

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

OCTOBER 17, 2006

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

**COMMISSION
CHAMBERS**

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

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

- 3. CONSENT AGENDA (Pages 7 - 39)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 40 - 43)**

- 5. REGULAR AGENDA (Pages 44 - 49)**
TIME CERTAIN - 11:00 A.M. (Welcome to the Honorable Countess Eva Kendeffy) (Page 49)
TIME CERTAIN - 11:30 A.M. (Attorney-Client Session - Westgate Tabernacle, Inc.) (McEaddy) (Page 45)

- 6. BOARD OF COUNTY COMMISSIONERS SITTING AS THE CHILD CARE FACILITIES BOARD (Page 50)**

- 7. BOARD APPOINTMENTS (Pages 51 - 53)**

- 8. STAFF COMMENTS (Page 54)**

- 9. COMMISSIONER COMMENTS (Page 55)**

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** Amendments to seven (7) consulting/professional services contracts for state lobbying on behalf of Palm Beach County to extend the term for one (1) year to October 31, 2007 as follows:

A) First Amendment to the contract with Akerman Senterfitt (R2005-2299) in the amount of \$45,000;

B) First Amendment to the contract with Pittman Law Group (R2005-2301) in the amount of \$45,000;

C) First Amendment to the contract with Ericks Consultants (R2005-2302) in the amount of \$45,000;

D) First Amendment to the contract with Corcoran and Associates (R2005-2303) in the amount of \$45,000;

E) First Amendment to the contract with The Moya Group (R2005-2304) in the amount of \$45,000;

F) First Amendment to the contract with GMA (R2005-2298) in the amount of \$55,000; and

G) First Amendment to the contract with Henry Dean and Associates, Inc. (R2005-2297) in the amount of \$60,000.

SUMMARY: The original term of the contracts with the above seven (7) firms for state lobbying was for November 1, 2005, through October 31, 2006. The amendments extend the term another year from November 1, 2006, through October 31, 2007. The amendments also include a provision for business-automobile liability insurance and an article relating to regulations and licensing requirements. All other provisions, including the original contract amounts have not been amended. Countywide (DSW)

2. **Staff recommends motion to approve:** a Contract with Foley & Lardner, LLP for consulting/professional services for state lobbying on behalf of Palm Beach County for the period of November 1, 2006, through October 31, 2007, in the amount of \$45,000. **SUMMARY:** At the December 5, 2005 meeting of the Board of County Commissioners, the Board approved the hiring of Capitol Resources, LLC for state lobbying services for the 2005-2006 year. Capitol Resources has merged with the law firm of Foley & Lardner, LLP. Countywide (DSW)
3. **Staff recommends motion to approve:** Amendment No. 4 to the contract with U.S. Strategies Corp. (R2002-1806) for federal lobbying on behalf of Palm Beach County for the period of November 1, 2006, through October 31, 2007, in the amount of \$134,009.40. **SUMMARY:** On October 22, 2002, the Board approved a one (1) year consulting/professional services contract with U.S. Strategies Corp. for the period of November 1, 2002, through October 31, 2003 in the amount of \$110,250. The previous amendments provided for an additional one (1) year period and increased the annual contract by 5%. Amendment No. 4. extends the contract for another one (1) year period (November 1, 2006 - October 31, 2007) for a total annual contract amount of \$134,009.40, which is a 5% increase over the current annual contract. Countywide (DSW)

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

4. **Staff recommends motion to approve:** grants in a total amount not-to-exceed \$30,000 for the Handicapped Accessibility and Awareness Program with the following non-profit agencies, in the amounts and for the services indicated for the period October 1, 2006, through September 30, 2007:

A) Seagull Industries for the Disabled, Inc. to cover a portion of the costs for the replacement of three (3) sets of existing handrails at the entrance to the facility in an amount not-to-exceed \$5,000;

B) Palm Beach Habilitation Center, Inc. to install two (2) automatic doors and replace existing handrails to improve accessibility to the Center's programs in an amount not-to-exceed \$5,000;

C) YMCA of the Palm Beaches to cover the costs for replacing an existing manual swing door with an automatic door in an amount not-to-exceed \$3,950;

D) The Archer Disability Foundation to cover a portion of the costs of a Disability Mentoring Week event for students at five (5) Palm Beach County high schools in an amount not-to-exceed \$2,335;

E) The Florida Outreach Center for the Blind, Inc. to purchase supplies allowing it to teach independent living skills and to host a holiday party for blind children and their families in an amount not-to-exceed \$5,000;

F) Coalition for Independent Living Options allowing it to purchase a stove to teach independent living cooking classes and for the installation of outdoor lighting in its parking lot in an amount not-to-exceed \$5,000; and

G) Deaf Service Center of Palm Beach County to cover a portion of the expenses for education and outreach tools in amount not-to-exceed \$3,715.

SUMMARY: The funds for this grant are derived from fines collected from parking violations in designated disabled parking spaces. County Ordinance 92-29 provides that revenue from these fines shall be used to improve accessibility and equal opportunity to qualified physically disabled persons in the County and to provide funds to conduct public awareness programs concerning physically disabled persons. Countywide (TKF)

5. **Staff recommends motion to ratify:** the Chairman's signature on a Cooperative Agreement No. FF204K064023 (Charge Resolution Contract) with the U. S. Department of Housing and Urban Development (HUD) allowing the Office of Equal Opportunity (OEO) to receive revenue in the total amount of \$132,697, as payment for processing and resolving housing discrimination complaints. **SUMMARY:** Execution of this Agreement was required prior to September 30, 2006, in order for OEO to meet HUD's FY 2006 federal funding deadlines. This Cooperative Agreement is in the amount of \$132,697 (\$104,797 - complaint processing; \$17,900 - training funds; and \$10,000 - administrative costs.) Countywide (TKF)

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

6. **Staff recommends motion to approve:** Neighborhood Partnership Grant (NPG) funding recommendations for Fiscal Year 2006-2007:
- A)** an Agreement with Belle Glade Housing Authority in an amount not-to- exceed \$20,000 to remove and relocate existing playground equipment;
 - B)** an Agreement with Westgate/Belvedere Homes Community Redevelopment Agency in an amount not-to-exceed \$5,700 to install neighborhood signs and sign toppers;
 - C)** an Agreement with Country Club Acres, Inc. in an amount not-to-exceed \$8,800 to restore lake, improve the appearance of the park, paint clubhouse and replace basketball court equipment;
 - D)** an Agreement with Noah Development Corp, Inc. in an amount not-to-exceed \$4,100 to plant trees, replace entrance sign, repaint buildings and replace a fence;
 - E)** an Agreement with Homes at Lawrence Homeowners Association, Inc. in an amount not-to-exceed \$2,400 to landscape vacant area, remove trash, install water pump, install sprinkler heads, plant trees and lay sod;
 - F)** an Agreement with Knollwood Club Condominium Association, Inc., in an amount not-to-exceed \$4,700 to repair fencing, install landscaping and add trees;
 - G)** an Agreement with Lake Mango Shores Property Owners' Association, Inc. in an amount not-to-exceed \$4,200 to remove trees and landscape area;
 - H)** an Agreement with Lake Worth West Resident Planning Group, Inc. in an amount not-to-exceed \$5,100 to purchase and install vandal-proof dome infra-red surveillance cameras;
 - I)** an Agreement with Lantana Homes Homeowners Association, Inc. in an amount not-to-exceed \$20,000 to install a community policing satellite office;
 - J)** an Agreement with Palm Beach County Housing Authority (Marshall Heights Apartments) in an amount not-to-exceed \$4,000 to purchase and install a community sign and basketball equipment and mulch;
 - K)** an Agreement with Ilene Long an individual representing Old Trail Community Watch in an amount not-to-exceed \$4,500 to purchase neighborhood entrance signs and street sign toppers;
 - L)** an Agreement with Okeechobee Council on Aging, Inc. in an amount not-to-exceed \$16,000 to install fencing and landscaping;
 - M)** an Agreement with Palm Beach County Sheriff's Office in an amount not-to-exceed

\$20,000 to replace existing fence at park, purchase and install signboards and landscaping;

N) an Agreement with Palm Beach County Sheriff's Office in an amount not-to-exceed \$12,600 to purchase a trailer, lawn and community maintenance equipment;

O) an Agreement with Pleasant Ridge Property Owners Association, Inc. in an amount not-to-exceed \$20,000 to install electricity to entrance sign, drill well, install sprinkler system and landscape entrance; and

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

6. CONTINUED:

P) an Agreement with San Castle Community Leadership Organization, Inc. in an amount not-to-exceed \$14,600 to purchase community outreach equipment and materials for the community center.

SUMMARY: The following projects were reviewed and approved by the Neighborhood Partnership Grant Program Review Committee (NPGRC) on August 23, 2006, and are being recommended for funding. Countywide (AH)

B. CLERK AND COMPTROLLER

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

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Regular	July 11, 2006
Biotechnology Development District	July 11, 2006
Zoning	July 27, 2006
Comprehensive Plan	August 21, 2006

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

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** Supplemental Agreement No. 2 to Project Agreement (R2003-1658) in the amount of \$115,212.51 with Wantman Group, Inc. (WGI) for professional services. **SUMMARY:** This Supplemental Agreement will provide the services necessary for the preparation of design plans and construction bid documents separating the original project into two (2) phases for Palmetto Park Road from west of Powerline Road to I-95 (Project) and for required signalization design. District 4 (PFK)

2. **Staff recommends motion to approve:** a \$251,475 Agreement with Keshavarz & Associates, Inc. (KAI) for a joint planning and engineering effort for the Lake Worth Road Corridor Redevelopment Study (Project). **SUMMARY:** The Agreement will allow KAI to provide the engineering and planning services for a Redevelopment Master Plan for the Project. District 3 (MRE)

3. **DELETED**

4. **Staff recommends motion to approve:** an Interlocal Agreement with the Town of Lantana (Town) in the amount of \$105,872 for completion of road improvements and landscaping as part of the East Ocean Avenue construction project (Project). **SUMMARY:** This Interlocal Agreement with the Town will fund the completion of the project utilizing funds left over from a previous agreement with the Town, at no additional cost to the County. District 4 (MRE)

OCTOBER 17, 2006

3. **CONSENT AGENDA APPROVAL**

C. ENGINEERING & PUBLIC WORKS (Cont'd)

5. **Staff recommends motion to approve:** an Agreement with City of Boca Raton (City) to provide partial funding to build a north approach right turn lane at the intersection of Yamato Road and Military Trail. **SUMMARY:** The City will be widening Yamato Road west of Military Trail. This roadway project will include improvement to the intersection of Yamato Road and Military Trail. The funds will allow the City to construct a right turn lane on the north approach of the intersection. District 4 (MRE)

6. **DELETED**

7. **DELETED**

8. **Staff recommends motion to approve:** the Fiscal Year 2006/2007 Pathway Program. **SUMMARY:** A list of the proposed projects in the Annual Pathway Program for the Fiscal Year 2006/2007 has been compiled in response to requests from the Palm Beach County School Board, Palm Beach County Sheriff's Office, members of the Board of County Commissioners, and residents of Palm Beach County. The proposed projects include 15 new construction projects and 11 major maintenance projects. The total program cost is \$1,700,000 and is divided into the following categories:

Major Maintenance\$385,000
School Related\$349,000
Non-School Related\$748,000
ADA and Minor Maintenance \$50,000
Cost and Feasibility Studies \$50,000
Fast Track Schools\$118,000
Total \$1,700,000

Districts 1, 2, 4, 6 & 7 (MRE)

9. **Staff recommends motion to approve:** a Construction Agreement with CSX Transportation, Inc. (CSXT) Railroad in the amount of \$461,573 for the relocation of the CSXT signal bridge and the replacement of the rubberized at-grade railroad crossing surface at Northlake Boulevard with a concrete at-grade railroad crossing surface. **SUMMARY:** This Agreement will fund the relocation of the CSXT signal bridge and the reconstruction of the at-grade railroad crossing surface at Northlake Boulevard. The license agreement (R92-916D; dated July 7, 1992) with CSXT requires that Palm Beach County fund the cost of all activities associated with the railway crossing at Northlake Boulevard. Districts 1 & 6 (MRE)
10. **Staff recommends motion to approve:** Amendment No. One to the Joint Participation Agreement (R2006-0818), dated June 9, 2006, with the Florida Department of Transportation (FDOT) to reimburse Palm Beach County (County) for damage to Federal Highway Administration (FHWA) Federal Aid System roads caused by Hurricane Wilma. **SUMMARY:** This Amendment will add two (2) additional categories of reimbursement for the County: FM No. 420529-3-E8-02 - signals, FM No. 420529-3-F8-01 - signage, and increase by \$2,300,000 the initial County claim of \$694,407, bringing the total County claim to \$2,994,407. Countywide (MRE)

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3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

11. **Staff recommends motion to approve:** an Amendment to the Joint Participation Agreement No. ANW 74 (R2005-0531), dated April 19, 2005, amended December 30, 2005 (R2005-2206), April 14, 2006 (R2006-0319), May 17, 2006 (R2006-0642) with the Florida Department of Transportation (FDOT) to reimburse Palm Beach County (County) and the local municipalities for damage to Federal Highway Administration (FHWA) Federal Aid System roads, traffic signs and signals caused by Hurricane Jeanne. **SUMMARY:** This Amendment will reallocate funds between categories of claims that will be paid to the County within the amended total costs submitted by the County to FDOT. This reallocation will have no additional fiscal impact. Countywide (MRE)
12. **Staff recommends motion to approve:**
- A)** an Interlocal Agreement in the amount of \$277,000 with the City of Pahokee (City) for street improvements to City roads; and
- B)** a Budget Transfer of \$277,000 in the Transportation Improvement Fund from Reserve for District 6 to Pahokee Street Improvements – District 6.
- SUMMARY:** This Interlocal Agreement and Budget Transfer will reimburse the City up to \$277,000 for street improvements to City roads within City limits. District 6 (MRE)
13. **Staff recommends motion to approve:**
- A)** an Interlocal Agreement in the amount of \$150,000 with Loxahatchee Groves Water Control District (LGWCD) for improvements to F Road within the LGWCD; and
- B)** a Budget Transfer of \$150,000 in the Transportation Improvement Fund from Reserve for District 6 to LGWCD F Road – District 6.
- SUMMARY:** This Interlocal Agreement and Budget Transfer reimburses the LGWCD the amount of \$150,000 for improvements to F Road, a District road, within the LGWCD. The funds used for this come from the 2007 District gas taxes. District 6 (MRE)
14. **Staff recommends motion to approve:**
- A)** an Amendment to the Reimbursement Agreement (R2006-0306), dated February 28, 2006, with the City of Delray Beach (City) for the addition of curbing to the west side of Barwick Road; and
- B)** a Budget Transfer of \$38,000 in the Transportation Improvement Fund from Reserve for District 4 to City of Delray Beach Barwick Road Curbing – District 4.
- SUMMARY:** This Amendment and Budget Transfer will change the scope of work for the project to include drainage, increase the funding of the project by \$38,000 to a total of \$51,300, and extend the completion date of the project to December 31, 2007. District 4 (MRE)

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3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

15. [Staff recommends motion to approve:](#) Amendment No. Three to the Joint Participation Agreement, ANW 73 (R2005-0529); dated April 19, 2005, amended January 10, 2006 (R2006-0053) with the Florida Department of Transportation (FDOT) to reimburse Palm Beach County (County) and local municipalities for damage to Federal Highway Administration (FHWA) Federal Aid System roads, traffic signs and signals caused by Hurricane Frances. **SUMMARY:** This third Amendment will reallocate FHWA approved funds within the categories identified in Exhibit B at the request of the FDOT and causes no additional fiscal impact. Countywide (MRE)

16. [Staff recommends motion to approve:](#) Change Order No. 2 in the amount of \$339,672 together with a 90-day time extension to Contract No. R2006-0752 with J. W. Cheatham, Inc. for construction of Haverhill Road from 10th Avenue North to Purdy Lane. **SUMMARY:** Change Order No. 2 is required due to unforeseeable site conditions. It includes the removal and replacement of the existing french drain system and associated roadway as required from the LWDD L-9 Canal to approximately 400 feet south of Purdy Lane. For the most part, the Change Order uses existing contract line items and prices. District 2 (MRE)

D. COUNTY ATTORNEY

1. [Staff recommends motion to receive and file:](#) the Official Transcript for the closing of the Palm Beach County, Florida \$115,825,000 Taxable General Obligation Refunding Bonds, Series 2006 (Land Acquisition Program) (the "Bonds") and Palm Beach County, Florida Registered Coupons (Land Acquisition Program) (the "Registered Coupons") for refunding the prior Bonds issued for the Land Acquisition Program, as authorized by Resolution R2006-0901 adopted on May 16, 2006. The closing occurred July 10, 2006. **SUMMARY:** On May 16, 2006, the Board adopted Resolution No. R2006-0901, amending and supplementing Resolution No. R2005-1033, adopted by the Board on May 17, 2005, authorizing the issuance of the Bonds. The closing occurred July 10, 2006. The Official Transcript for this transaction has been provided. This Transcript should now be received and filed in the Minutes Department. Countywide (PFK)

E. COMMUNITY SERVICES

1. [Staff recommends motion to approve:](#) Amendment No. 004 to Standard Agreement

No. IDD05-1 (R2005-0312; dated February 15, 2005) for the Older Americans Act Disaster Relief Program (OADR) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period January 1, 2005, through June 30, 2006, increasing the agreement amount by \$12,725 for case management services. **SUMMARY:** This agreement enables the Division of Senior Services (DOSS) to provide various emergency home repair services; the new total not-to-exceed agreement amount with this Amendment is \$552,725. This Amendment was received by DOSS on September 14, 2006. (DOSS) Countywide except for portions of Districts 3, 4, 5 & 7 south of Hypoluxo Road (TKF)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. **Staff recommends motion to approve:** Amendment No. 003 to Standard Agreement No. IH005-1 (R2005-1308; dated July 12, 2005) for the Home Care for the Elderly (HCE) Program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2005, through June 30, 2006, increasing the agreement amount by \$1,068 for case management services. **SUMMARY:** This agreement enables the Division of Senior Services (DOSS) to provide care in family type living arrangements in private homes as an alternative to nursing home or other institutional care. The new total not-to-exceed agreement amount with this Amendment is \$187,443. This Amendment was received by DOSS on September 18, 2006. (DOSS) Countywide except for portions of Districts 3, 4, 5 & 7 south of Hypoluxo Road (TKF)

3. **Staff recommends motion to approve:** Head Start Delegate Agency Agreement with The School Board of Palm Beach County in an amount not-to-exceed \$1,075,528 for the period October 1, 2006, through September 30, 2007. **SUMMARY:** The School Board of Palm Beach County (Delray Full Service Center) will provide services for up to 185 children for 180 days at an annual rate of \$5,813.66 per child in an amount not-to-exceed \$1,075,528. There are not sufficient County facilities to accommodate all 1,871 authorized slots for children three (3) and four (4) years of age in the Head Start program. Therefore, the County enters into delegate agency contractual agreements with child care agencies to provide comprehensive Head Start services. Funding consists of \$860,422 (80%) in Federal funds and \$215,106 (20%) in County funds. The County's portion is included in the FY 2007 budget. (Head Start) Countywide (TKF)

F. AIRPORTS

1. **Staff recommends motion to approve:** an Agreement with the Florida Airports Council (FAC) for Palm Beach County Department of Airports to host the 39th Annual

Conference and Trade Show in 2008 at The Breakers Hotel. **SUMMARY:** The FAC has selected The Breakers Hotel in Palm Beach as the location for the 39th Annual Conference and Trade Show beginning Saturday, July 19, 2008 until Thursday, July 24, 2008. This annual event draws an estimated 700+ participants, including FAC members, nationally recognized speakers, corporate sponsors and aviation industry exhibitors for the largest single-state aviation conference in the nation. Expected attendees include federal and state leaders, as well as industry professionals who will discuss national and state issues affecting Florida's airports. Palm Beach County Department of Airports' responsibilities as host include hotel logistics, on-site assistance in registration of participants, development of conference program and sponsorship of "Welcome to Palm Beach County" reception. In hosting the event, the Department is making a financial commitment of \$50,000. This financial commitment may be funded in part by corporate sponsors. Countywide (LMB)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. Staff recommends motion to approve:

A) Contract with ThyssenKrupp Airport Systems, Inc. in the amount of \$ 15,360,608 for the replacement of passenger loading bridges at Palm Beach International Airport (PBI);

B) Budget Amendment of \$3,695,000 in the Airports Improvement and Development Fund to authorize additional funding for the project and recognize additional transfers from the Passenger Facility Charge Fund; and

C) Budget Transfer of \$3,695,000 in the Airports Passenger Facility Charge Fund to authorize additional transfers to the Airports Improvement and Development Fund, including a transfer from reserves.

SUMMARY: This project was advertised utilizing the request for proposals process. On March 28, 2006, three (3) proposals were received to replace existing passenger loading bridges at PBI. Following the County's RFP process, the Selection Committee selected ThyssenKrupp Airport Systems, Inc. as the best qualified firm to perform these services in the amount of \$15,360,608. Total funding for the project is \$16,320,000, which includes staff time, other contractors, and contingency. The Small Business Enterprise (SBE) goal is 15%. ThyssenKrupp Airport Systems, Inc. proposal met 7.2% SBE participation. Countywide (JCM)

3. Staff recommends motion to approve: General Aeronautical Services Agreement (GASA) with ARAMARK Aviation Services Limited partnership (ARAMARK) for general aeronautical services performed at PBI. **SUMMARY:** ARAMARK performs various services for Concourse "C" air carriers, including but not limited to, ticket verification at

the security check point. The GASA contractually binds ARAMARK to the County for 7% of gross revenues from non-signatory air carriers. Term is for one (1) year, October 1, 2006 to September 30, 2007, with a renewal option on a year-to-year basis. Countywide (LMB)

4. **Staff recommends motion to approve:** Amendment No. 3 to the General Consulting Agreement with CH2M Hill, Inc. in the amount of \$1,576,510 for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program. **SUMMARY:** The General Consulting Agreement (R2005-0319) with CH2M Hill, Inc. was approved on February 15, 2005 in the amount of \$2,443,804 to carry out the approved Capital Improvement Program for the County's Airports. On February 7, 2006, the County entered into Amendment No. 1 (R2006-0194) in the amount of \$3,529,490 to provide additional services. On May 16, 2006, the County entered into Amendment No. 2 (R2006-0841) in the amount of \$1,799,212 to provide additional services. The services identified and negotiated in this Amendment No. 3 are as follows: Property Acquisition Services, Stormwater Management Master Plan and SFWMD Conceptual Environmental Resource Permit Application, Letter of Intent Application and Benefit Cost Analysis, Delay and Capacity Simulation Study, Environmental Impact Statement Planning Support, FEMA Disaster Assistance and Request for Proposal (RFP) Development, as well as various miscellaneous and administrative services, including staff extension, planning and engineering, construction administration, maintenance support and County permitting reviews. The fee for this Amendment is \$1,576,510 bringing the total cumulative amount of the Agreement to \$9,349,016. Certain tasks performed during the term of this contract will be eligible for state and federal grant participation. Including this Amendment, more than 55 percent of the total fee is eligible for state and federal grant funding. The proposed fee was verified in accordance with FAA Advisory Circular 150/5100-14C by use of an Independent Fee Analysis conducted by a neutral third party firm (The LPA Group, Inc.) for those tasks that are eligible for grant funding. The DBE participation in this Amendment is 11.57%. The goal for this agreement is 25% and when combined with previous amendments, the total participation is 28.52%. Countywide (JCM)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

5. **Staff recommends motion to approve:** Budget Amendment of \$2,827,967 in the Airports Improvement and Development Fund to recognize grant funding from the Federal Aviation Administration (FAA); authorize budget of \$1,576,510 for Amendment No. 3 to the CH2M Hill companion agenda item; and increase reserves by \$1,251,457. **SUMMARY:** The FAA issued a grant to the County in the amount of \$2,827,967 to be used for an Environmental Impact Statement (EIS) at Palm Beach International Airport. Grant funds in the amount of \$2,155,464 will fund a portion of the professional services contract with URS Corporation Southern. This amount replaces 75% of the local funding previously committed for the contract, approved by the Board on August 15, 2006. The

local funding replaced by the grant will be returned to reserves. Additionally, this Budget Amendment will provide expenditures of \$1,576,510 for Amendment No. 3 to the professional services agreement with CH2M Hill, of which \$672,503 will be funded by the FAA grant. The CH2M Hill amendment is a companion item to this Budget Amendment. The remaining expenditures will be funded by airport reserves. Countywide (LMB)

6. **Staff recommends motion to adopt:** a Resolution approving a Supplemental Joint Participation Agreement (SJPA) with the Florida Department of Transportation (FDOT) in the amount of \$82,493.91 for security improvements at Palm Beach International Airport (PBIA). **SUMMARY:** In accordance with legislation passed by the State of Florida (Chapter 2001-349 S.B.No.48-B), reallocation of funding has been requested from the Florida Department of Transportation for security improvements at PBIA. The FDOT has committed their funding share in the amount of \$82,493.91 or 100% of the total project cost. This SJPA will allow for funds previously allocated to construct apron & taxiway at North County General Aviation Airport (NCO) to be used towards security improvements at PBIA. Countywide (LMB)

7. **Staff recommends motion to adopt:** Resolution repealing existing aircraft parking fees at the Palm Beach County Park Airport (“Lantana Airport”); authorizing the County Administrator or his designee to establish said aircraft parking fees; providing for notice of rates; providing for severability; providing for repeal of conflicting resolutions; providing for review of rates by the Aviation and Airports Advisory Board; and providing for an effective date. **SUMMARY:** The Department of Airports recommends approval to repeal the existing aircraft parking fee rates for the Palm Beach County Park Airport approved by the Board on September 7, 1982, and to establish new aircraft parking fees applicable to operable and non-operating aircraft parked or stored at Lantana Airport. The Department of Airports also recommends the County Administrator, or his designee, be authorized to modify the aircraft parking fee, within limits established by the Resolution. The Aviation and Airports Advisory Board reviewed and approved the Resolution in their meeting on September 20, 2006. Countywide (LMB)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

8. **Staff recommends motion to approve:** two (2) ground lease agreements with Investment Corporation of Palm Beach (d/b/a Palm Beach Kennel Club) for \$12,500 per season, plus utilities to provide for overflow parking of vehicles during the peak holiday travel season at Palm Beach International Airport (PBIA). **SUMMARY:** Due to the construction of the new long term parking garage, 750 parking spaces have been taken out of service at PBIA. As a contingency, staff is recommending a short term lease of

11.73 acres for overflow parking during the holiday season which will provide approximately 1,200 parking spaces. Two (2) lease agreements are attached to the agenda item, one (1) for the 2006 holiday season and one (1) for the 2007 season. The lease terms are from November 15, 2006 to January 31, 2007; the cost is \$12,500 for each holiday season plus electric. The agreement provides for additional month-to-month terms, if necessary, at a cost of \$4,500 per month. The County may cancel the agreement with advance notification to the Lessor. This contingency is necessary to accommodate travelers in the event all available parking spaces on the airport are used during the peak holiday periods. The site was chosen because of its close proximity to the Airport and the property has safe and easy access for drivers. The airport will provide security patrols and lighting at the site during use. Shuttle transportation between the overflow lot and the Airport will be provided. Countywide (LMB)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff recommends motion to adopt:** a Resolution with attachments authorizing the negotiation of a loan in an amount not-to-exceed \$17 Million from the Sunshine State Governmental Financing Commission (Sunshine Loan) for the purpose of acquiring, constructing and erecting certain capital improvements; approving the execution and delivery of a loan agreement; providing for the repayment of such loan from certain legally available revenues of the County; providing certain other matters in connection with the making of such loan; and providing an effective date. **SUMMARY:** On October 3, 2006, the Board approved the purchase and sale of approximately 150 acres of land within the County's Cypress Creek Natural Area from RV Holding Co., Inc., a Florida Corporation for \$16,109,280. The Board also approved using a loan from the Sunshine Loan to finance the acquisition and any costs incurred by the County with respect to the purchase. The potential Sunshine Loan was approved by the Board of Directors of the Sunshine State Governmental Financing Commission at its meeting on September 22, 2006. It is anticipated that the loan will close in early December, 2006. Countywide (PFK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** JOC Work Order No. 06-191 with Holt Construction (R2005-0538) in the amount of \$204,131.53 to provide additional work for the installation of a new emergency generator for the Palm Tran offices. **SUMMARY:** The work consists of additional electrical work, a larger generator housing, a concrete block wall and fencing, an additional transfer switch, and landscaping/irrigation; all associated with the previously approved purchase and installation of one new 900 kw back-up emergency generator, a 2,000 gallon convault double wall diesel fuel tank. The SBE participation in this Work Order is 100% overall. When the participation for this Work Order is added to Holt's total participation-to-date, the resulting values are 100% overall. The SBE goals are 15% overall. 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 7 (JM)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve:

A) a Budget Transfer of \$70,000 from the Fire Rescue Improvement Fund to increase the South Bay Fire Station project funding from \$350,000 to \$420,000; and

B) JOC Work Order No. 06-216 with M.A.C. Construction, Inc. (R2005-0537) in the amount of \$333,700.86 to renovate the old South Bay Fire Station.

SUMMARY: The \$70,000 Budget Transfer is necessary to fund the project based on the construction contract award and most recent estimates for other costs. The work consists of the interior remodeling of 1,500 square feet for use as office/living space for Fire Rescue including bathrooms, kitchen, bunk area, offices, etc. The SBE participation in this Work Order is 0% overall. When the participation for this Work Order is added to M.A.C.'s total participation-to-date, the resulting values are 15.1% overall. The goals are 15% overall. The total construction duration is 120 days. This work will comply with all applicable local, state, and federal codes and regulations. (FD&O Admin) District 6 (JM)

3. Staff recommends motion to approve: an annual Contract with Andrea Construction, Inc. in an amount not-to-exceed \$499,999.99 as one (1) of seven (7) approved residential renovations contractors for residential building contracting services on an "as-needed" basis for projects typically under \$25,000 each. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity contract with a maximum value of \$499,999.99. The Contract will terminate when a total of \$499,999.99 in work orders is issued or when the one (1) year time period has expired, whichever occurs first. The Contract provides for up to four (4) - one (1) year renewals, each for a not-to-exceed amount of \$499,999.99, at the sole option of the County. Staff will review the status of the contractor's certifications annually, prior to renewal, to ensure the firm remains qualified under the original pre-qualification criteria. The Contract allows for the award of all types of work not typically appropriate for assignment to commercial contractors, work will primarily be awarded to address requests from the Division of Senior Services (DOSS) and the County Community Revitalization Team (CCRT), as well as routine boardups for PREM, HCD, PZB etc. Work orders are to be awarded on a lump-sum, competitively quoted basis among the pool of seven (7) contractors. Any work performed will be in accordance with the Contract. The specific magnitude of the work shall be determined by individual work orders issued by Palm Beach County. The goal for SBE participation is 15% overall. (FD&O Admin) Countywide (JM)
4. Staff recommends motion to approve: an annual Contract with All-Site Construction in an amount not-to-exceed \$499,999.99 as one (1) of seven (7) approved residential renovations contractors for residential building contracting services on an "as-needed" basis for projects typically under \$25,000 each. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity contract with a maximum value of \$499,999.99. The Contract will terminate when a total of \$499,999.99 in work orders is issued or when the one (1) year time period has expired, whichever occurs first. The Contract provides for

up to four (4) - one (1) year renewals, each for a not-to-exceed amount of \$499,999.99, at the sole option of the County. Staff will review the status of the contractor's certifications annually, prior to renewal, to ensure the firm remains qualified under the original pre-qualification criteria. The Contract allows for the award of all types of work not typically appropriate for assignment to commercial contractors, work will primarily be awarded to address requests from the Division of Senior Services (DOSS) and the County Community Revitalization Team (CCRT), as well as routine boardups for PREM, HCD, PZB etc. Work orders are to be awarded on a lump-sum, competitively quoted basis among the pool of seven (7) contractors. Any work performed will be in accordance with the Contract. The specific magnitude of the work shall be determined by individual work orders issued by Palm Beach County. The goal for SBE participation is 15% overall. (FD&O Admin) Countywide (JM)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. **Staff recommends motion to approve:** an annual Contract with S & F Construction in an amount not-to-exceed \$499,999.99 as one (1) of seven (7) approved residential renovations contractors for residential building contracting services on an "as-needed" basis for projects typically under \$25,000 each. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity contract with a maximum value of \$499,999.99. The Contract will terminate when a total of \$499,999.99 in work orders is issued or when the one (1) year time period has expired, whichever occurs first. The Contract provides for up to four (4) - one (1) year renewals, each for a not-to-exceed amount of \$499,999.99, at the sole option of the County. Staff will review the status of the contractor's certifications annually, prior to renewal, to ensure the firm remains qualified under the original pre-qualification criteria. The Contract allows for the award of all types of work not typically appropriate for assignment to commercial contractors, work will primarily be awarded to address requests from the Division of Senior Services (DOSS) and the County Community Revitalization Team (CCRT), as well as routine boardups for PREM, HCD, PZB etc. Work orders are be awarded on a lump-sum, competitively quoted basis among the pool of seven (7) contractors. Any work performed will be in accordance with the Contract. The specific magnitude of the work shall be determined by individual work orders issued by Palm Beach County. The goal for SBE participation is 15% overall. (FD&O Admin) Countywide (JM)

6. **Staff recommends motion to approve:** an annual Contract with Joe Schmidt Construction, Inc. in an amount not-to-exceed \$499,999.99 as one (1) of seven (7) approved residential renovations contractors for residential building contracting services on an "as-needed" basis for projects typically under \$25,000 each. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity contract with a maximum value of \$499,999.99. The Contract will terminate when a total of \$499,999.99 in work orders

is issued or when the one (1) year time period has expired, whichever occurs first. The Contract provides for up to four (4) - one (1) year renewals, each for a not-to-exceed amount of \$499,999.99, at the sole option of the County. Staff will review the status of the contractor's certifications annually, prior to renewal, to ensure the firm remains qualified under the original pre-qualification criteria. The Contract allows for the award of all types of work not typically appropriate for assignment to commercial contractors, work will primarily be awarded to address requests from the Division of Senior Services (DOSS) and the County Community Revitalization Team (CCRT), as well as routine boardups for PREM, HCD, PZB etc. Work orders are to be awarded on a lump-sum, competitively quoted basis among the pool of seven (7) contractors. Any work performed will be in accordance with the Contract. The specific magnitude of the work shall be determined by individual work orders issued by Palm Beach County. The goal for SBE participation is 15% overall. (FD&O Admin) Countywide (JM)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. **Staff recommends motion to approve:** an annual Contract with DCOTA Contracting, Inc. in an amount not-to-exceed \$499,999.99 as one (1) of seven (7) approved residential renovations contractors for residential building contracting services on an "as-needed" basis for projects typically under \$25,000 each. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity contract with a maximum value of \$499,999.99. The Contract will terminate when a total of \$499,999.99 in work orders is issued or when the one (1) year time period has expired, whichever occurs first. The Contract provides for up to four (4) - one (1) year renewals, each for a not-to-exceed amount of \$499,999.99, at the sole option of the County. Staff will review the status of the contractor's certifications annually, prior to renewal, to ensure the firm remains qualified under the original pre-qualification criteria. The Contract allows for the award of all types of work not typically appropriate for assignment to commercial contractors, work will primarily be awarded to address requests from the Division of Senior Services (DOSS) and the County Community Revitalization Team (CCRT), as well as routine boardups for PREM, HCD, PZB etc. Work orders are to be awarded on a lump-sum, competitively quoted basis among the pool of seven (7) contractors. Any work performed will be in accordance with the Contract. The specific magnitude of the work shall be determined by individual work orders issued by Palm Beach County. The goal for SBE participation is 15% overall. (FD&O Admin) Countywide (JM)

8. **Staff recommends motion to approve:** a Contract with Heery International, Inc. for program management services for the Jail Expansion Program in the amount of \$2,043,104. **SUMMARY:** This Contract will provide for program management services for the Jail Expansion Program. The program manager will act as an extension staff assisting with all aspects of the project including managing the design and construction phases. The initial phase of this contract includes the required services for the first 17

months of the design phase. Upon completion of this initial phase, an additional services authorization will be presented to the Board for the remainder of the proposed \$7,684,561 contract. The SBE goal for this project is 15%. Heery's participation is 15% for this initial phase. (Capital Improvements Division) Countywide (JM)

9. **Staff recommends motion to approve:** Amendment No. 3 to the contract with Miller, Legg & Associates, Inc. (R2003-1899) for professional consulting services on a continuing contract basis for Parks & Recreation Department capital improvements projects. **SUMMARY:** Miller, Legg & Associates, Inc. was selected to provide professional consulting services for Parks & Recreation Department capital improvements projects generally with a construction value of less than \$2,000,000. The Board approved an annual contract on November 18, 2003. The original contract provided for an initial one (1) year term with three (3) - one (1) year renewal options. This Amendment would provide for services during the third renewal period. Miller, Legg & Associates, Inc. has an SBE participation goal of 15%. During the first three (3) years of the contract, Miller, Legg & Associates, Inc. has achieved 53.0% SBE participation. (Capital Improvements Division) Countywide (JM)

10. **Staff recommends motion to approve:** Amendment No. 3 to the Contract with LBFH, Inc. (R2003-1898) for professional consulting services on a continuing contract basis for Parks & Recreation Department capital improvements projects. **SUMMARY:** LBFH, Inc. was selected to provide professional consulting services for Parks & Recreation Department capital improvements projects generally with a construction value of less than \$2,000,000. The Board approved an annual contract on November 18, 2003. The original Contract provided for an initial one (1) year term with three (3) - one (1) year renewal options. This Amendment would provide for services during the third renewal period. LBFH, Inc. has an SBE participation goal of 15%. During the first three (3) years of the Contract, LBFH, Inc. has achieved 52.92% SBE participation. (Capital Improvements Division) Countywide (JM)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

11. **Staff recommends motion to approve:** Change Order No. 4 to the contract with West Construction, Inc., (R2005-1085) in the amount of \$38,064.60 and granting a time extension of 20 days for District Park "F". **SUMMARY:** On June 7, 2005, the Board entered into a contract with West Construction, Inc., for construction of the 60 acre District Park "F" in the Acreage (now known as County Pines Park). Change Order No. 4 is for unforeseen site conditions for the removal of caprock encountered during excavation. This work delayed completion of the project by 20 calendar days resulting in an October 2, 2006, substantial completion date. The Contractor has submitted requests for additional time for additional work and weather delays which, if approved, will extend the completion date to November 5, 2006. This work was completed prior to approval of

this Change Order by the Board. This Change Order must be approved by the Board as it exceeds the cumulative limits of the Department Director and the CRC. West Construction, Inc., has committed to an SBE participation of 40%. The SBE goal for this project is 15%. The SBE participation for this Change Order is 6.6%, which brings the total for the project to 39.7%. (Capital Improvements Division) District 6 (JM)

12. **Staff recommends motion to approve:** Amendment No. 3 to the contract with CH2M Hill (R2003-1900) for professional consulting services on a continuing contract basis for Parks & Recreation Department capital improvements projects. **SUMMARY:** CH2M Hill was selected to provide professional consulting services for Parks & Recreation Department capital improvements projects generally with a construction value of less than \$2,000,000. The Board approved an annual contract on November 18, 2003. The original contract provided for an initial one (1) year term with three (3) - one (1) year renewal options. This Amendment would provide for services during the third renewal period. CH2M Hill has an SBE participation goal of 15%. During the first three (3) years of the contract, CH2M Hill has achieved 0% participation. The one (1) task order issued under this annual (\$38,100) did not contain work for CH2M Hill's SBE subconsultants. It is anticipated that future tasks will. (Capital Improvements Division) Countywide (JM)

13. **Staff recommends motion to approve:** First Amendment to the Agreement with Wellington Regional Medical Center (R2004-0896), allowing for interoperable communications through the countywide and EMS common groups of the County's 800 MHz Radio System. **SUMMARY:** The Agreement between the County and Wellington Regional, which provides the terms and conditions under which Wellington Regional can program into its radios and utilize the countywide and EMS common talk groups for certain types of inter-agency communications will expire on May 18, 2007. The Agreement provides for three (3) - three (3) year renewals, but renewals require approval by both parties. Wellington Regional has approved a renewal to extend the term of the agreement until May 18, 2010. The renewal now requires Board approval. The terms of the agreement are standard and have been offered to other hospitals and EMS providers. There are no charges associated with this agreement. Wellington Regional 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)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

14. **Staff recommends motion to approve:** a Declaration of Easement for a potable water system on .85 acres at Veteran's Park West Boca in unincorporated Boca Raton.

SUMMARY: Veteran's Park West Boca is located at 9400 West Palmetto Park Road, west of Boca Raton. The Water Utilities Department has requested a Declaration of Easement to memorialize the existence and location of the potable water system at Veteran's Park West Boca. The easement area is 20' wide and runs through the Park property approximately 1,852.48' from the southeast corner to the northwestern corner for a total area of 37,049.60 square feet (.85 acre). The easement location is based on as-built surveys, and was approved by both the Parks and Recreation and Water Utilities Departments. The Declaration of Easement will be recorded to provide notice of the existence and location of the water system improvements on County property. (PREM) District 5 (HJF)

15. **Staff recommends motion to approve:** exercise of the second Option to extend the term of the Lease Agreement (R99-1418D) dated July 27, 1999, with Mil Lake Annex, LLC for 31,733 square feet within the Mil-Lake Plaza located in unincorporated Greenacres at an annual rate of \$215,311.68/yr. **SUMMARY:** The Library Department currently leases approximately 31,733 square feet of warehouse space within the Mil-Lake Plaza located at 4639 Lake Worth Road in Greenacres, for the Library's non-public material and the Outreach Services Section. The initial term of the Lease Agreement was for six (6) years ending on March 31, 2006, with two (2) extension options, each for a period of one (1) year. The first extension expires on March 31, 2007. This final Option will extend the term of the Lease Agreement for one (1) year, from April 1, 2007 through March 31, 2008. The County is required to provide 120 days notice of its intent to extend the Lease Agreement. The annual rent for this extension period is \$215,311.68 (\$6.79/sf), plus 2007 real estate taxes estimated to be \$38,000. (PREM) District 2 (HJF)

16. **Staff recommends motion to approve:** a First Amendment to the Agreement (R2003-1066) with JFK Medical Center, L.P. (JFK), allowing for interoperable communications through the countywide and EMS common groups of the County's 800 MHz Radio System. **SUMMARY:** The Agreement with JFK, which provides the terms and conditions under which the Medical Center can program into its radios and utilize the countywide and EMS common talk groups for certain types of inter-agency communications. The Agreement provides for three (3) - three (3) year renewals. JFK has approved a renewal to extend the term of the agreement until July 15, 2009. Despite having notified the County of its intent to renew, JFK was delayed in returning the executed renewal, and the term of the original agreement expired July 15, 2006. The terms of the agreement are standard and have been offered to other hospitals and EMS providers. There are no charges associated with this agreement. JFK 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)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

17. **Staff recommends motion to approve:** Contract with L.D. Astorino Architects, Inc. to provide architectural services on a continuing contract basis. **SUMMARY:** The purpose of this Contract is to have a consultant under contract to provide architectural services for small construction projects generally with construction values less than \$1,000,000. The need for an annual architectural consultant to focus on the specific requirements of small construction projects is a result of the expanded use of the Job Order Contracting System and annual construction contracts, and per the suggestions of JOC contractors as a way to expedite delivery of the projects and reduce costs. Consultant fees will be negotiated on an individual basis for the identified projects. This Contract will be for two (2) years with three (3) - one (1) year renewal options. Pursuant to County Ordinances, this Contract includes a goal of 15%, which can be met through the use of either M/WBE or SBE firms. Astorino is anticipating providing 35% M/WBE/SBE participation. (Capital Improvements Division) Countywide (JM)

18. **Staff recommends motion to approve:** Amendment No. 2 to contract with M.A.C. Construction, Inc. (R2005-0537) to implement the second renewal of Job Order Contract-South B/W with a maximum value of \$1,000,000. **SUMMARY:** This agenda item is a renewal to the Job Order Contract-South B/W, which was awarded to M.A.C. Construction, Inc. The contractor will continue to perform as an "annual general contractor" for implementation of maintenance and capital projects. This Job Order Contract (JOC) is an indefinite-quantity contract and this renewal has a maximum value of \$1,000,000. The renewal term is twelve (12) months or until \$1,000,000 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 second and final extension allowed by the contract. SBE goals for the JOC program are 15% overall. M.A.C. Construction, Inc.'s participation for work orders issued to date is 16.15% overall. (FD&O Admin) Countywide (JM)

I. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** Amendment No. 002 to an Agreement (R2005-2022) with the Housing Partnership, Inc., to: A) increase the funding amount by \$25,400 to \$122,650, in Community Development Block Grant (CDBG) funds; and B) extend the expiration date of the Agreement from September 30, 2006 to March 31, 2007. **SUMMARY:** The Amendment provides an additional \$25,400 to fund improvements at Celtic Apartments located at 4680-4694 Davis Road, in Lake Worth. This property serves as an independent living facility for low and very low-income adults with chronic mental illness. The work, which was expected to be done during the past summer, will include a gravity sewer, landscaping removal and repairs, and abandoning an existing septic tank and drain field. The project was initially funded at \$77,250. An additional \$20,000 was provided in order to award a contract based on the bid amount that was received which was higher than anticipated. The start of construction has since been delayed while permitting matters were being addressed. Accordingly, approval of the additional \$25,400 in CDBG funds is recommended in order to cover the additional cost

due to delays. **These are federal funds that require no local match.** District 3 (TKF)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. **Staff recommends motion to approve:** eighteen (18) Agreements totaling \$856,000 to eighteen (18) non-profit agencies, in the amounts and for the activities indicated, for the period October 1, 2006 to September 30, 2007:

A) Adopt-A-Family of the Palm Beaches, Inc. - \$40,000 for provision of transitional housing and case management and support services to at least twenty-nine (29) homeless families per month under Project SAFE;

B) Aid to Victims of Domestic Abuse (AVDA) - \$50,000 for provision of transitional housing for up to thirty (30) victims of domestic abuse per month;

C) Legal Aid Society of Palm Beach County, Inc. - \$90,000 to provide Fair Housing education and outreach activities in Palm Beach County through the Agency's Fair and Affordable Housing Advocacy Project. Specifically, at least seventy-two (72) persons will be provided with enforcement or counseling services; twenty-four (24) Fair Housing workshops to various citizen and professional groups will be conducted; and efforts will be made to identify illegal practices in rental, sales, mortgage, insurance, and advertising;

D) Redlands Christian Migrant Association - \$30,000 for provision of child care services for one hundred sixty-one (161) low-income children at the Belle Glade Child Development Center and the RCMA Farmworker Child Development Center;

E) Juvenile Transition Center, Inc. - \$35,000 for the administration of the TIES Program to twelve (12) students yearly;

F) The Children's Place at Home Safe- \$50,000 for provision of emergency residential care and shelter to one hundred fifty (150) abused and neglected children, ages newborn to eighteen;

G) Place of Hope - \$50,000 for the provision of transitional housing and support services for thirty-six (36) children in foster care;

H) The Lord's Place/Café Joshua - \$20,000 for the training of 20 homeless persons under the Chef's/Catering apprentice job training program to benefit twenty (20) homeless persons;

I) Florida Housing Corporation - \$43,000 for the provision of housing for sixty (60) seniors monthly in the Homeless Seniors Program;

J) Florida Resource Center for Women and Children - \$60,000 for the provision of emergency shelter and support services to one hundred (100) women and children who are victims of domestic violence;

K) Center for Family Services of Palm Beach County, Inc. - \$20,000 for the provision of case management to three hundred thirty-six (336) homeless persons who reside in the Pat Reeves Village Transitional Housing facility;

L) West Jupiter Community Group - \$60,000 for the provision of after-school services to seventy-five (75) disadvantaged children residing in the West Jupiter area monthly.

M) Urban League of Palm Beach County, Inc.- \$140,000 to provide housing counseling services to an unduplicated total of four hundred seventy five (475) households per year;

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. CONTINUED:

N) Sickie Cell Foundation - \$33,000 for the provision of an outreach program, counseling, and case management services to one hundred forty-four (144) unduplicated individuals who have sickie cell disease or the sickie cell trait;

O) Healthy Mothers/Healthy Babies, Inc. - \$40,000 for the provision of assistance to six hundred (600) low-income women who are pregnant or have babies but have no health insurance or a payee source;

P) Children's Case Management Organization (d/b/a Families First) - \$20,000 for the provision of counseling and legal services to thirty-five (35) unduplicated grandparents under the Kin Support Program;

Q) Farmworkers Coordinating Council, Inc. - \$35,000 for the provision of life skills training to one hundred (100) individuals under the Family Empowerment Program; and

R) Coalition for Independent Living Options, Inc. - \$40,000 to provide emergency utility payments to at least two (2) handicapped person and to provide meals to one hundred forty-four (144) handicapped persons annually.

SUMMARY: Palm Beach County will receive a CDBG entitlement for FY 2006-2007 of

\$7,100,250 with program income projected in the amount of \$300,000 for a total of \$7,400,250. In its FY 2006-2007 Action Plan, the Board of County Commissioners allocated CDBG funds for the provision of public services and fair housing activities. These agreements will allocate \$856,000 in CDBG funds as follows: \$766,000 to seventeen (17) sub-recipients for the provision of public services and \$90,000 to one (1) sub-recipient for the provision of fair housing services. **These are Federal CDBG funds that require no local match.** Countywide (TKF)

K. WATER UTILITIES

1. Staff recommends motion to approve:

A) the First Amendment to the Standard Potable Water and Wastewater Development Agreement with ANSCA Communities, LLC; and

B) the First Amendment to the Standard Reclaimed Water Development Agreement with ANSCA Communities, LLC.

SUMMARY: On December 14, 2004, the Department entered into a Standard Potable Water and Wastewater Development Agreement and a Standard Reclaimed Water Development Agreement (R2005-0163 & R2005-0164 respectively) with ANSCA Communities, LLC (ANSCA). Subsequent to executing the agreements, ANSCA sold a portion of their property and the Department adopted an Ordinance amending the boundaries of the Mandatory Reclaimed Water Service Area (R2006-015). Both agreements will be amended to revise the legal description of the ANSCA property. The Standard Reclaimed Water Agreement will also be amended to identify County-required off-site reclaimed water improvements and the corresponding oversizing credits and cash reimbursements entitled to ANSCA for completing the improvements. The Department and ANSCA agree that the oversizing credits and cash reimbursements shall not exceed \$86,400 for the work to be performed by ANSCA. District 5 (MJ)

OCTOBER 17, 2006

3. **CONSENT AGENDA APPROVAL**

K. WATER UTILITIES (Cont'd)

2. Staff recommends motion to approve: a Potable Water and Wastewater Development Agreement with Southern Mills Business Park, LLC. **SUMMARY:** On December 2, 2004, the Village of Royal Palm Beach (Village) executed a Development Agreement and corresponding Refund Agreement with 3-ARM-Z, LLC related to construction of off-site potable water and wastewater pipelines. The Village agreed to collect third-party reimbursement costs from future property owners connecting into the pipelines constructed by 3-ARM-Z, LLC. The off-site pipelines became the property of Palm

Beach County on February 28, 2006 (R2006-0410), when the Board approved an agreement for purchase of the Village's potable water and wastewater utility. The County agreed to assume responsibilities included in the Village's existing development agreements. Southern Mills Business Park, LLC has requested utility service from the pipelines originally constructed by 3-ARM-Z, LLC. The Department's development agreement with Southern Mills Business Park, LLC will collect \$162,922 for reimbursement to 3-ARM-Z, LLC for use of the pipelines. The refund agreement entitles the Department to retain a two percent (2%) service charge from the collected amount. District 6 (MJ)

3. **Staff recommends motion to approve:** Change Order No. 4 to the contract with Cardinal Contractors, Inc. d/b/a Widell, Inc. for the Mecca Utility Site Project (R2005-1893) increasing the contract price by \$123,777 and providing a 30-day time extension. **SUMMARY:** This Change Order authorizes the contractor to perform mechanical improvements relating to a crane and civil improvements relating to underground utility piping. The bridge crane inside the new pump station will be extended to improve access for pump maintenance. The on-site potable water and wastewater pipelines need to be connected to the Department's existing off-site pipelines. The segment of the water and wastewater pipelines located between the southeast corner of the Mecca property and the utility site were intended to be constructed by the Scripps Infrastructure Team, under the construction contract with Catalfumo. Since the Catalfumo contract has been suspended, it is necessary for the utility site contractor to connect these pipelines into the Department's system. Total change orders to date, excluding the \$2,039,397.92 sales tax recovery program change order, equal \$196,495.57 (2.21% increase). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.0% overall. This Change Order includes zero overall SBE participation. The contractor's cumulative SBE participation, including this Change Order, is 15.93% overall. District 6 (JM)

4. **DELETED**

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

5. Staff recommends motion to approve:

A) Contract with Poole & Kent Co. of Florida (Poole & Kent) for the Lake Region Water Treatment Plant (LRWTP) wellfield improvement project in the amount of \$5,026,000;

B) Change Order No. 1 in the deductive amount of \$689,952.50 deleting materials for

the purpose of sales tax recovery and designating Poole & Kent, as the County's agent for the inspection and receipt of the materials and equipment; and

C) Purchase Orders with vendors of the materials and equipment for sales tax recovery in the amount of \$650,875.

SUMMARY: On August 2, 2006, two (2) construction bids were received for the construction of the LRWTP Wellfield Improvement project with Poole & Kent being the lowest responsive bidder in the amount of \$5,026,000. This project provides for installation of the wellhead pumps along with modifications to the water storage and pumping facilities for the cities of Belle Glade, Pahokee and South Bay. Change Order No. 1 provides for sales tax savings of \$39,077.50 by purchasing materials directly from the vendors. Poole & Kent has agreed to serve as the County's agent for the inspection and receipt of the equipment and materials at no additional cost. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.0% overall. This Contract with the Poole & Kent provides for SBE participation of 15.63% overall. District 6 (JM)

6. Staff recommends motion to approve:

A) Contract with The Dow Chemical Company/Filtec Corporation (Dow Chemical) for the Lake Region Water Treatment Plant (LRWTP) reverse osmosis membrane elements in the amount of \$1,398,400; and

B) Amendment No. 1 reducing the contract amount to \$786,600 by accepting Dow Chemical's standard terms and warranty provisions.

SUMMARY: On June 14, 2006, one (1) bid was received for the supply of reverse osmosis membrane elements for the LRWTP with Dow Chemical being the sole bidder in the amount of \$1,398,400. The Water Utilities Department recommends approval of Amendment No. 1 to accept an unsolicited bid alternate in the amount of \$786,600 by accepting Dow Chemical's standard terms and warranty provisions modifying the general conditions and deleting the Public Construction Bond, resulting in a savings of \$611,800. The Dow Chemical membrane elements have undergone a rigorous proof test using the Floridan test wells for the LRWTP. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.0% overall. This Contract with Dow provides for SBE participation of zero overall. District 6 (JM)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

7. **Staff recommends motion to approve:** Work Authorization No. 33 to the Water Utilities Department Continuing Construction Contract with Foster Marine Contractors, Inc. (R2004-0781) for Okeechobee Blvd Force Main Extension in the amount of \$247,298. **SUMMARY:** On April 19, 2005, the Board approved the Water Utilities Department Continuing Construction Contract with Foster Marine Contractors, Inc. (R2005-0781). This Work Authorization is necessary to integrate the County's Utilities system with the pipelines purchased from the Village of Royal Palm Beach in accordance with the Utility Purchase and Sales Agreement (R2006-0410). By connecting the portable and force main systems, the County can more efficiently operate it system and serve its customers. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Foster Marine Contractors, Inc. provides for SBE participation of 15.20% overall. This Authorization includes 15.34% overall participation. The cumulative SBE participation, including this Work Authorization, is 15.41% overall. District 6 (JM)

8. **Staff recommends motion to approve:** Work Authorization No. 34 to the Water Utilities Department Continuing Construction Contract with Foster Marine Contractors, Inc., (R2005-0781) for the construction of the high service piping improvements at Water Treatment Plant No. 3 in the amount of \$409,677.95. **SUMMARY:** On April 19, 2005, the Board approved the Water Utilities Department Continuing Construction Contract with Foster Marine Contractors, Inc. (R2005-0781). This Work Authorization provides for construction of approximately 600 feet of 36" and 42" water main to improve the piping from the water storage tanks to the high service pumps. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. The contract with Foster Marine Contractors, Inc. provides for SBE participation of 15.20% overall. This Work Authorization includes 15.35% overall participation. The cumulative SBE participation, including this Work Authorization, is 15.50% overall. District 5 (JM)

9. **Staff recommends motion to receive and file:** three (3) Standard Development Agreements complete with executed documents received during the months of August and September 2006:

Standard Development Agreements

- | | |
|--|--------------|
| A) Jog Commerce Park, LLC01-01186-000 | |
| B) Coral Lakes Apartments, Inc. | 02-01113-000 |
| C) The William Chinnick Charitable Foundation, Inc.
and Swaney Properties, LLC | 05-01078-001 |

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

OCTOBER 17, 2006

3. **CONSENT AGENDA APPROVAL**

L. **ENVIRONMENTAL RESOURCES MANAGEMENT**

1. **Staff recommends motion to:**

A) approve Amendment No. 1 to the State of Florida Agreement No. LP6046 with the Florida Department of Environmental Protection (FDEP) (R2006-0583) to extend the Agreement by a three (3) month term and to increase reimbursement from \$1,000,000 to \$3,000,000, which includes an additional four (4) projects under the Lake Worth Lagoon Partnership Grant Program: Westgate Belvedere Homes Community Redevelopment Agency (CRA) (North Westgate Infrastructure Improvements Project - Phase 4 -\$400,000); City of West Palm Beach (23, 26, & 33rd Streets Pollution Control Devices Installation Project - \$500,000); Town of Hypoluxo (Sewering of Hypoluxo Shores - \$400,000); Palm Beach County Environmental Resources Management (Boynton/Ocean Ridge Mangrove Planter - \$466,575; Lake Worth Lagoon Monitoring Project - \$200,000; and Grant Administration - \$33,425);

B) approve a Budget Amendment of \$2,000,000 in the Lake Worth Lagoon Partnership Fund; and

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

SUMMARY: The FDEP Agreement will reimburse \$2,000,000 of these costs and requires a \$2,000,000 cost share through a combination of match and in-kind funds. The FDEP Agreement will reimburse \$400,000 for the Westgate Belvedere Homes CRA (North Westgate Infrastructure Improvements Project – Phase 4); \$500,000 for the City of West Palm Beach (23, 26, & 33rd Streets Pollution Control Devices Installation Project); \$400,000 for the Town of Hypoluxo (Sewering of Hypoluxo Shores); \$466,575 for Palm Beach County Environmental Resources Management (Boynton/Ocean Ridge Mangrove Planter), \$200,000 for Lake Worth Lagoon monitoring and \$33,425 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 Lake Worth Lagoon Partnership Grant Program. The budget documents will establish funding. The County acts as the pass through agency for the City and CRA. Countywide (SF)

M. PARKS & RECREATION

1. **Staff recommends motion to approve:** Agreement with Community Back to School Bash, Inc. for the period October 17, 2006, through December 1, 2006, in an amount not-to-exceed \$5,000 for funding of the 12th Annual Community Back to School Bash event. **SUMMARY:** This funding is to help offset costs for the annual Community Back to School Bash event sponsored by Community Back to School Bash, Inc. and held on August 12, 2006. This event provided backpacks and school supplies for approximately 8,000 disadvantaged children from kindergarten age through 12th grade. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to May 15, 2006. Funding is from the Recreation Assistance Program (RAP). District 2 (AH)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

2. **Staff recommends motion to approve:** Agreement with Boca Raton's Promise - The Alliance for Youth, Inc. for the period October 17, 2006, through December 15, 2006, in an amount not-to-exceed \$1,500 for funding of the 2006 Summer Youth College Program. **SUMMARY:** This funding is to assist with expenses incurred by Boca Raton's Promise - The Alliance for Youth, Inc. for the Summer Youth College Program held at Palm Beach Community College South Campus in the summer of 2006. This program served 13 participants from age 8 to 18. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to June 1, 2006. Funding is from the Recreation Assistance Program (RAP). District 4 (AH)
3. **Staff recommends motion to approve:** Interlocal Agreement with the City of Pahokee for the period October 17, 2006, through October 17, 2009, in an amount not-to-exceed \$3,000,000 for funding of Pahokee Marina Improvements – Phase I. **SUMMARY:** This Interlocal Agreement provides funding for construction of Phase I of the Pahokee Marina Improvements project. Project elements include dredging of material from the marina basin, construction of a new approximately 500 foot long breakwater, construction of Piers A and B, and installation of approximately 610 feet of new bulk heading. Funding is from the 2004 \$50 Million General Obligation Waterfront Access bond referendum. District 6 (PFK)
4. **Staff recommends motion to approve:** Second Amendment to Agreement (R2004-1997) with Florida Atlantic University for design costs for an interpretive trail at Pine Jog Environmental Education Center. **SUMMARY:** This Second Amendment to Agreement extends the completion date, as amended, from September 30, 2006, to December 30,

2006, for the design of an interpretive trail to be constructed by Florida Atlantic University at Pine Jog Environmental Education Center. This time extension will provide additional time necessary for the completion of the project. Districts 2, 3 & 4 (AH)

5. **Staff recommends motion to approve:** First Amendment to Interlocal Agreement with the Town of Mangonia Park for funding of Town park improvements to revise the project scope and cost estimate and extend the project completion date. **SUMMARY:** This First Amendment to Interlocal Agreement (R2004-1999) revises the scope of the Town park project to reflect actual project elements and line item costs within the approved project scope for this completed project. The Amendment also extends the project completion date from September 27, 2005, to September 27, 2006, so that all reimbursement documentation submitted will be eligible for reimbursement. District 7 (PFK)

6. **Staff recommends motion to approve:** First Amendment to Agreement (R2005-0344) with the Migrant Association of South Florida, Inc. for funding of the After-School/Homework Assistance Program to amend Exhibit "A" to the Agreement and to expand the project time frame. **SUMMARY:** This First Amendment to Agreement expands the list of approved project elements and project time frame for the After-School/Homework Assistance Program. The revised project elements list reflects actual costs expended for this completed Project. The expanded time frame revises the project initiation date from April 1, 2004, to March 1, 2004, and the project completion date from March 31, 2005 to October 31, 2006. District 5 (AH)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

7. **Staff recommends motion to receive and file:** fully executed Project Agreement Amendment to Agreement (R2004-0687) for the Florida Inland Navigation District (FIND) Waterway Assistance Program Grant PB-04-110 for Burt Reynolds Phase One Development, extending the project completion date for one (1) year, from September 1, 2006, to September 1, 2007. **SUMMARY:** On April 13, 2004, the Board approved a FIND Waterways Assistance Program Grant Project Agreement in the amount of \$400,000 for improvements associated with the redevelopment of Burt Reynolds Park. The County requested a one (1) year time extension due to a delay in obtaining permits for the docks. Department Director Dennis Eshleman signed the Amendment on behalf of the Board of County Commissioners as the designated liaison agent. District 1 (AH)

8. **Staff recommends motion to receive and file:** the executed Independent Contractor Agreements received during the months of August and September.

- A)** Stacey Webb, Cooking Instructor, West Jupiter Recreation Center (WEB1628709065204C);
- B)** Gold Coast Gymnastics, Gymnastics, West Boynton Park & Recreation Center (GOLD01291006525200F);
- C)** Shelly Janssen, Dance Instructor, West Boynton Park & Recreation Center. (JANS00041006525200I);
- D)** Fred Grice, Basketball Official, West Boynton Park & Recreation Center. (GRI163021006525200B);
- E)** Carrengton Johnson, Flag Football Referee, Westgate Park & Recreation Center. (JOHNS1065780906523200A); and
- F)** Marvin Payne, Jr., Flag Football Referee, Westgate Park & Recreation Center. (PAYNE1064120906523200A).

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 Agreement(s) have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolution 02-2103, and are now being submitted to the Board to receive and file. Countywide (AH)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

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

A) Second Amendment to the Lantana Landfill Golf Course and Park Interlocal Lease Agreement with the Solid Waste Authority of Palm Beach County (SWA) dated December 7, 1999 (R99-2333D);

B) Budget Transfer of \$100,000 within the \$25M GO '03 Parks & Cultural Improvements Bond fund from Lake Lytal Park Improvements (\$75,000) and Lake Lytal Pool Building Renovations (\$25,000) to Park Ridge Golf Course;

C) Budget Transfer of \$50,000 within the \$25M GO '05 Parks & Cultural Improvements

Bond fund from Lake Lytal Pool Building Renovations to Park Ridge Golf Course; and

D) Budget Transfer of \$350,000 within Park Impact Fees Zone 2 Fund from Reserves for Lake Lytal Park Improvements to Park Ridge Golf Course.

SUMMARY: This Second Amendment amends Article III, Section 3.02, "Funding by Lessee", and Section 3.03 "Funding by Lessor" of the Interlocal Agreement, as amended, between Palm Beach County and SWA, and will allow the parties to share equally in the cost of each element of the construction of the project. Additional funding is required to upgrade the existing storm water management system in order to protect the facility and its improvements during major rain events. Districts 2 & 6 (AH)

10. **Staff recommends motion to approve:** Agreement with the City of Pahokee for the period October 17, 2006, through November 30, 2006, in an amount not-to-exceed \$6,500 for funding of 4th of July Celebration fireworks display. **SUMMARY:** This funding is to offset costs paid by Pahokee for the 4th of July Celebration fireworks display. The event was held on July 4, 2006, and was attended by approximately 1,000 spectators. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to June 1, 2006. Funding is from the Recreation Assistance Program (RAP). District 6 (AH)

11. **Staff recommends motion to receive and file:** First Amendment to Recreation Assistance Program (RAP) Agreement with the City of Riviera Beach (R2005-2078) for the Girls Easter Holiday Invitational Basketball Tournament. **SUMMARY:** This fully executed First Amendment extends the project completion date for the previously approved RAP Agreement from January 17, 2006, to October 31, 2006. The reimbursement request has already been received for this completed project, but the end date extension is necessary in order to provide reimbursement for all project expenditures. The Amendment is in accordance with Resolution R2005-1738, authorizing the delegation of authority for amending RAP agreements to the County Administrator or his designee. All other terms of the Agreement remain the same. District 7 (AH)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

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

A) Interlocal Agreement with the City of Lake Worth for the period October 17, 2006,

through October 16, 2009, in an amount not-to-exceed \$5,000,000 for funding of the public improvements phase of the Lake Worth Beach and Casino Redevelopment Project; and

B) Budget Transfer of \$5,000,000 within the \$25M GO Parks and Cultural Improvements Bond Fund - 2005 to Lake Worth Municipal Beach and Casino.

SUMMARY: This Interlocal Agreement provides funding for construction of improvements to the City of Lake Worth's beach to maintain and enhance public beach access. Project elements include reconfiguration and renovations to surface parking areas to provide a minimum of 628 spaces; driveways; internal vehicular and pedestrian circulation improvements; reconfiguration and renovations to landscaped areas; park improvements (including, but not limited to passive recreation areas, a public restroom building, four (4) picnic shelters, and a volleyball court); pool and lifeguard/locker room improvements including public restrooms; improvements to water, sewer, storm drainage and franchise utilities; and improvements to the beach-side walkway/promenade, as described in Exhibit "B" to the Agreement. Funding is from the 2002 \$50 Million Recreation and Cultural Facilities Bond referendum. Districts 3 & 7 (PFK)

P. COOPERATIVE EXTENSION SERVICE

1. **Staff recommends motion to approve:** Grant Agreement with Performance Packaging, LLC for an amount not-to-exceed \$261,093 for a sweet corn and green bean processing facility. **SUMMARY:** On August 15, 2006, the Board of County Commissioners approved grant funding to four (4) value adding agricultural projects, including Performance Packaging, LLC. This Grant Agreement requires Performance Packaging, LLC to create 60 full-time jobs and expenditures of \$2,109,328 in capital investment. District 6 (AH)

R. HUMAN RESOURCES

1. **Staff recommends motion to approve:** the Labor-Management Agreement with the Communication Workers of America, Local 3181, effective October 1, 2006, through September 30, 2009. **SUMMARY:** Pursuant to collective bargaining negotiations, the negotiating committees for Palm Beach County and The Communication Workers of America, Local 3181, have reached a tentative agreement on negotiated issues. The proposed three (3) year contract incorporating all agreed-upon terms is presented for consideration and ratification. Countywide (MC)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to:

A) consent to the Town of Lantana's (Town) Amendment of its Firefighter's Pension Fund Plan as set forth in the Town's proposed Ordinance; and

B) direct staff to communicate to the Town the County's express written consent to the Town's Amendment of its Firefighter's Pension Fund Plan as set forth in the Town's proposed Ordinance.

SUMMARY: According to the requirements outlined in the Interlocal Agreement with the Town of Lantana (R97-1252D) for fire rescue services, the Town shall not make any changes to the Lantana Firefighter's Pension Fund without first obtaining the express written consent of the County. The County has been asked to consent to the proposed plan Amendment, which is being made as a result of changes made in the Pension article of the 2005-2008 Collective Bargaining Agreement between Palm Beach County and the Professional Firefighters and Paramedics of Palm Beach County, Local 2928. The proposed Ordinance includes a provision for a cost of living increase (COLA), consistent with that provided by the Florida Retirement System (FRS). Such COLA would not become effective until the employee has reached the age of fifty-five (55).
Countywide (SB)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

T. HEALTH DEPARTMENT

1. Staff recommends motion to approve:

A) a Contract with the Department of Health (DOH) in the amount of \$2,194,620 for Environmental Health and Engineering programs provided by the Palm Beach County Health Department (CHD) for the period October 1, 2006, through September 30, 2007; and

B) an Addendum to the Contract to clarify:

1) Paragraph 6.a. – as State employees/personnel, CHD employees are not “officers, agents, or employees of the County”;

2) Paragraph 7.c. – The County shall assure that insurance coverage for vehicles is available through either a self-insurance program or insurance purchased by the County except for insurance referenced in paragraph 7.e.;

3) Paragraph 7.d. – The County shall be named as additional insured on any agreement in which the CHD contracts or subcontracts any work to be performed on the premises to a third party; and

4) Paragraph 7.e. – As a State agency, the CHD agrees to be responsible for its own, its officers', employees', or agents' negligent acts, or omissions, or tortuous acts, which result in claims or suits against the parties, and agrees to be liable for any damages proximately caused by said acts or omissions.

SUMMARY: This Contract sets forth the funding responsibilities of the DOH and the County for the operation of the Palm Beach County Health Department. The State and County share in the funding of the \$9,001,048 environmental health budget. The State's share is \$4,239,464 (47.1%), primarily from State general revenue and fees. Funding from the County's FY 2007 budget is \$2,194,620 (24.4%). The remaining local share (28.5%) is comprised of County authorized fees of \$811,783 (9.0%), Federal funds of \$293,765 (3.3%), DEP funds of \$381,394 (4.2%), the Air Pollution Tag fees of \$871,338 (9.72%) and local contract and miscellaneous funding of \$208,684 (2.3%). County funding is used primarily for salaries and benefits. The environmental staffing is responsible for surveillance of public drinking water systems, permitting and inspection of septic tanks, regulation of air pollution sources, inspection and licensing of child care and other group care facilities, and other duties related to environmental health. County funds are included in the FY 2007 budget. No additional funds are needed. County staff requested certain changes to the State's standard contract in order to clarify the insurance and liability provisions. The State preferred including these in an Addendum instead of revising the standard contract. Countywide (GB)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

V. METROPOLITAN PLANNING ORGANIZATION

1. **Staff recommends motion to:**

A) receive and file Joint Participation Agreement (JPA) No. ANO90 with the State of Florida Department of Transportation for Palm Beach County Water Taxi Facilities; and

B) approve Budget Amendment of \$993,500 in the Metropolitan Planning Organization (MPO) Fund to recognize the Joint Participation Agreement (JPA) No. ANO90 with the State of Florida Department of Transportation for Palm Beach County Water Taxi Facilities.

SUMMARY: This Amendment is necessary to reflect a \$993,500 grant from the State of Florida Department of Transportation for the Ferry Boat Discretionary Program for the design, permitting and construction of docks, improvements to docks, and other access

facilities needed for water taxi service. The MPO desires to provide funds from the program to assist in the first phase of a countywide water taxi service linking cities along the Intracoastal Waterway via an integrated water taxi transit system. The Town of Jupiter will have one (1) facility located under the Indiantown Road Bridge. The City of Riviera Beach will have two (2) with one (1) at the east end of 14th Street and the other at the west base of the Jerry Thomas Bridge. The City of West Palm Beach will have a facility at Norton Park on Flagler Drive behind the Norton Museum and will make improvements to two (2) existing docks located at downtown West Palm Beach and another at Currie Park. Districts 1 & 7 (DR)

W. PUBLIC AFFAIRS

1. Staff recommends motion to approve:

A) the transfer of the Broadcast Facility Coordinator, position number 02336; including benefits, from the Public Safety Department to the Public Affairs Department to be effective as of November 11, 2006; and

B) Budget Transfer of \$74,367 from Public Safety Department in General Fund to the Public Affairs Department/Channel 20 in General Fund.

SUMMARY: This transfer will allow Public Affairs/Channel 20 to provide technical support to the broadcast equipment and technical plant at the Emergency Operations Center. This support will be provided on an on-going basis throughout the year during normal operations and during emergency activations. This position will continue to serve the technical needs of the Public Safety Department under the direction of Public Affairs/Channel 20. The transfer of this position was authorized by the County Administrator to meet the technical support needs of both departments. Countywide (MJ)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to:

A) approve four (4) contracts with the following agencies to provide drug treatment and testing services to individuals referred by the Drug Court, in a cumulative amount for the four (4) contracts not-to-exceed \$750,000 during the period of October 1, 2006 to September 30, 2007:

1) Drug Abuse Foundation of Palm Beach County in the amount of \$100,000;

- 2) Comprehensive Alcoholism Rehabilitation Programs, Inc. in the amount of \$175,000;
- 3) Drug Testing and Counseling Services in the amount of \$375,000;
- 4) Counseling Services of Lake Worth, Inc. in the amount of \$100,000; and

B) authorize the County Administrator or his designee to execute amendments to these contracts on behalf of the Board of County Commissioners in order to adjust the not-to-exceed amounts as long as the cumulative total does not exceed \$750,000.

SUMMARY: These contracts provide continuation of the drug treatment and testing services provided to individuals supervised by the Drug Court. Funding for these contracts will be provided by the Drug Abuse Trust Fund (\$149,000); the Byrne Grant (\$103,811); and fees collected from the participants (\$100,000). Ad valorem funding required is \$397,189 and is included in the FY '07 budget. Countywide (DW)

2. **Staff recommends motion to approve:** a Service Agreement with Child & Family Connections, Inc., (CFC) to receive \$500 for each Juvenile Dependency Evaluation performed by Court Psychology, Division of Justice Services for the period of September 15, 2006 to June 30, 2008. **SUMMARY:** Court Psychology of the Division of Justice Services provides court ordered psychological evaluations for dependency cases under CFC jurisdiction referred by the Juvenile Division of the 15th Judicial Circuit Court. This Service Agreement will allow CFC to reimburse the County for psychological evaluation services for an estimated \$50,000 annually. Countywide (DW)
3. **Staff recommends motion to receive and file:** standard Contract with the School Board of Palm Beach County, Florida in the amount not-to-exceed \$18,223 for the period of June 5, 2006, through July 28, 2006 for teachers, para-professionals, utilities and supplies to the residents of the Highridge Family Center. **SUMMARY:** This Contract provides a remedial instruction program and opportunity for credit award. Countywide (DW)
4. **Staff recommends motion to receive and file:** standard Agreement with Raphael Z. Gilbert, D.V.M., for veterinary services in an amount not-to-exceed \$10,000 for the period July 1, 2006, through September 30, 2007 for the Public Safety Department. **SUMMARY:** Resolution R97-583 authorizes the County Administrator or his designee to execute standard contracts with various Florida licensed veterinarians to provide needed part-time, relief and emergency "on-call" professional medical services for shelter animals. Countywide (DW)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

5. [Staff recommends motion to receive and file:](#) the executed FY 2006-2007 Victim of Crime Act (VOCA) Grant Agreement with the State of Florida, Office of the Attorney General for \$149,275 for the period of October 1, 2006, through September 30, 2007. **SUMMARY:** Resolution R97-1057 authorizes the County Administrator or his designee to execute VOCA grant agreements on behalf of the County with the State of Florida. Countywide (DW)

Z. RISK MANAGEMENT

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

A) the Selection Committee's recommendation of award to CIGNA Healthcare (CIGNA) as the provider of claims administration services for the County's self-insured triple-option health insurance plan;

B) the Amended and Restated Administrative Services Only Agreement (with Privacy Addendum) (R2002-2286), effective January 1, 2007, with Connecticut General Life Insurance Company (CIGNA) for claims administration services for the County's self-funded triple-option (HMO, POS, PPO) health insurance plan for the period January 1, 2007, through December 31, 2007 (with four renewal options);

C) a per-capita funding increase of 9% to be borne by the Board of County Commissioners and employees enrolled in tiers of coverage with payroll deductions for certain individual and dependent premiums; and

D) the Second Amendment to the Interlocal Agreement with Solid Waste Authority and Palm Tran, Inc. (R2002-2287) to renew the term of the Agreement for five (5) years.

SUMMARY: Having completed the last renewal option with CIGNA for Plan Year 2006, staff issued a competitive RFP for Administrative Services (including stop loss insurance) for the County's self-funded triple-option medical benefits plan on behalf of the employees of the Board, Solid Waste Authority and Palm Tran, Inc. Responses from five (5) carriers were evaluated, and the top three (3) responders were requested to provide "Best and Final" offers. The selection committee ranked each proposer and voted to recommend that CIGNA remain the provider of administrative services for the HMO, POS and PPO plans and that no other competing plan be offered. The total projected expense to the Board and employees, for administrative costs and total funding of the triple-option health insurance plan for Plan Year 2007 is 9%, or \$51,727,407. Staff is recommending a 9% increase to employees' current contributions (depending on enrollment selection) to maintain overall employee funding at 10% of the total plan cost. Countywide (TKF)

OCTOBER 17, 2006

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

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

A) approve a Florida Commission for the Transportation Disadvantaged (CTD) Trip and Equipment Grant in the amount of \$2,085,350 for FY-2007 to provide non-sponsored trips in accordance with the Transportation Disadvantaged Trust Fund in Chapter 427, Florida Statutes and Rule 41-2 Florida Administrative Code;

B) authorize the Executive Director of Palm Tran, through the County Administrator, or his designee to file and execute the Trip and Equipment Grant Agreement with the CTD;

C) approve Budget Amendment of \$139,295 in Palm Tran Grants Fund to receive state grant funding; and

D) approve Budget Amendment of \$139,295 in Palm Tran Operations to receive grant funding and appropriate it to Contractual Services.

SUMMARY: On June 6, 2006, the Board of County Commissioners approved a resolution (R2006-1038) authorizing the filing of a Transportation Disadvantaged Trust Fund (TDTF) Application with the CTD and delegating authority to the Palm Tran Executive Director to execute the Standard Coordination/Operator contracts, on behalf of Palm Beach County. Based on that approval, the Trip & Equipment Grant Agreement was developed. The Grant provides approximately 90% of the funding for Palm Beach County's TD program. Palm Beach County has been allocated funds for FY 2007: Trip and Equipment Grant: \$2,082,561; Total State Grant: \$1,874,305; Local Match: \$208,256; Voluntary Dollar Contributions: \$2,510; In-Kind Match for Voluntary Dollar: \$279; Total Grant: \$2,085,350. The local match has been provided in Palm Tran's FY 2007 operating budget. Countywide (DR)

BB. SHERIFF

1. [Staff recommends motion to receive and file:](#) Grant Adjustment Notices amending the Regional Domestic Security Task Force Grant (R2006-0405), which includes an extension of the ending date from June 30, 2006 to December 31, 2006. **SUMMARY:** On November 23, 2005, the Palm Beach County Sheriff's Office received an award to purchase equipment under the Regional Domestic Security Task Force program. These funds and related equipment which has been approved by FDLE for purchase will be used to implement Florida's Domestic Security Strategic Plan. A time extension was required to complete the spending of the project funds. There is no match requirement associated with this award. No additional County funds are required. Countywide (DW)

OCTOBER 17, 2006

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

A. Staff recommends motion to:

A) adopt an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code, Chapter 13, Article II, Emergency Medical Services, Division I (Ord. No. 01-025) entitled Palm Beach County Emergency Medical Services Ordinance of 2006; providing for title; providing for authority and purpose; providing for definitions; providing for territorial applicability; providing for certificate and endorsements required; providing for procedures for requesting certificate; providing for investigation and review of application; providing requirement for Board approval in granting a Certificate of Public Convenience and Necessity; providing for term and assignability of certificates; providing for rights and duties granted by certificate; providing for provision of patient outcome; providing for vehicle permits; providing for rules and regulations; providing for general prohibition; providing for deficiencies; providing for complaint procedures; providing for certification revocation, modification, suspension; providing emergency powers; providing exclusion from certificate or permit requirement; providing for enforcement; penalties; providing repeal of laws in conflict; providing savings clause; providing severability; providing inclusion in the Code of Laws and Ordinances; providing enforcement; providing penalty; providing captions; and providing for an effective date; and

B) approve the inclusion of the Rules and Regulations into the Ordinance.

SUMMARY: This Ordinance amendment and its rules and regulations will allow modification of Palm Beach County Fire Rescue's "CON" to allow the agency to provide transportation of patients from the scene of 9-1-1 calls instead of the private ambulance providers. As a result of a plan developed by Fire Rescue and the private providers, the Glades area sub-zone and the unincorporated areas from Tequesta to West Palm Beach will be serviced by Fire Rescue as of January 1, 2008 and the sections referencing the Glades sub-zone will be deleted as of January 1, 2008. Fire Rescue will provide all emergency response and patient transportation services in those areas. In addition to the modification of Fire Rescue's CON, the private ambulance providers are requesting the issuance of a four (4) year extension of their current Certification of Public Convenience and Necessity (CON) from January 1, 2008 to December 31, 2011. These requests will be presented to the Board at a public hearing on November 21, 2006. Countywide (DW)

B. Staff recommends motion to:

A) adopt an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 10, Section 10-9, Palm Beach County Code, to increase the civil traffic

penalty surcharge collected to fund driver education programs in schools; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws; providing for captions; and providing for an effective date; and

B) approve Budget Amendment of \$348,000 in the Driver's Education Trust Fund.

SUMMARY: On September 10, 2002, the Board of County Commissioners adopted Ordinance No. 2002-063 as amended by Ordinance 2002-071, dated December 17, 2002, which provides for the collection of \$3 with each civil traffic penalty to fund a Driver Education Safety Trust Fund program. This proposed amendment will increase the surcharge from \$3 to \$5 for each civil traffic penalty. Since the inception of this program 13,547 students have been trained. The Palm Beach County Safety Council conducts the Driver Education classes for the Palm Beach County School Board and has indicated that the current funding is insufficient to keep up with maintenance costs and the number of requests for training. A Budget Amendment is needed to recognize additional revenue from fees collected. Countywide (SF)

OCTOBER 17, 2006

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

C. Staff recommends motion to adopt: a Resolution abandoning a portion of Fairgrounds Road and the unimproved thirty foot wide road, lying in Tract 16, Block 7; a portion of the south twenty-five feet of Tract 9, Block 7, Palm Beach Farms Company Plat 3, recorded in Plat Book 2, Page 45; and, all of Tract R-1, Palms West Industrial Park, recorded in Plat Book 71, Page 75, Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located on the east side of Sansbury's Way, 0.25 miles south of Belvedere Road. The petitioner is requesting the abandonment to allow the Auto Auction to expand their business operations by consolidating numerous parcels. The abandonment ordinance requires consent from all the abutting property owners for public road abandonments. District 6 (PFK)

D. Staff recommends motion to:

A) approve a Budget Transfer of \$334,212.50 in the Municipal Service Taxing Unit (MSTU) District B Fund Reserves to Sutton Terrace Street Improvements (Project);

B) approve a Budget Transfer of \$187,500 in the Capital Outlay Fund from Sutton Terrace Street Improvements (\$30,000) and Herndon Park/Coconut Road Paving and Drainage on Foss Road (\$157,500) to Transfers-Transfer to MSTU District F Fund;

C) approve a Budget Amendment of \$187,500 in the MSTU District F Fund to recognize the transfer from Capital Outlay and appropriate it to Reserves; and

D) adopt a Resolution confirming the special assessment process for the Sutton Terrace from the dead end east to Military Trail Paving Improvement Project (Project), Section 12, Township

44 South, Range 42 East, Palm Beach County Atlas Page Number 80, F 22, under the Palm Beach County Municipal Service Taxing Unit (MSTU) Street Improvement Program.

SUMMARY: A Budget Transfer of \$334,212.50 (A) from MSTU District B fund reserves is to fully fund the Sutton Terrace Street Improvements Paving and Drainage (Project). The Budget Amendment ©) will reaffirm the budget transfer to MSTU District F Fund. Adoption of the Resolution provides for the collection of fifty percent (50%) of the MSTU Funds expended on the Project. Assessments will be payable in twenty (20) equal annual installments. The project consists of the construction of paving improvements for Sutton Terrace from the dead end east to Military Trail Paving Improvement Project. District 2/MSTU District B (MRE)

- E. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code, Chapter 17, Part II, Occupational License Taxes; amending Division 3, specific occupations by adding language to section 17-83 professions, businesses, occupations; providing for repeal of laws in conflict; providing for inclusion in the Code of Laws and Ordinances; providing for severability; providing for captions; and providing for an effective date. **SUMMARY:** On September 12, 2006, the Board of County Commissioners approved on preliminary reading and granted permission to advertise for public hearing amendment to the Occupational License Taxes Ordinance. Amendment to the Ordinance will reestablish a provision that applied to licensed professionals required to practice their profession under the supervision of another person. At the May 17, 2005, Public Hearing, the Board amended the Palm Beach County Occupational License Tax Ordinance, which removed this provision. The action was consistent with the Local Occupational Tax Act, under Florida Statutes. At the August 15, 2006, BCC Workshop, the Board determined it was appropriate to reestablish the exemption in the Occupational Tax Ordinance for licensed professionals in this classification. Countywide (RB)

OCTOBER 17, 2006

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

- F. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners providing for an ad valorem tax deferral for certain recreational and commercial working waterfront properties; providing for a title; providing for eligibility criteria; providing for application procedures; providing for deferred payment tax certificates; providing for termination of tax deferral; providing for prepayment of deferred taxes; providing for distribution of payment of deferred taxes; providing for construction; providing for penalties; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for captions and providing for an effective date. **SUMMARY:** In 2005, the Florida Legislature enacted F.S. 197.303 authorizing counties and municipalities to allow ad valorem tax deferrals for recreational and commercial working waterfronts if the owners are engaging in the operation, rehabilitation, or renovation of such properties. The tax deferral must be authorized by ordinance and would apply only to taxes levied by the government granting the deferral, i.e., the Board of County Commissioners. The deferred taxes

would accrue interest at a rate calculated pursuant to Statute, but may not exceed 9.5% per year. The deferrals would not apply to the County's voted debt. On August 15, 2006, the Board directed staff to return with an ordinance to provide for tax deferrals, but to exclude lodging establishments and those working waterfronts located within the boundaries of a CRA. First reading of the Ordinance was held on October 3, 2006. Countywide (PFK)

G. Staff recommends motion to:

A) adopt a Resolution confirming the special assessment process for the Ranch House Road Area Water Main Extension Project; and

B) approve Work Authorization No. 30 to Foster Marine Contractors, Inc., under the Water Utilities Department Continuing Construction Contract (R2005-0781) in the amount of \$123,535.90.

SUMMARY: Petitions in favor of the installation of a potable water main have been provided by 69% of the property owners in the Ranch House Road project area. The project will serve 19 residential properties currently on private wells. The total project cost is \$163,062.60, and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration, and construction contingency. This project is within the Countywide Community Revitalization Team (CCRT) Summit and Congress Corridor Target Area. CCRT funding in the amount of \$116,525 is being used to reduce the assessable cost from \$163,062.60 to \$46,537.60. Individual assessments of \$20 per front foot are based on 100% of the remaining assessable cost and may be paid over 20 years with equal annual payments of principal and 6.5% interest. The project will be constructed utilizing a work authorization under the Water Utilities Department Continuing Construction Contract with Foster Marine Contractors, Inc. (R2005-0781) District 3 (MJ)

OCTOBER 17, 2006

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

H. Staff recommends motion to:

A) adopt a Resolution confirming the special assessment process for the Whippoorwill Lakes Water Main Extension Project; and

B) approve Work Authorization No. 31 to Foster Marine Contractors, Inc., under the Water Utilities Department Continuing Construction Contract (R2005-0781) in the amount of \$705,700.20.

SUMMARY: Petitions in favor of the installation of a potable water main have been provided by 62% of the property owners in the Whippoorwill Lakes project area. The project will serve 84 residential properties currently on private wells. Individual assessments are based on 100% of

the assessable cost and may be paid over 20 years with equal annual payments of principal and 6.5% interest. The total project cost is \$908,498.64, and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration and construction contingency. Staff recommends the per-parcel method as an equitable method of assessment because the 84 properties are similar in size. The project will be constructed utilizing a work authorization under the Water Utilities Department Continuing Construction Contract with Foster Marine Contractors, Inc. (R2005-0781). District 6 (MJ)

- I. [Staff recommends motion to approve on first reading and advertise for adoption on November 21, 2006 at 10:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Unified Land Development Code, Ordinance 03-067, as amended, as relates to an inclusionary workforce housing program, as follows: Article 1 - general provisions; Chapter I - definitions and acronyms; Article 2 - development review process; Chapter F – concurrency (adequate public facility standard); Article 3 - overlays & zoning districts; Chapter E - planned development districts (PDDS); Article 5 - supplementary standards; Chapter G - density bonus programs; Article 7 - landscaping; Chapter F - perimeter buffer landscape requirements; Article 12 - traffic performance standards; Chapter H - affordable housing; providing for: interpretation of captions; repeal of laws in conflict; severability; a savings clause; inclusion in the Unified Land Development Code; and an effective date. **SUMMARY:** Palm Beach County Comprehensive Plan Text Amendment Round 2006-01 includes amendments that establish a Mandatory Workforce Housing Program (WHP). The BCC transmittal hearing was held on April 5, 2006, and an adoption hearing was held on August 21, 2006. While an interim policy is in effect, additional Unified Land Development Code (ULDC) amendments are needed to formally implement the program while incorporating additional design related changes needed to address density bonus incentive provisions. ULDC amendments will enable the implementation of the mandatory program to coincide with the effective date for the Plan amendments. Key meeting and public hearing dates for these amendments have been incorporated below under the title Meetings. Unincorporated (LB)

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OCTOBER 17, 2006

5. REGULAR AGENDA

A. ENGINEERING & PUBLIC WORKS

1. [Staff requests Board direction regarding:](#)

A) an Interlocal Agreement in the amount of \$100,000 with the Loxahatchee Groves Water Control District (LGWCD) for application of Open Grade Emulsion to Compton Road, a road within the LGWCD; and

B) a Budget Transfer of \$100,000 in the Transportation Improvement Fund from

Reserve for District 6 to LGWCD Compton Road – District 6.

SUMMARY: Commissioner Masilotti has allocated \$150,000 of the 2007 \$1,000,000 gas tax funds to LGWCD for use on “F” road. This was done as item 3C-13 on today’s consent agenda. This \$100,000 request would further lower the amount available to the new/incoming District 6 Commissioner and staff requests Board direction. Staff calculates that Commissioner Masilotti will be in office approximately 15% of the days in the 2007 budget year. Applying this percentage to the annual gas tax allocation results in \$150,000, which was the amount allocated to item 3C-13. However, approval of this board item (5A-1) would use another 10% of the annual allocation, leaving 75% for the incoming Commissioner. District 6 (MRE)

2. **Staff request Board direction:** regarding an Amendment to the Agreement (R2006-0316) with Toll Jupiter Limited Partnership (Toll) for the widening of Indiantown Road, allowing road impact fee credits for the creditable portion of the roadway widening at the time Northern Palm Beach County Improvement District (Northern) funds the improvement. **SUMMARY:** Toll entered into an Agreement with Palm Beach County (County) that contractually obligates Toll to construct the widening of Indiantown Road. The Agreement also allows impact fee credits for the roadway project, but only if the improvement is not funded by an improvement district. This Amendment will allow impact fee credits, even when Northern funds the improvements. Northern represents this will provide a savings to future residents since the road funding will use non-taxable bonds. District 1 (LB)

3. **Staff recommends motion to approve on preliminary reading and advertise for public hearing on Monday, November 13, 2006 at 9:30 a.m.:** an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five-Year Road Program; providing for title; purpose; adoption of revised Five-Year Road Plan and revised list of projects contained in Exhibit “A”; implementation of the Plan; modification of Plan; funding of other roadway improvements, interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date. **SUMMARY:** This is the annual update of the County’s Five-Year Road Plan which is required to be considered each year by the Five-Year Road Program Ordinance. Exhibit “A” to the Ordinance is a list of proposed projects for the next five (5) years, which contains certain changes and modifications, including a new fifth year. This list is submitted for Board consideration on preliminary reading today with the final list to be approved with the Ordinance at public hearing on November 13, 2006. Countywide (MRE)

OCTOBER 17, 2006

5. REGULAR AGENDA

B. COUNTY ATTORNEY

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on November 21, 2006 at 10:30 a.m.](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 28 of the Palm Beach County Code (Ordinance 92-15, as amended by Ordinance No. 99-5 and Ordinance 99-40); pertaining to the discharge of firearms and firearm sales in Palm Beach County, Florida; amending Section 28-21 of the Palm Beach County Code (definitions); amending Section 28-23 of the Palm Beach County Code (mandatory waiting period; criminal history records check requirement); providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for captions; and providing for an effective date. **SUMMARY:** On August 15, 2006, the Board of County Commissioners directed the County Attorney's Office to update Chapter 28 of the Palm Beach County Code relating to the sale of firearms at the request of the State Attorney's Office. Minor amendments are necessary as a result of the reorganization of federal firearm regulations and a codification error by the Municipal Code Corporation. The amending ordinance will not result in any substantive changes to the code provisions regulating firearm sales in the County. Countywide (LMB)

2. [Staff recommends motion to approve:](#) the application of Palm Beach Day School, Inc. for the issuance of up to \$15,500,000 of Tax Exempt Adjustable Mode Revenue Bonds (Palm Beach Day School Project) Series 2006. **SUMMARY:** Palm Beach Day School, Inc. and PBDA-Flagler Campus, Inc. (jointly, the "Company") has applied for the issuance of industrial development revenue bonds by the County in an amount not-to-exceed \$15,500,000. Bond proceeds will be used to: (i) refund the County's Industrial Development Revenue Bonds (The Palm Beach Day School Project) Series 1999 (the "Refunded Bonds") issued in November, 1999 and outstanding in the principal amount of \$8,000,000; (ii) refinance existing debt of the Company in the amount of approximately \$2,000,000; (iii) pay the costs of various capital expenditures at the Palm Beach and West Palm Beach campuses of the Company (the "Project"); and (iv) pay the costs of issuance of the Bonds. The Bonds will be payable solely from revenues derived from the Company. The projects are located at 241 Seaview Avenue, Palm Beach, Florida and 1901 South Flagler Drive, West Palm Beach, Florida. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** District 1 (PFK)

TIME CERTAIN - 11:30 A.M.

3. [Staff recommends motion to commence:](#) a private attorney-client session in the cases of Westgate Tabernacle, Inc. v. Palm Beach County, Case No. 2002CA003598XXXMB AO, and Westgate Tabernacle, Inc. v. Palm Beach County, Case No. 2004CA011943XXXMB AO, during the Board of County Commission meeting on Tuesday, October 17, 2006 at 11:30 a.m., in the Thomas McEaddy Conference Room, 301 North Olive Avenue, 12th Floor, West Palm Beach, Florida. The following persons will attend the meeting with the members of the Board of County Commissioners who are present at that time: Robert Weisman, County Administrator; Denise M. Nieman, County Attorney; Andrew McMahon, Chief Assistant County Attorney; Amy Taylor

Petrick, Assistant County Attorney. Pursuant to Florida Statute 286.011(8), the entire attorney-client session shall be recorded by a certified court reporter who shall record the discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court reporter's notes shall be fully transcribed and filed with the clerk and shall be made part of the public record upon conclusion of the pending litigation. **SUMMARY:** The Board will discuss pending litigation in which Palm Beach County is presently a party. District 2 (AJM)

OCTOBER 17, 2006

5. REGULAR AGENDA

C. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff requests Board direction:** regarding several statewide issues related to real property assessments and taxes. **SUMMARY:** At the October 3rd, 2006 Board Meeting, staff was directed to make a presentation at an upcoming meeting of the Property Tax Reform Committee appointed by the Governor. Staff is seeking Board direction relating to several proposals which have been publicly discussed by the Committee and other issues, which the Board has previously discussed. Countywide (PFK)

2. **Staff recommends motion to adopt:** a Resolution removing U.S. Bank National Association as Trustee, Bond Registrar and Paying Agent with respect to the County's Airport System Revenue Bonds, Series 2006A and Airport System Taxable Revenue Refunding Bonds, Series 2006B (collectively, the Series 2006 Bonds), Airport System Revenue Refunding Bonds, Series 2002 (the Series 2002 Bonds) and Airport System Revenue Refunding Bonds, Series 2001 (the Series 2001 Bonds), and as Escrow Agent with respect to the Series 2002 and Series 2001 Bonds; appointing the Bank of New York Trust Company, N.A. as successor trustee, bond registrar and paying agent with respect to the Series 2006 Bonds, the Series 2002 Bonds and the Series 2001 Bonds; authorizing the execution and delivery of such documents as may be necessary to effect said removal and appointment and delegating authority to appropriate officials of the County to execute and deliver such documents; authorizing other required actions; providing for severability and an effective date. **SUMMARY:** The County has not been satisfied with the services provided by U.S. Bank and has requested that they be replaced. The County sent out a Request for Proposals to provide the services and is recommending that Bank of New York be appointed as trustee, registrar, paying agent and escrow agent for the outstanding Airport bonds. Countywide (PFK)

3. **Staff recommends motion to select:**
 - A) Jackson Securities as Senior Manager and Loop Capital and Citigroup as co-managers for the estimated \$15 Million Public Improvement Revenue Bonds, Series 2006 (Judicial Parking Garage Expansion); and

B) Bryant Miller & Olive, P.A./Isaacs Williams, P.A. as bond counsel for the estimated \$15 Million Public Improvement Revenue Bonds, Series 2006 (Judicial Parking Garage Expansion).

SUMMARY: The FY 2007 Budget includes the issuance of approximately \$15 Million Public Improvement Revenue Bonds, Series 2006 (Judicial Parking Garage Expansion) to fund the construction and expansion of the Judicial Center Parking Garage. The initial construction contract will be awarded at the November 21, 2006 Board meeting. The bonds will go to market on November 20 and the Board will approve the bond purchase agreement on November 21. The underwriters listed above are next to be selected from the Senior Manager Underwriter Rotation List. Bryant Miller & Olive, P.A./Isaacs Williams, P.A. were previously selected to be bond counsel for the Biotechnology Development District's issuance of not-to-exceed \$125 Million Capital Improvement Revenue Bonds. These bonds were not issued and we are recommending that the Board move them to the top of the rotation list for bond counsel and select them for bond counsel on this issue. Countywide (PFK)

OCTOBER 17, 2006

5. REGULAR AGENDA

D. ADMINISTRATION

1. **Staff recommends motion to approve:** a Business Incubation Program Grant Agreement with Enterprise Development Corporation (EDC) of South Florida in the amount of \$88,000 from October 1, 2006 to September 30, 2007. **SUMMARY:** The proposed \$88,000 Incubation Program Grant Agreement with EDC will provide for operational expenses to assist start-up and existing micro businesses and to improve the services offered to the business community. The scope of services outlined for the FY 2007 contract include: creating 35 new full-time jobs and four (4) new businesses, providing technical assistance to 140 businesses/entrepreneurs, generating \$172,000 in revenue from operations, and signing 65 new incubation agreements with clients. In addition, the EDC will continue working with the TED Center, the EDGE Center, and BEDR Corporation to foster the start-up of technology-based businesses in the Glades and West Palm Beach areas. As of September 30, 2006, EDC's performance for its existing Agreement (R2005-1952) with Palm Beach County is shown in the table below. Two (2) factors affected the revenue stream, the 2004 hurricane season, which forced EDC to close doors for two (2) weeks, and the change of landlord's mode of operations - EDC no longer collects rent from incubation businesses. Highlights of EDC's success are the recruitment of six (6) new businesses into the incubator facility, the graduation of four (4) companies that are now in their own business facilities, and the investment of \$1,000,000 on incubator companies from Angel Investors. Countywide (DW)

Performance Measure	FY 06 Contracted	Actual Results 10/1/05-09/30/06	% Accomplished

Jobs Created	35	25	71%
New Business Created	2	5	250%
Businesses Assisted	135	135	100%
Revenue from Operations	\$260,000	\$238,000	92%
New Incubation Agreements	65	69	106%

OCTOBER 17, 2006

5. REGULAR AGENDA

D. ADMINISTRATION (Cont'd)

2. [Staff recommends motion to approve:](#) a Business Incubation Program Grant Agreement with the Business & Economic Development & Revitalization (BEDR) Corporation in the amount of \$88,000 from October 1, 2006 to September 30, 2007. **SUMMARY:** The proposed \$88,000 Incubation Program Grant Agreement with BEDR Corporation will provide for operational expenses to assist start-up and existing micro businesses and to improve the services offered to the business community. The scope of services outlined for the FY 2007 contract include: creating 20 new full-time jobs and ten (10) new businesses, providing technical assistance to 75 businesses/entrepreneurs, generating \$5,000 in revenue from operations, and signing 20 new incubation agreements with clients. As of September 30, 2006, BEDR's performance for its existing Agreement (R2005-1953) with Palm Beach County is shown in the table below. Two (2) factors influenced in the revenue deliverable, BEDR forecasted higher revenue from an expected contract that did not happen and BEDR's clients pay a symbolic fee since most of them cannot afford the cost of services. Most of BEDR's clients are sole proprietors and do not create many jobs. A highlight of BEDR's performance was that it assisted four (4) businesses to obtained loan approval for \$784,500. Countywide (DW)

Performance Measure	FY 06 Contracted	Actual Results 10/1/05-9/30/06	% Accomplished
Jobs Created	20	13	65%
New Business Created	10	12	120%
Businesses Assisted	75	123	164%
Revenue from Operations	25,000	5,360	21%
New Incubation Agreements	20	31	155%

3. **Staff recommends motion to approve:** a Business Incubation Program Grant Agreement with the Center for Technology Enterprise & Development, Inc. (TED Center) in the amount of \$98,000 from October 1, 2006 to September 30, 2007. **SUMMARY:** The proposed \$98,000 Incubation Program Grant Agreement with the TED Center will provide for operational expenses to assist start-up and existing businesses and to improve the services offered to the business community. The scope of services outlined for the FY 2007 contract include: creating 18 new full-time jobs and 11 new businesses, providing technical assistance to 150 businesses/entrepreneurs, generating \$16,000 in revenue from operations, and signing 27 new incubation agreements with clients. In addition, the TED Center will provide ten (10) micro-business trainings; five (5) to businesses/entrepreneurs of the Glades area and five (5) to BEDR Corporation clients. As of September 30, 2006, the TED Center's performance for its existing Agreement (R2005-1950) with Palm Beach County is shown in the table below. Highlights of TED's performance include the establishment of a Community Business Resource Center that is accessible to the public and the implementation of a Credit Counseling Program. Countywide (DW)

Performance Measure	FY 06 Contracted	Actual Results 10/1/05-9/30/06	% Accomplished
Jobs Created	17	32	188%
New Business Created	9	22	244%
Businesses Assisted	160	329	205%
Revenue from Operations	\$15,000	\$29,849	198%
New Incubation Agreements	25	80	320%

OCTOBER 17, 2006

5. REGULAR AGENDA

D. ADMINISTRATION (Cont'd)

TIME CERTAIN - 11:00A.M.

4. Welcome to the Honorable Countess Eva Kendeffy, Consulate General of Germany who is visiting Palm Beach County to become familiar with the broad array of business opportunities available in our County. The World Trade Center of Palm Beach is hosting the FAM Tour.

E. PLANNING, ZONING & BUILDING

1. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners (BCC) of Palm Beach County, Florida enacting historic district

designation for one (1) property. **SUMMARY:** The Resolution will authorize the designation of one (1) historic property in District 1. The DuBois Park Historic District, located at the north end of DuBois Road on the south side of Jupiter Inlet. This property has been recommended for historic district designation by the County's Historic Resources Review Board (HRRB). If designated, this historic resource would be added to the Palm Beach County Register of Historic Places. In addition, any alterations, demolition, renovations or other construction activity would require approval of a "Certificate of Appropriateness" and/or a "Certificate To Dig" from the County Archaeologist. District 1 (RB)

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RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE CHILD CARE FACILITIES BOARD

OCTOBER 17, 2006

6. BOARD OF COUNTY COMMISSIONERS SITTING AS THE CHILD CARE FACILITIES BOARD

A. HEALTH DEPARTMENT

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on November 21, 2006 at 10:30a.m.:](#) a Resolution of the Board of County Commissioners of Palm Beach County, Florida, sitting as the Child Care Facilities Board, amending Article I and Articles III through XV; re-numbering and amending Article XV(c) to become article XVI field trips; adding article XVII classification of violations; re-numbering and amending article XVI to become article XVIII enforcement of the rules and regulations governing family day care in Palm Beach County; providing short title and applicability; providing for authority; providing for definitions; providing for license procedure and requirements; providing for exclusions, hearings, denial or revocation of licenses or night time care approval; providing for personnel, staff qualifications and supervision; providing for background and screening requirements; providing for physical facility; providing for medicines, first-aid and emergency medical procedures; providing for communicable disease control; providing for nutrition; providing for daily program and discipline; providing for care for children during nighttime hours; providing for transportation; providing for admission and record keeping; providing for field trips; providing for classification of violations; providing for enforcement; providing for repeal of laws in conflict; providing for inclusion in the Code; providing for severability; providing for a savings clause; and providing for an effective date. **SUMMARY:** The Board of County Commissioners, pursuant to a Special Act of the State of Florida, serves as the Child Care Facilities Board. In this capacity, the Board is required to promulgate rules and regulations as needed to protect the health and safety of persons within family day care facilities. According to the Special Act, the local rules and regulations must meet or exceed the standards established by the State Department of Children & Families. The changes provided for in these Rules and Regulations are for the most part due to the cumulative inclusion of changes in State

law, which occurred over the past three (3) years, and to clarify and include language comparable to the Palm Beach County Rules and Regulations Governing Child Care, thereby providing parents in Palm Beach County with a daycare option which best ensures the health, safety and well-being of children in care. Countywide (GB)

2. **Staff requests Board direction:** on pursuing legislation to amend Chapter 59-1698, as amended by Chapter 77-620, Special Act, Laws of Florida, to increase the number of children that can be cared for in permitted Family Day Care Facilities. **SUMMARY:** On March 14, 2006, the BCC directed staff to evaluate a request from a family day care provider and representative of the Palm Beach County Family Child Care Home Association, to amend County rules or Special Act provisions which limit family child day care providers to caring for five (5) children in their home at any given time. The individual requested that the County allow additional children to be cared for in family day care homes at limits established in State law. Palm Beach County regulations are more stringent than State law, which allows a maximum of 10 children with one (1) family child care provider if no more than five (5) are preschool age (birth – 5 yrs.) and, of those five (5), no more than two (2) are under 12 months of age. In response to the BCC directive, County Administration requested that the Palm Beach County Health Department review the request and seek a recommendation from the Child Care Advisory Board. The Child Care Advisory Board considered this item at their July 12, 2006, meeting and agreed to support a change to the Special Act to include large family day care homes with up to 10 children provided that the staff to child ratio of one (1) to five (5) is maintained. The Health Department and the Children's Services Council would support an increase in the number of children allowed in family day care homes; however, they are opposed to any change in the one (1) to five (5) staff to child ratio. The Palm Beach County League of Cities, through its Board of Directors, has also considered this issue and is opposed to increasing the allowable number of children in a family day care home. The County Attorney's office has determined that the Special Act would need to be amended by the Florida Legislature to accomplish the requested change. Countywide (GB)

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**RECESS AS THE CHILD CARE FACILITIES BOARD
RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS**

OCTOBER 17, 2006

7. BOARD APPOINTMENTS

**A. ENVIRONMENTAL RESOURCES MANAGEMENT
(Natural Areas Management Advisory Committee)**

1. **Staff recommends motion to approve:** reappointment of three (3) current members to the Natural Areas Management Advisory Committee (NAMAC) for a term of three (3) years beginning November 1, 2006, through October 31, 2009:

Reappoint:

<u>Nominee</u>	<u>Representing</u>	<u>Seat No.</u>	<u>Nominated by</u>
Steve Bass	Professional Educator	3	Commissioner Marcus

Commissioner Koons
Commissioner Newell
Commissioner McCarty
Commissioner Aaronson
Commissioner Masilotti
Commissioner Greene

Dennis Eshleman Parks and Recreation

5 Commissioner Marcus
Commissioner Koons
Commissioner Newell
Commissioner McCarty
Commissioner Aaronson
Commissioner Masilotti
Commissioner Greene

Herbert Zebuth CLASC Liaison 6

Commissioner Marcus
Commissioner Koons
Commissioner Aaronson
Commissioner Masilotti
Commissioner Greene

SUMMARY: A memorandum was sent to the Board of County Commissioners on September 1, 2006 advising that the terms of Seats No. 3, 5 and 6 would expire on October 31 2006. Commissioners Marcus, Koons, Newell, McCarty, Aaronson, Masilotti and Greene re-nominated two (2) current members for another three (3) year term: Steve Bass, Seat No. 3 (Professional Educator) and Dennis Eshleman, Seat No. 5 (Director of Palm Beach County Parks and Recreation). Commissioners Marcus, Koons, Aaronson, Masilotti and Greene re-nominated one (1) current member for another three (3) year term: Herbert Zebuth, Seat No. 6 (Conservation Land Acquisition Selection Committee Liaison). All three (3) of these NAMAC members wish to continue their service to the County. No other nominations were received. Countywide (SF)

OCTOBER 17, 2006

7. BOARD APPOINTMENTS

B. PALM TRAN (Palm Tran Service Board)

1. **Staff recommends motion to approve:** appointment of Jayne King to the Palm Tran Service Board to complete the term of Autrie Moore-Williams from October 17, 2006, through May 6, 2007:

Term to

<u>Nominee</u>	<u>Category</u>	<u>Expire</u>	<u>Nominated By</u>
Jayne King with Multi- Cultural Experience	Representative	5/6/07	Comm. McCarty

SUMMARY: The Palm Tran Service Board is composed of eleven (11) at-large members. Autrie Moore-Williams was appointed to Seat No. 6 to satisfy the requirement for Representative with Multi-cultural experience. Ms. Moore-Williams has resigned. The nomination is for Ms. Jayne King to complete Ms. Moore-Williams' current term, which ends May 6, 2007. Countywide (DR)

**C. WATER UTILITIES
(Water Utilities Advisory Board)**

1. **Staff recommends motion to approve:** the appointment of one (1) at-large member to the Water Utilities Advisory Board for a term of three (3) years, effective October 17, 2006:

<u>Nominee</u>	<u>Nominated By</u>
Fred Rapach	Village of Royal Palm Beach Council

SUMMARY: On May 16, 2006, the Board of County Commissioners adopted Resolution R2006-0867 establishing an 11th seat on the Water Utilities Department's Advisory Board to represent the new customers obtained from the acquisition of the Royal Palm Beach utility service area. Pursuant to the WUAB Resolution, the Royal Palm Beach member is to be appointed by the Village of Royal Palm Beach Village Council, and confirmed by the Board of County Commissioners. The Village of Royal Palm Village Council has nominated Fred Rapach for this position. Countywide (MJ)

OCTOBER 17, 2006

7. BOARD APPOINTMENTS

**D. COUNTY ADMINISTRATION
(Health Care District)**

1. **Staff recommends motion to reappoint:** one (1) at-large member to the District Board of the Health Care District of Palm Beach County for the term indicated below:

<u>Name</u>	<u>Category</u>	<u>Seat No.</u>	<u>Term</u>
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SUMMARY: At its regular meeting of June 6, 2006, the Board of County Commissioners approved the appointment of State Representative Richard A. Machek to fill the remainder of the term of Representative Irving Slosberg. That term expired on September 30, 2006, and Representative Machek wishes to continue his service on the Health Care District Board. The Health Care District Board is comprised of seven (7) members, with at least one (1) person residing in the Glades area. The membership includes three (3) members appointed by the Governor, three (3) members appointed by the Board of County Commissioners, one (1) of whom must be an elected official at the time of appointment, and the Director of the Palm Beach County Health Department. Countywide (TKF)

E. PLANNING, ZONING & BUILDING (Building Code Advisory Board)

1. Staff recommends motion to approve:

A) appointment of one (1) individual to the Building Code Advisory Board (BCAB), to complete the unexpired term of Douglas B. Wise, who resigned from the Village of Wellington, and whose term expires on January 1, 2009; and

B) reappointment of five (5) individuals for a three (3) year term, beginning January 1, 2007, through January 1, 2010:

AppointSeatRequirement

Jacek R. Tomasik	6	Building Official
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ReappointSeatRequirement

Robert Lecky	1	Building Official
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Rebecca D. Caldwell	5	Building Official
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Kenneth Loihle	7	Building Official
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Kurt Gregory Marion	14	Building Contractor
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Gregory Miller	16	Aluminum Specialty Contractor
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SUMMARY: Jacek R. Tomasik is nominated by the Building Officials Association of Palm Beach County to fill the unexpired term of Douglas B. Wise, Seat 6. This action will fill the above-referenced seats until January 1, 2009. The reappointments of Robert Lecky, Rebecca D. Caldwell and Kenneth Loihle are nominated by the Building Officials Association of Palm Beach County. The reappointments of Kurt Gregory Marion and Gregory Miller are nominated by the Construction Industry Management Council of Palm Beach County. The nomination represents the Building Contractor and Aluminum Specialty Contractor cited in the Special Act establishing the Building Code Advisory Board. Countywide (GB)

F. COMMISSION DISTRICT APPOINTMENTS

OCTOBER 17, 2006

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

OCTOBER 17, 2006

9. COMMISSIONER COMMENTS

A.District 1 - COMMISSIONER KAREN T. MARCUS

B.District 2 - COMMISSIONER JEFF KOONS

C.District 3 - COMMISSIONER WARREN H. NEWELL

D.District 4 - COMMISSIONER MARY MCCARTY

E.District 5 - COMMISSIONER BURT AARONSON

F. District 6 - COMMISSIONER TONY MASILOTTI, CHAIRMAN

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

10. 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."

October 17, 2006 - 9:30a.m.

Final

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

OCTOBER 17, 2006

PAGE ITEM

9	3A-6	REVISED TITLE: Staff recommends motion to approve: Neighborhood Partnership Grant (NPG) funding recommendations for Fiscal Year 2006-2007: A) through L)....
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~~M) an Agreement with Palm Beach County Sheriff's Office Pahokee Housing Authority, Inc. in an amount not-to-exceed \$20,000 to replace existing fence at park, purchase and install signboards and landscaping;~~

~~N) an Agreement with Palm Beach County Sheriff's Office Edward Kaye, an individual representing Westgate/Golfview Heights in an amount not-to-exceed \$12,600 to purchase a trailer, lawn and community maintenance equipment;...~~

10 3C-2* **DELETED: Staff recommends motion to approve:** a \$251,475 Agreement with Keshavarz & Associates, Inc. (KAI) for a joint planning and engineering effort for the Lake Worth Road Corridor Redevelopment Study (Project). (Engineering) (Further staff review)

12 3C-12 **REVISED TITLE & SUMMARY: Staff recommends motion to approve:**

A) an Interlocal Agreement in the amount of ~~\$277,000~~ \$205,430 with the City of Pahokee (City) for street improvements to City roads; and

B) a Budget Transfer of ~~\$277,000~~ \$205,430 in the Transportation Improvement Fund from Reserve for District 6 to Pahokee Street Improvements – District 6.

SUMMARY: This Interlocal Agreement and Budget Transfer will reimburse the City up to ~~\$277,000~~ \$205,430 for street improvements to City roads within City limits. District 6 (MRE)

12 3C-14 **REVISED TITLE: Staff recommends motion to approve:**

A) an Amendment to the Reimbursement Agreement (R2006-0306), dated February 28, 2006, with the City of Delray Beach (City) for the addition of curbing to the west side of Barwick Road; and

B) a Budget Transfer of ~~\$38,000~~ \$38,800 in the Transportation Improvement Fund from Reserve for District 4 to City of Delray Beach Barwick Road Curbing – District 4.

13 3C-17 **ADD-ON (Moved from Regular Agenda/Item 5A-1), REVISED MOTION: Staff requests Board direction regarding: recommends motion to approve:**

A) an Interlocal Agreement in the amount of \$100,000 with the Loxahatchee Groves Water Control District (LGWCD) for application of Open Grade Emulsion to Compton Road, a road within the LGWCD; and ..

13 3C-18 **ADD-ON (Moved from Regular Agenda/Item 5A-4), REVISED MOTION: Staff requests Board direction regarding: recommends motion to approve:**

A) a Budget Transfer of \$10,400 in the Transportation Improvement Fund from Reserve for District 6 to Head Start buses for the City of South Bay - District 6;

for distribution of payment of deferred taxes; providing for construction; providing for penalties; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for captions and providing for an effective date.

44 5A-1 **DELETED (Moved to Consent Agenda/Item 3C-17):**

44 5A-4 **DELETED, MOVED TO CONSENT (ITEM 3C-18):**

49 5D-5 **ADD-ON (Moved from Consent Agenda/Item 3M-12): Staff recommends motion to approve:**

A) Interlocal Agreement with the City of Lake Worth for the period October 17, 2006, through October 16, 2009, in an amount not-to-exceed \$5,000,000 for funding of the public improvements phase of the Lake Worth Beach and Casino Redevelopment Project; and ..

49 5F-1 **ADD-ON: Staff recommends motion to:**

A) accept an Assignment of Option Agreement for Sale and Purchase from The Conservation Fund, as Trustee of the Conservation Fund Charitable Trust (TCF), for acquisition of approximately 3 acres of land located along the Loxahatchee River from Thomas C. Whitesell and Charon J. Whitesell, James J. Whitesell and Tallulah L. Whitesell, and James J. Whitesell and Thomas C. Whitesell, as Trustees of the Whitesell Florida Residential Interest Trust under Agreement dated March 5, 1999 (Whitesell, et al.), at a purchase price of \$3,600,000;

B) approve the exercise of the Option Agreement for Sale and Purchase from The Conservation Fund, as Trustee of the Conservation Fund Charitable Trust (TCF), for the acquisition of approximately 3 acres of land located along the Loxahatchee River from Whitesell, et al., at a purchase price of \$3,600,000, subject to satisfactory due diligence;

C) approve TCF's fee for the acquisition of the Whitesell, et al. property, which is 1% of the total purchase price, pursuant to TCF's Agreement (R99-957D) with the County;

D) approve a Budget Transfer of \$900,000 in the 1999 \$75M General Obligation Conservation Land Acquisition Fund from Reserves to the Riverfront Pines project account to provide a portion of the purchase price for Riverfront Pines property;

E) approve a Budget Transfer of \$900,000 in the 2001 \$75M General Obligation Conservation Land Acquisition Fund from Reserves to the Riverfront Pines project account to provide a portion of the purchase price for the Whitesell, et al. property; and

F) approve a Budget Transfer of \$1,836,000 in the Natural Areas Fund from Reserves to the Riverfront Pines project account to provide a portion of the purchase price for the Whitesell, et al. property, and for TCF's fee for its

acquisition of the Whitesell, et al. property.

SUMMARY: The Whitesell, et al., property is located along the northeast fork of the Loxahatchee River, and if purchased, would be the only riverfront natural area owned by the County. Two (2) appraisals were obtained for the property. The purchase price of \$3,600,000 is 42.1% below the average appraised value and is contingent upon the natural area being named the “Jackson Riverfront Pines Natural Area” or similar name approved by both the seller and County. Both the Conservation Lands Acquisition Selection Committee (CLASC) and staff recommend approval of this purchase, subject to normal pre-acquisition due diligence. A letter was sent to the residents within ½ mile north and south of the Whitesell, et. al. property on October 6, 2006 at the request of the Board. This letter was to notify the adjacent residents on Riverside Drive of the proposed natural area purchase and potential uses so they could comment on them prior to Board approval of the purchase. The purchase of this environmentally sensitive property exceeds the available balance remaining in the 1999 and 2001 \$75 Million General Obligation Conservation Land Acquisition Funds. To close the gap between available funds and anticipated future revenues/grants, staff has recommended the use of monies from the Natural Fund. District 1 (JMB)

49

5G-1

ADD-ON (Moved from Consent Agenda/Item 3K-5), REVISED TITLE & SUMMARY: Staff recommends motion to approve:

A) Contract with Poole & Kent Co. of Florida (Poole & Kent) for the Lake Region Water Treatment Plant (LRWTP) wellfield improvement project in the amount of \$5,026,000 contingent upon the denial of Southeast Drilling Services, Inc.'s purchasing protest;

B) Change Order No. 1 in the deductive amount of \$689,952.50 deleting materials for the purpose of sales tax recovery and designating Poole & Kent, as the County's agent for the inspection and receipt of the materials and equipment; and

C) Purchase Orders with vendors of the materials and equipment for sales tax recovery in the amount of \$650,875.

SUMMARY: On August 2, 2006, two (2) construction bids were received for the construction of the LRWTP Wellfield Improvement project with Poole & Kent being the lowest responsive bidder in the amount of \$5,026,000. This project provides for installation of the wellhead pumps along with modifications to the water storage and pumping facilities for the cities of Belle Glade, Pahokee and South Bay. Change Order No. 1 provides for sales tax savings of \$39,077.50 by purchasing materials directly from the vendors. Poole & Kent has agreed to serve as the County's agent for the inspection and receipt of the equipment and materials at no additional cost. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.0% overall. This Contract with the Poole & Kent provides for SBE participation of 15.63% overall. The lowest bidder on the project, Southeast Drilling Services, Inc., (“Southeast”) was non-

responsive to the SBE participation goal. Therefore, pursuant to the SBE Ordinance, Poole & Kent, as the lowest ranked bidder meeting the SBE participation goal and falling within a certain percentage of the bid, is to be awarded the contract. Southeast has protested the decision to award to Poole & Kent on the grounds that Southeast has in fact met the SBE participation goal for this project, as well as on other grounds. This protest was denied by the Director of Purchasing. Southeast has now requested a hearing before the special master to hear their protest. The Board's approval of the Contract, Change Order, and Purchase Orders set forth in the Motion and Title is contingent upon the denial of Southeast's protest by a special master. Staff recommends this contingent approval in order to avoid any delays in the award of the contract and the construction of the project following the special master's decision. District 6 (JM)

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 (*).