snorkeling area. The total cost of the project is estimated at \$3,548,435. The balance of the project will be funded by the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue and, if awarded, a proposed \$500,000 Florida Fish & Wildlife 2008/2009 Florida Boating Improvement Program grant. District 1 (AH)

14. Staff recommends motion to receive and file:

A) a fully executed Addendum I to Grant Contract (R2007-2045) for the Florida Communities Trust (FCT) grant to fund the acquisition of the 1.10 acre waterfront Susan DuBois Kindt Estate, extending the contract expiration date from October 1, 2007, to April 1, 2008; and

B) a fully executed Addendum II to Grant Contract (R2007-2045) for the Florida Communities Trust (FCT) grant, extending the contract expiration date from April 1, 2008, to July 15, 2008.

SUMMARY: On July 11, 2006, the Board authorized submission of an FCT grant (R2006-1315) in the amount of \$2,500,000 to help fund the acquisition of the 1.10 acre waterfront Susan DuBois Kindt Estate. The Board also authorized the County Administrator or his designee to execute all future time extensions of the FCT grant and authorized the Parks and Recreation Department Director to serve as Liaison Agent with FCT for the grant project. On December 5, 2006, the State of Florida Department of Community Affairs awarded an FCT grant of up to \$2,500,000 to Palm Beach County. Due to lengthy negotiations with the executor of the estate and ongoing due diligence issues, a five (5) month and subsequent three (3) and a half (1/2) month time extensions were requested. Pursuant to the delegated authority and acting as the Liaison Agent, Department Director, Dennis Eshleman, signed the Addendums on behalf of the Board of County Commissioners. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

15. Staff recommends motion to approve:

A) Budget Transfer of \$140,000 in the \$25M GO Parks and Cultural Improvements Bond Fund - 2005 from West Delray/Boynton District Park to Morikami Yamato-Kan Improvements;

B) Budget Transfer of \$460,000 in the \$25M GO 99A, Recreation & Cultural Bond Fund from South County Regional Park Phase III to Morikami Yamato-Kan Improvements; and

C) Budget Transfer of \$460,000 in the Park Impact Fees Zone 3 from Morikami Park Additional Park Areas (\$38,456), Morikami Resource Center and Infrastructure Improvements (\$57,371), Morikami Museum Kiosk (\$4,480), Morikami Museum and Garden Improvements (\$234,693), and Reserves for Morikami Park Improvements Phase III (\$125,000) to South County Regional Park Phase III.

SUMMARY: These budget transfers are necessary to fund required improvements to the Yamato Kan, the original Morikami Museum which opened in 1978, to accommodate the installation of the *Japan Through the Eyes of a Child* exhibit. The improvements include renovating interior spaces, as well as enhancing security and signage. District 5 (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve: an Amendment to the Interlocal Agreement (R2007-0332) in the amount of \$100,000 and an extension from April 23, 2008 to April 22, 2009 with Florida State University as a partner to perform the second year evaluation of the Youth Violence Prevention Project. **SUMMARY:** On February 27, 2007, the Board of County Commissioners approved the Criminal Justice Commission to develop a comprehensive evaluation of the Youth Violence Prevention Project, including the commitment to participate from Florida State University's Center for Criminology and Public Policy Research. The six (6) month update was presented on June 19, 2007. On April 22, 2008, the first year evaluation was presented to the Board of County Commissioners. Countywide (DW)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to:

A) ratify the Chairperson's signature approving a grant application to the U.S. Department of Homeland Security's (DHS) 2008 Assistance to Firefighters Grant Program in the amount of \$1,749,400, including a local match of \$349,880; and

B) authorize the County Administrator, or his designee (Division Chief of Training), to act as the County's representative for the purpose of electronically signing and submitting the Grant Application via the DHS/FEMA website.

SUMMARY: The 2008 Assistance to Firefighters Grant (AFG) Program is a competitive Grant Program designed to provide financial assistance to fire departments and nonaffiliated Emergency Medical Services organizations to enhance their capabilities with respect to fire and fire-related hazards and meet their firefighting and emergency response needs. This grant funds activities under their Fire Department Firefighter Operations and Safety Program such as training, equipment, Personal Protective Equipment (PPE), wellness and fitness, and modifications to fire stations and facilities. If awarded this grant, funds would be used to purchase 327 National Fire Protection Agency (NFPA) 1981 2007 compliant Self Contained Breathing Apparatus (SCBA), one (1) PosiCheck flow testing machine and one (1) Portacount quantitative fit testing machine. The grant rules require submission of grant applications by electronic format in order to assure an efficient review and competitive scoring of all funding requests submitted under this Program. The deadline for submission of this grant application to the grantor agency was April 4, 2008. Due to the preparation time, submittal deadlines, and BCC meeting dates, the grant had to be submitted prior to full Board approval. Countywide (SB)

U. INFORMATION SYSTEM SERVICES

1. Staff recommends motion to approve: Amendment No. 1 to Statement of Work (R2007-1383) pursuant to Contract with CGI-AMS (R2002-1782), extending effective date through July 30, 2008 and modifying the delivery schedule dates, at no additional cost to the County. **SUMMARY:** The Amendment No. 1 will provide additional time for CGI-AMS to complete requirements of Statement of Work which will add functionality to various modules in the Advantage System as approved by the Financial System Administration Team (FSAT). Countywide (PK)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: standard agreements with the various on-call licensed veterinarians to provide services for shelter animals at Animal Care & Control:

A) Michael E Geraghty, D.V.M. d/b/a Pet Emergency Palm Beach County not-to-exceed \$10,000 for the period of October 1, 2007, through September 30, 2008;

B) Diana L. Alexander-Burke, DVM not-to-exceed \$10,000 for the period of October 1, 2007, through September 30, 2008;

C) Raphael Gilbert, DVM, not-to-exceed \$10,000 for the period of October 1, 2007, through September 30, 2008; and

D) Peter Davis, DVM, d/b/a PETHAV'N, Inc. not-to-exceed \$78,750 for the period of January 28, 2008, through September 30, 2008.

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 (SF)

AA. PALM TRAN

1. Staff recommends motion to adopt: a Resolution authorizing Palm Tran to file a Transportation Disadvantaged (TD) Trip and Equipment Grant Application in the estimated amount of \$2,334,731. **SUMMARY:** The State of Florida Commission for the Transportation Disadvantaged (CTD) annually makes funds available to Community Transportation Coordinators (CTCs) through the Transportation Disadvantaged Trip and Equipment Grant Program. The Grant cycle runs from July 1, 2008, through June 30, 2009. Palm Beach County has been allocated funds for FY 2008/2009: Trip and Equipment Grant: \$2,331,714; Total State Grant: \$2,098,543; Local Match: \$233,171; Voluntary Dollar Contributions: \$2,743; In-Kind Match for Voluntary Dollar: \$274; Total Grant: \$2,334,731. The local match has already been budgeted in Palm Tran's proposed FY 2009 operating budget. Countywide (DR)

BB. INTERNAL AUDITOR

1. Staff recommends motion to approve:

A) Amendment No. 4 to the Contract (R2004-1796) with Joseph Bergeron, Internal Auditor; extending said contract for one (1) additional year ending on August 16, 2011; and

B) recommendations of the Audit Committee for salary adjustment for the period August 17, 2008, through August 16, 2009.

SUMMARY: The Audit Committee, at its March 12, 2008 meeting, unanimously approved recommending a 5% salary adjustment, the same percentage increase provided to other County employees for FY 2008 and a one (1) year extension of the Internal Auditor's Contract. The Audit Committee's recommendations result in a salary of \$142,447 and a contract expiration date of August 16, 2011. This item is presented to the Board at this time to comply with the ninety (90) day notice requirement of the Contract. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF

1. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office, donations from the citizens of Palm Beach County held in trust by the Police Athletic League in the amount of \$75,081 for the Palm Beach County Sheriff's Office Community Events Program; and

B) approve a Budget Amendment of \$75,081 in the Sheriff's Grant Fund.

SUMMARY: Citizens of Palm Beach County have donated funds for the Palm Beach County Sheriff's Office (PBSO) Community Events Program. The Police Athletic League (PAL) has held all funds collected in trust for the PBSO. PBSO requested and received the funds from PAL to purchase supplies and materials for several community events. A Budget Amendment is needed to acknowledge the donated funds. There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (DW)

2. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office a donation from Manucy and Associates, Inc. in the amount of \$5,000 for the Palm Beach County Sheriff's Office equipment for Law Enforcement Program; and

B) approve a Budget Amendment of \$5,000 in the Sheriff's Grant Fund.

SUMMARY: On October 12, 2007, the Palm Beach County Sheriff's Office (PBSO) received a donation from Manucy and Associates, Inc. of West Palm Beach, Florida. The funds provided will be used by PBSO to purchase equipment for law enforcement. A Budget Amendment is needed to acknowledge the donated funds. There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (DW)

3. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office donations from the citizens of Palm Beach County held in trust by the Safety Council of Palm Beach County to the Palm Beach County Sheriff's Office Florida Child Seat Distribution Program in the amount of \$12,553; and

B) approve a Budget Amendment of \$12,553 in the Sheriff's General Fund.

SUMMARY: On August 21, 2006, the Florida Department of Transportation (FDOT) awarded the Palm Beach County Sheriff's Office (PBSO) the Florida Child Seat Distribution Program Grant. Under this grant, the FDOT distributed child safety seats, inspection station supplies and educational materials directly to the PBSO. The PBSO served as the central point of contact for the distribution of the approved materials. The fourth and final year of the program was designed to be self-sufficient from the donations collected from the individuals receiving child safety seats. On December 4, 2006, PBSO entered into an agreement with the Safety Council of Palm Beach County (SCPBC) for the SCPBC to hold all funds collected in trust for the PBSO. PBSO requested and received the funds from SCPBC to purchase safety seats, related equipment, and safety materials. There is no additional allocation needed, no matching funds required, and no additional County funds are required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

4. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office a Florida Department of Law Enforcement, State Homeland Security Grant for the Palm Beach County Sheriff's Office Forensic Response Team Build-Out in the amount of \$48,278 for the period of January 1, 2008, through September 30, 2008; and

B) approve a Budget Amendment of \$48,278 in the Sheriff's Grant Fund.

SUMMARY: On February 8, 2008, the Palm Beach County Sheriff's Office (PBSO) received an award from the Florida Department of Law Enforcement (FDLE) to purchase equipment and supplies to implement Florida's Domestic Security Strategic Plan. These funds and related equipment, which have been approved by FDLE for purchase, will enable law enforcement to actively and safely conduct criminal investigations in Chemical, Biological, Radiological/Nuclear, and Explosive (CBRNE) environments. There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (DW)

5. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office a Florida Department of Law Enforcement, State Homeland Security Grant for the Palm Beach County Sheriff's Office SWAT and EOD Sustainment Project in the amount of \$42,455 for the period of January 1, 2008, through September 30, 2008; and

B) approve a Budget Amendment of \$42,455 in the Sheriff's Grant Fund.

SUMMARY: On February 8, 2008, the Palm Beach County Sheriff's Office (PBSO) received an award from the Florida Department of Law Enforcement (FDLE) to purchase equipment and supplies to implement Florida's Domestic Security Strategic Plan. These funds and related equipment, which have been approved by FDLE for purchase, will be used to enhance the region's and the State of Florida's SWAT and EOD capability and capacity to prevent and respond to Weapons of Mass Destruction (WMD) Chemical, Biological, Radiological/Nuclear, and Explosive (CBRNE) threats and attacks through updated technologies and equipment. There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

6. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office a Florida Department of Law Enforcement, State Homeland Security Grant for the Palm Beach County Sheriff's Office SWAT and EOD Build-Out in the amount of \$189,735 for the period of January 1, 2008 through September 30, 2008;

B) approve a Budget Amendment of \$189,735 in the Sheriff's Grant Fund.

SUMMARY: On February 8, 2008, the Palm Beach County Sheriff's Office (PBSO) received an award from the Florida Department of Law Enforcement (FDLE) to purchase equipment and supplies to implement Florida's Domestic Security Strategic Plan. These funds and related equipment, which have been approved by FDLE for purchase, will be used to enhance the region's and the State of Florida's SWAT and EOD capability and capacity to prevent and respond to Weapons of Mass Destruction (WMD) Chemical, Biological, Radiological/Nuclear, and Explosive (CBRNE) threats and attacks through updated technologies and equipment. There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (DW)

7. Staff recommends motion to receive and file: a Grant Adjustment Notice amending the Department of Justice Office of Justice Programs Edward Byrne Memorial Discretionary grant, for the Multi-Agency Violent Crimes Strategy, to extend the ending grant period from September 30, 2008, to March 31, 2009. **SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$1,650,000 on November 6, 2007; the original period for this grant was October 1, 2007, through September 30, 2008 (R2007-2051). This agenda item will extend the grant period from September 30, 2008, to March 31, 2009. The objective of this program is to create safer communities by reducing the violence and gang problem in Palm Beach County through the coordinated law enforcement response informed by data and real-time intelligence. The Palm Beach County Sheriff's Office has been given an extension to allow the grant funds to be fully expended. No additional positions are needed and no County funds are required. Countywide (DW)

8. Staff recommends motion to receive and file: a Grant Adjustment Notice amending the Florida Department of Law Enforcement Office of Criminal Justice grant to extend the ending grant period for the Palm Beach Sheriff Office Bomb & SWAT Build-Out. **SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$33,505 on September 11, 2007; the original period for this grant was June 1, 2007, through January 31, 2008 (R2007-1572). This agenda item will extend the grant period from January 31, 2008, to September 30, 2008. The objective of this program is to maintain specialized equipment and replace items that have exceeded their useful lifespan for Bomb and SWAT teams. The Palm Beach County Sheriff's Office has been given an extension to allow the grant funds to be fully expended. No additional positions are needed and no County funds are required. Countywide (DW)

MAY 6, 2008

3. CONSENT AGENDA APPROVAL

DD. SUPERVISOR OF ELECTIONS

1. [Staff recommends motion to approve:](#) the Redistricting of the Palm Beach County Republican Executive Committee Districts pursuant to Section 103.091(1), Florida Statutes. **SUMMARY:** The redistricting was necessary to equalize the number of registered voters in the districts. The last time redistricting was done was in 2003. Countywide (LSJ)

* * * * *

4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A.** Proclamation declaring May 11 – 17, 2008 as “Women’s Lung Health Week” in Palm Beach County. (Sponsored by Commissioner Greene)

- B.** Proclamation declaring May 2008 as “Clean Air Month” in Palm Beach County. (Sponsored by Commissioner Koons)

- C.** Certificate of Appreciation to Robert Higgins for his professional and exceptional participation as a member of the Palm Beach County Groundwater & Natural Resources Protection Board, 1985 to 2007. (Sponsored by Commissioner Kanjian)

- D.** Proclamation declaring May 2008 as “Workforce Development Professionals Month” in Palm Beach County. (Sponsored by Commissioner Santamaria)

- E.** Proclamation declaring May 2008 as “Drug Court Month” in Palm Beach County. (Sponsored by Commissioner Koons)

- F.** Proclamation recognizing the Palm Beach County Disaster Preparedness Conference for Persons with Disabilities. (Sponsored by Commissioners Kanjian)

- G.** Proclamation declaring May 5 – 11, 2008 as “Building Safety Week” in Palm Beach County. (Sponsored by Commissioner Greene)

- H.** Proclamation declaring May 10, 2008 as “World Lupus Day” in Palm Beach County. (Sponsored by Commissioner McCarty)

- I.** Proclamation declaring May 12 – 19, 2008 as “Nurses Week” in Palm Beach County. (Sponsored by Commissioner Aaronson)

- J.** Proclamation declaring the week of May 4 – 10, 2008 as “National Goodwill Week” in Palm Beach County. (Sponsored by Commissioner McCarty)

- K.** Proclamation declaring May 12, 2008 as “St. Mary’s Medical Center Day” in Palm Beach County. (Sponsored by Commissioner Marcus)

- L.** Certificates of Appreciation to the Safe Harbor Animal Hospital Fire First Responders

- M.** Presentation of Lord’s Place Unsung Hero/Heroine Award to Palm Beach County Homeless Outreach Team.

* * * * *

5. PUBLIC HEARING – 9:30 A.M. (Motion to receive and file: Proof of Publication)

A. Staff recommends motion to:

A) conduct a public hearing on a Resolution of the Board of County Commissioners of Palm Beach County authorizing the expansion of the geographic area of the county seat of Palm Beach County beyond the corporate limits of the City of West Palm Beach to include specifically designated parcels; and

B) approve advertising for and the holding of a second public hearing on May 20, 2008 at 9:30 a.m., for final adoption of said Resolution.

SUMMARY: Article 8, Section 1(k) of the Constitution of the State of Florida (1968), requires the principal offices and permanent records of all county officers are to be located in the county seat of Palm Beach County. Over the course of time, the principal offices and/or permanent records retention facilities of several county officers have migrated beyond the geographic boundaries of the City of West Palm Beach. This Resolution ensures continuing compliance with the law. Countywide (JCM)

* * * * *

6. REGULAR AGENDA

A. ADMINISTRATION

1. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on May 20, 2008 at 9:30 am:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Ordinance 2007-006, revoking the ad valorem tax exemption granted to Florida Turbine Technologies, Inc.; providing for title; providing for enactment authority; providing for revocation of exemption/recovery of funds; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date. **SUMMARY:** The Board adopted Ordinance 2007-006 Economic Development Ad Valorem Tax Exemption Ordinance with Florida Turbine Technologies, Inc. on May 15, 2007. The Ordinance provided a four (4) year exemption for 100% of the assessed value of all qualifying tangible personal property acquired and added improvements to real property, excluding land. While Florida Turbine Technologies, Inc. has successfully contracted for the design, development and manufacturing of missile aerospace technology, they were unable to create and retain the required number of jobs in 2007. They received a tax exemption of \$23,104.43 for 2007. Due to their failure to achieve the job creation/retention goals, they have submitted these funds in payment of the applicable tax. Countywide (DW)

B. CLERK & COMPTROLLER

1. [Staff recommends motion to receive and file:](#) Presentation of the Palm Beach County Comprehensive Annual Financial Report (CAFR) for fiscal year ending September 30, 2007. **SUMMARY:** The Clerk & Comptroller's office will provide a year-end financial review based on the Palm Beach County Comprehensive Annual Financial Report (CAFR) for 2007. Countywide (PFK)

C. COUNTY ATTORNEY

1. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on May 20, 2008 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Sections 2-80.21 through 2-80.34 of the Palm Beach County Code, which codified Ordinance No. 2002-064, as amended by Ordinance No. 04-071 and Ordinance No. 05-048, and established the Small Business Enterprise Program; providing for definitions; providing for methods to achieve goals; providing for contract compliance requirements; providing for ranking of responsive bidders; providing for suspension debarment; providing for prompt payment; providing for procurement procedures; providing for SBE eligibility standards; providing for determination of a commercially useful business function; providing for application review procedures; providing for denial of certification; providing for resolution of appeals; providing for denial of recertification; providing for decertification; providing for hearing before a Special Master; providing for M/WBE Certification; providing for Small Business Advisory Committee; providing for repeal of laws in conflict; providing for deletion of referral for suspension or debarment; providing for severability; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date. **SUMMARY:** Changes to the SBE Ordinance are recommended to create a certification appeal process and provide further clarity in the Ordinance. Countywide (TKF)

6. REGULAR AGENDA

C. COUNTY ATTORNEY (Cont'd)

2. Staff recommends motion to approve:

A) \$70,000 increase in allocation of funds for expert litigation services, including certified appraisers, architects, land planners, and other experts necessary for the defense of the pending inverse condemnation lawsuit styled Mizner Trail Golf Club, Ltd., a Florida limited partnership, Plaintiff v. Palm Beach County, Florida, Defendant, Fifteenth Judicial Circuit, Case No. 2006CA004094XXXXMBAO. The payment of expert witness and consultants includes compensation for litigation services, the reimbursement of reasonably incurred expenses, and the reimbursement of reasonable litigation costs. The total amount of expert witness and consultant fees and costs will not exceed \$420,000 (\$350,000 initial allocation and \$70,000 increase); and

B) Budget transfer of \$70,000 in the General Fund from Contingency Reserves to the General Government – Expert Witness Fee line.

SUMMARY: The funding for expert witnesses, consulting, and litigation support services are reasonable and necessary for the County to properly and competently defend itself in the Mizner litigation. To the extent any portion of the allocated funds are unused during the pendency of the litigation, the remaining funds will be carried over to Fiscal Year 2008 or returned to General Fund upon conclusion of the litigation. District 4 (ATP) (County Attorney)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) approve a Management Plan for the Pine Glades Natural Area; and

B) authorize the Chairperson to sign Deeds of Conservation Easement to the South Florida Water Management District (SFWMD) and The Nature Conservancy (TNC) on behalf of the County, provided that the Deeds of Conservation Easement for the Pine Glades Natural Area do not substantially change the terms and conditions of the form Deed of Conservation Easement as previously approved by the Board on September 13, 2005 (R2005-1770).

SUMMARY: The Pine Glades Natural Area Management Plan (Plan) was developed by the Department of Environmental Resources Management (ERM). The Plan provides guidelines for proposed land management activities and public use facilities development on the Pine Glades Natural Area. It was recommended for approval by the Natural Areas Management Advisory Committee (NAMAC) on August 17, 2007, after careful consideration of public comments received at a public hearing held on July 25, 2007. The Pine Glades Natural Area is comprised of approximately 6,413 acres. This site was acquired by purchases in 1999, 2000, 2001, 2004 and 2005, a conservation easement for deed exchange in 2005, and acquisitions made through eminent domain proceedings in 2005 and 2006. Funds for the acquisitions were provided from the Palm Beach County Environmentally Sensitive Lands Bond Issue Referendum of March 12, 1991, the Palm Beach County Lands for Conservation Purposes Bond Issue Referendum of March 9, 1999, the County's Natural Area Stewardship fund, and from matching funds from the Florida Communities Trust. This site will be managed by ERM as part of the County's Natural Areas System, which is currently comprised of 36 sites. District 1 (SF)

6. REGULAR AGENDA

E. FACILITIES DEVELOPMENT & OPERATIONS

- 1. Staff request Board direction: regarding a request from the Boys & Girls Clubs of Palm Beach County for donation of approximately 2.5 acres of the County’s Haverhill Linear Park property. **SUMMARY:** The County accepted a 24 acre parcel of property, commonly known as Haverhill Linear Park, from the Town of Haverhill in May of 2007. It is a 210' wide strip extending from Belvedere Road to Southern Boulevard. At that time, the Board directed Staff to explore options for development of workforce housing on this property. The Boys & Girls Club has been attempting to site a new facility to replace its existing facility on 6th Street, just north of Belvedere Road. Staff has been working with the Boys & Girls Club to determine whether Boys & Girls Clubs could be accommodated on the Linear Park Property without substantially reducing the number of workforce housing units which could be developed. Staff has completed a preliminary analysis and conceptual site plan which indicates that Boys & Girls Clubs can be accommodated with only minimal impact on the number of units which could be developed. The Boys & Girls Clubs is requesting the Board provide confirmation that the Board is willing to donate property to Boys & Girls Clubs for development of its new facility at this location. The facility would be similar to the recently constructed facility in Wellington and include a full size gym, game rooms, computer lab and dance studio, as well as outdoor play areas. (PREM) District 6 (HJF)

F. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

- 1. Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on May 20, 2008 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Palm Beach County Unified Land Development Code, Ordinance 2003-67, as amended, by amending Article 13, concerning countywide impact fee amounts and regulations, as follows: amending Chapter A – to adjust administrative fees and to allow for certain public building impact fee credits; amending Chapter E – to adopt the most recent methodology and to decrease the law enforcement impact fees where appropriate; amending the following Chapters to adopt the most recent methodology and to maintain impact fees at their current amounts: Chapter B – County district, regional, and beach parks impact fee; Chapter C – Fire Rescue impact fee; Chapter D – Library impact fee; Chapter F – Public buildings impact fee; Chapter H – Road impact fees; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Unified Land Development Code; providing for an effective date. **SUMMARY:** Under Article 13.A.5.F of the ULDC, the Impact Fee Manager shall undertake a study of the Impact Fee system every two (2) years and recommend to the Board of County Commissioners whether any changes should be made to the fee schedules to reflect changes in the factors that affect the fee schedules. Dr. James Nicholas, Impact Fee Consultant, has completed the study and prepared a final report, *The 2007 Update of Impact Fees Prepared For Palm Beach County, January 5, 2008*. Based upon the actions taken, and direction given, by the Board of County Commissioners at its meeting on April 15, 2008, the proposed Ordinance amending Article 13, ULDC, provides for adjusting only those fee categories calculated in the consultant’s report to decrease from their current adopted amounts. These reductions affect only selected categories of the Law Enforcement impact fee, and are proposed to take effect on August 20, 2008. In addition to fee adjustments, the proposed Ordinance amending Article 13 contains two (2) policy revisions accepted by the Board at its meeting on April 15, 2008: (1) to increase the allowable administrative fee from 2% to 3.4%, the amount needed to cover the core cost of administering the program; and (2) to create a public buildings credit provision when civic sites are donated without specific, identified uses. This agenda item authorizes advertisement of a Public Hearing on implementation of adjusted impact fees and the other Ordinance amendments indicated. Countywide (LB)

* * * * *

7. BOARD APPOINTMENTS

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

1. **Staff recommends motion to ratify:** the appointment of the following member from the Palm Beach County League of Cities to replace Mayor David Lodwick as an Alternate on the Treasure Coast Regional Planning Council (TCRPC):

<u>Nominee</u>	<u>Seat No.</u>	<u>Requirement</u>
Councilman Terry Brown	7A	Palm Beach County Official

SUMMARY: The TCRPC consists of a total of 47 members: 19 regular and 19 alternates, which are elected officials; and nine (9) members which are appointed by the Governor. Palm Beach County is represented as follows: three (3) regular members and three (3) alternates must be members of the Palm Beach County Board of County Commissioners (BCC); as well as, five (5) regular and five (5) alternates, which are appointed by the Palm Beach County League of Cities (League of Cities) who must be elected officials. In accordance with the TCRPC policy, the BCC is required to ratify the League of Cities appointments. At its regular meeting on March 26, 2008, the League of Cities nominated Councilman Terry Brown from the Town of Ocean Ridge to replace Royal Palm Beach Mayor David Lodwick on the TCRPC. Countywide (RPB)

B. **FIRE RESCUE**
(Fire Code Board of Appeals and Adjustments)

1. **Staff recommends motion to approve:** the reappointment of three (3) members to the Fire Code Board of Appeals and Adjustments Committee for a three (3) year term, beginning on May 18, 2008, through May 17, 2011:

Reappoint:			
<u>Nominee</u>	<u>Category</u>	<u>Seat No.</u>	<u>Nominated By</u>
James Bauman	General Contractor	1	Commissioner Koons Commissioner Greene Commissioner Marcus Commissioner McCarty Commissioner Kanjian
Ed Oliver	Architect	4	Commissioner Koons Commissioner Greene Commissioner Marcus Commissioner McCarty Commissioner Kanjian
Roy Pollack	Fire Alarm Contractor	7	Commissioner Koons Commissioner Greene Commissioner Marcus Commissioner McCarty Commissioner Kanjian

SUMMARY: The Fire Code Board of Appeals and Adjustments is maintained in accordance with the Palm Beach County Local Amendments to the Florida Fire Prevention Code (Ordinance 2004-073). On February 15, 2008, a memo was distributed to the Commissioners requesting nominations to this nine (9) member board (At-Large). This Board is appointed by the Board of County Commissioners and members serve three (3) year terms, with no limit on the number of terms an individual may serve. No other nominations were received. Countywide (SB)

MAY 6, 2008

7. BOARD APPOINTMENTS

C. OFFICE OF FINANCIAL MANAGEMENT & BUDGET
(Impact Fee Review Committee)

1. Staff recommends motion to approve: the appointment of Jeffrey Naftal to the Impact Fee Review Committee to complete the unexpired term of Matty Mattioli for the period May 6, 2008, through September 30, 2010. **SUMMARY:** The Impact Fee Review Committee consists of seven (7) members and three (3) alternate members appointed by the BCC. The membership of the Committee includes three representatives from municipalities, three representatives from the business community, and one (1) member selected at-large. The alternate members include one (1) representative from each of the categories above. An alternate member shall be authorized to vote in place of an absent voting member appointed from the same category and shall count toward a quorum. This agenda item provides for the appointment of Jeffrey Naftal to complete the unexpired term of Matty Mattioli, Seat No. 3: Municipal representative. Mr. Mattioli has resigned from the Impact Fee Review Committee for personal reasons. Mr. Naftal is currently serving as an alternate member of the Committee. Countywide (LB)

7. BOARD APPOINTMENTS

D. **PALM TRAN**
(Palm Tran Service Board)

1. **Staff recommends motion to approve:** reappointment of six (6) at-large members from the following category to the Palm Tran Service Board:

<u>Nominee</u>	<u>Category & Seat Number</u>	<u>Term to Expire</u>	<u>Nominated By</u>
Leonard Tashman	Representative with Transportation Experience Seat No. 1	5/17/2010	Comm. Greene Comm. Marcus Comm. Koons Comm. Kanjian
Trudy McConnell	Environmental Advocate Seat No. 3	5/17/2010	Comm. Greene Comm. Marcus Comm. Koons Comm. McCarty
Marta Suarez-Murias	Business Community Rep. Seat No. 5	5/17/2010	Comm. Greene Comm. Marcus Comm. Koons Comm. McCarty Comm. Kanjian
John Parsons	Senior Citizens Representative Seat No. 7	5/17/2010	Comm. Greene Comm. Marcus Comm. Koons Comm. McCarty Comm. Kanjian
Roberta Van Sickle	Fixed Route Bus Rider Seat No. 9	5/16/2010	Comm. Greene Comm. Marcus Comm. Koons Comm. McCarty
Sidney Dinerstein	Citizen at Large Representative Seat No. 11	5/17/2010	Comm. Greene Comm. Marcus Comm. Koons Comm. Kanjian

SUMMARY: The Palm Tran Service Board was established December 18, 2001 (R2001-2241), and is currently comprised of eleven (11) at-large voting members from eleven (11) categories. The members are appointed by the Palm Beach County Board of County Commissioners. Members may service two (2) year terms with no limit on reappointments. The above incumbents of Seats 1, 3, 5, 7, 9 and 11, are members in good standing and have indicated their desire to continue to serve subsequent terms. A memo dated March 13, 2008, was circulated to the Board of County Commissioners along with the Board Appointment Nomination Forms. Countywide (DR)

7. BOARD APPOINTMENTS

E. PUBLIC SAFETY
(Victim Coordinating Council)

1. Staff recommends motion to approve: reappointment of one (1) at-large member to the Victim Coordinating Council for the terms indicated below:

<u>Nominee:</u>	<u>Representing/Seat No.:</u>	<u>Terms:</u>	<u>Nominated by:</u>
Rabbi Richard M. Yellin	Person Ordained for Religious Services/16	05/06/08-05/05/2010	Comm. Aaronson Comm. Greene

SUMMARY: The Victim Coordinating Council is composed of 16 members consisting of: a County Commissioner; State Attorney; Public Defender; Domestic Court Judge; President of the Chief’s of Police Association; Sheriff; District Administrator of the Florida Department of Children & Families; Director of the Health Department; District Administrator of the Florida Department of Corrections; Director of the Health Care District; Victim Services Compensation Coordinator; a victim of a violent crime; a person from the public with an interest in victim services; and a person ordained for religious services. Rabbi Yellin has been actively participating on the Council since 2006, and has expressed a desire to continue. Memos were sent to the Board on March 3, 2008 and March 18, 2008 notifying the Board of the expiration and vacant position. No other nominations were received. Countywide (DW)

F. COMMISSION DISTRICT APPOINTMENTS

MAY 6, 2008

8. MATTERS BY THE PUBLIC – 2:00 P.M.

MAY 6, 2008

9. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

MAY 6, 2008

10. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS

B. District 2 - COMMISSIONER JEFF KOONS, VICE CHAIR

C. District 3 - COMMISSIONER ROBERT J. KANJIAN

D. District 4 - COMMISSIONER MARY MCCARTY

E. District 5 - COMMISSIONER BURT AARONSON

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

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

Proclamation declaring May 2008 as "Juror Appreciation Month" in Palm Beach County.

Proclamation declaring May 4 – 10, 2008 as "Correctional Officers Week" in Palm Beach County.

Proclamation declaring April 13 – 19, 2008 as "National Crime Victims' Rights Week" in Palm Beach County.

11. ADJOURNMENT

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

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

MAY 6, 2008

<u>PAGE</u>	<u>ITEM</u>	
10	3C-8	<u>DELETED:</u> Staff recommends motion to adopt: a Resolution approving recordation and filing of a Specific Purpose Survey Maintenance Map with the Clerk of the Circuit Court of and for Palm Beach County (County), Florida, certifying that 60 th Street North...(Engineering) (Further staff review)
25	3L-2	<u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to approve: A) Amendment No. 2 to the State of Florida Agreement No. LP6077 with the Florida Department of Environmental Protection (FDEP) (R2006-0579) to extend the Agreement period to December 31, 2010, and <u>to modify reporting and change requirements, and to provide for a \$750,000 reimbursement increase from \$2,050,000 to \$2,800,000 for projects in the Capital Outlay Fund, within the Chain of Lakes System; and....B)....SUMMARY:</u> The Florida Department of Environmental Protection Agreement (R2006-0579) will reimburse \$750,000 of these costs and requires a \$750,000 cost share through a combination of match and in-kind funds. The FDEP Agreement will reimburse \$367,692 for Palm Beach County Engineering and Public Works Department {Towns of Cloud Lake and Glen Ridge Infrastructure Improvements};(ERM)
30	3Q-1	<u>REVISED TITLE:</u> Staff recommends motion to approve: an <u>Second</u> Amendment to the Interlocal Agreement (R2007-0332) in the amount of \$100,000 and an extension from April 23, 2008 to April 22, 2009 with Florida State University...(CJC)
33	3CC-1	<u>DELETED:</u> Staff recommends motion to: A) accept on behalf of the Palm Beach County Sheriff's Office, donations from the citizens of Palm Beach County held in trust by the Police Athletic League in the amount of \$75,081 for the Palm Beach County Sheriff's Office Community Events Program; and...(PBSO) (Further staff review)
39	6A-1*	<u>DELETED:</u> Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on May 20, 2008 at 9:30 am: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Ordinance 2007-006, revoking the ad valorem tax exemption granted to Florida Turbine Technologies, Inc.....(Admin/Economic Development) (Further staff review)
37	4L & M*	Reordered to be first (4L/Safe Harbor Fire Responders) and second (4M/Homeless Outreach Team) items under Special Presentations
39	6C-1	<u>REVISED SUMMARY:</u> Changes to the SBE Ordinance are recommended to create a certification appeal process, <u>allow for suspension or disbarment of vendors who fail to comply with the Ordinance, allow for a sheltered market program for SBEs on contracts under \$250,000,</u> and provide further clarity in the Ordinance. (County Attorney)
48	10G	<u>ADD-ON:</u> Proclamation declaring May 10, 2008 as "Knights of Pythagoras Mentoring Network's Ladies of Distinction Day" in Palm Beach County. (Sponsored by Commissioner Greene)

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 (*).