

OFFICIAL MEETING MINUTES  
OF THE  
BOARD OF COUNTY COMMISSIONERS  
PALM BEACH COUNTY, FLORIDA

REGULAR

AUGUST 18, 2009

TUESDAY

COMMISSION

9:34 A.M.

CHAMBERS

1. CALL TO ORDER

1.A. Roll Call

Chairman John F. Koons

Vice-Chairman Burt Aaronson

Commissioner Steven L. Abrams

Commissioner Karen T. Marcus

Commissioner Jess R. Santamaria

Commissioner Priscilla A. Taylor

Commissioner Shelley Vana

County Administrator Robert Weisman

County Attorney Denise Nieman

Clerk & Comptroller Board Services Administrator Grant J. Skolnick, Esq.

Recording Deputy Clerk Tim Montiglio

Condensing Clerk Sydne Thompson

1.B. Invocation Led by Commissioner Marcus

1.C. Pledge of Allegiance

2. AGENDA APPROVAL

2.A. Additions, Deletions, Substitutions

County Administrator Robert Weisman noted the changes to the agenda as follows:

ITEM

3C-12 REVISED SUMMARY: An amended Interlocal Agreement will transfer the responsibility from the Delray Beach Housing Authority to the City for improvements to SW12th Avenue at the site of the old Carver Estates property.

The \$1,000,000 is the same amount as was in the 2008 Agreement. (Engineering)

3E-16 REVISED TITLE & SUMMARY: Staff recommends motion to approve:

A) Child Care Food Program (CCFP) Contract for the period of October 1, 2009,

through September 30, 2010, in the amount of \$1,097,083 \$1,367,359 for meals served to Head Start/Early Head Start children; and B).

Summary: This Contract will enable the Head Start Program to participate in the FY 2009/2010 CCFP by providing 979 infants, toddlers and children with breakfast, lunch, and a snack each day. The Delegation of Signing Authority form will allow for one (1) representative, other than the Chairperson, to sign any additional forms from the DOH during the contract period. Head Start staff projects reimbursement of \$815,421 from the Florida DOH. County support of \$281,662 \$551,938 is required for a total amount of \$1,097,083 \$1,367,359 to serve meals to Head Start and Early Head Start children. The application was received at the DOH training workshop on August 4, 2009. The County funds are included in the proposed FY 2010 budget. (Community Services)

3F-3\*           DELETED: Staff recommends motion to approve: Amendment No. 2 to the Agreement with URS Corporation Southern for Consulting/Professional Services in the amount of \$575,326 for the completion of additional services relative to the Environmental Impact Statement (EIS) for the Airfield Improvement Project at Palm Beach International Airport (PBIA). (Airports)

3H-3           REVISED SUMMARY: On April 25, 2006, the Board approved proceeding with Jail Expansion II consisting of the expansion of the West County Detention Facility, the Stockade and renovations to the Main Detention Center. This Amendment, The Small Business Enterprises (SBE) participation goal for this project is 15%. Moss & Associates will be providing 15% 16.12% SBE participation

in this Amendment. Overall SBE participation is 15.8% 15.9%. The duration for this work is 242 calendar days. This Amendment also includes adding language to the contract regarding the County's policy for the use of preferences for evaluating subcontractor bids for Small Business Enterprises and local firms.  
(FDO)

3I-4 DELETED: Staff recommends motion to conceptually approve: the following housing project through the Commission on Affordable Housing's Multi-Family Rental Development program allocating up to \$200,000 for the development of up to 120 affordable housing units: (Further staff review) (HCD)

3K-1\* REVISED TITLE: Staff recommends motion to approve: Work Authorization No. 4 to the Optimization and Improvements Design/Build Services with Globaltech, Inc. (R2008-2323) for the South Bay Regional Wastewater Pump Station in the amount of \$550,366 \$550,336. (WUD)

6A-4\* REVISED TITLE: Staff recommends motion to approve:

A) the creation of a Palm Beach Community College Glades Campus Scholarship Program in the amount of \$20,000 in partnership with the Palm Beach Community College Foundation, Inc.:(Admin)

B) a Budget Transfer of \$20,000 in Park Improvement General Fund from Reserves for District 6 to the General Fund; decreasing the transfer to the Park Improvement Fund and increasing the transfer to the Economic Development Fund;

C) a Budget Amendment of \$20,000 in the General Park Improvement Fund decreasing the annual transfer to the Park Improvement Fund from the General Fund and the appropriation to the District 6 Recreation Assistance Program;

D) a Budget Amendment Transfer of \$20,000 General Fund in the Economic Development Fund increasing the transfer from the General Fund and the appropriation from Reserves to the Palm Beach Community College Glades Campus Scholarship Program; and

E) authority for the County Administrator to execute the Agreement with the Foundation on behalf of the County. (Admin)

6B-2           ADD-ON: Staff recommends motion to approve: Release of Utility Easement on land owned by Boynton Beach Associates XXI, LLLP. SUMMARY: This document will release the County's interest in the utility easement (Easement) recorded in the Official Records of Palm Beach County in Book 08692, Page 0612 on land owned by Boynton Beach Associates XXI, LLLP. The Water Utilities Department has determined that this Easement is no longer needed, and therefore recommends the release. District 5 (MJ) (WUD)

6D-2           ADD-ON: Staff recommends motion to conceptually approve: the following two (2) affordable housing projects through the Commission on Affordable Housing's Multi-Family Rental Development Program allocating up to \$200,000 for the development of up to 218 affordable housing units:

Match Request

1)

Temple Development, LLC for Madison Springs Apts. \$200,000

(District 3) - 92 units

Alternate

2)

Beneficial Acquisitions, LLC for Grace Wood Senior Apts. \$200,000

(District 3) - 126 units

SUMMARY: These funding recommendations represent the required local government match/contribution necessary to qualify for the Housing Tax Credit Program with the Florida Housing Finance Corporation (FHFC). The Commission on Affordable Housing Advisory Committee originally made funding recommendations on April 20, 2009, and those recommendations were conceptually approved by the Board of County Commissioners (BCC) on May 5, 2009 (Agenda Item No. 3I-4). Since that time, two (2) of the conceptually approved projects have been withdrawn by the developer, Auburn Development, LLC., and the two (2) alternates approved by the BCC on May 5, 2009 has received the funding allocations released by Auburn Development, LLC. The Commission on Affordable Housing on August 10, 2009

recommended that the BCC conceptually approve Temple Development, LLC for the development of Madison Springs Apartments and Grace Wood Senior Apartments be named as an alternate to receive match funding should any of the other projects withdraw. Since the CAH meeting, the County has received notice that Dakota Housing LLC has lost site control. District 3 (TKF) (HCD)

7B-1\*           REVISED TITLE: Staff recommends motion to approve:  
appointment of three (3) at-large members from the following categories to the Palm Tran Service Board: (Palm Tran)

NomineeCategory &Term to Nominated by

Seat NumberExpire

Terry BrownElected Municipal Official of a Municipality

Located within Palm Beach County,

Seat No. 48/17/2011Comm. Abrams

Comm. Koons

Comm. Taylor

Roberta Van

SickleDisability Advocate

Seat No. 28/17/2011Comm. Koons

Comm. Taylor

Marta Suarez-

MuriasFixed Route Bus Passenger, Seat No. 98/17/2010Comm. Koons

Comm. Taylor

7C-1 REVISED TITLE: Staff recommends motion to approve: the following nominations to Seat 7 to fill vacancy created by the resignation of Andre Cadogan for term ending October 31, 2010. (ERM)

NomineeRepresentingSeatNominated by

Allen TrefryCitizen having an interest in preservation and conservation of natural areas7Comm. Jeff Koons

Comm. Karen Marcus

OR

Evelyn Parkes-Brier 7Comm. Karen Marcus

Comm. Priscilla A. Taylor

OR

Cynthia Plockelman 7Comm. Karen Marcus

2.B. Adoption

MOTION to adopt the agenda as amended, carried 7-0.

Aaronson Yes Seconder

Abrams Yes

Koons Yes

Marcus Yes Maker

Santamaria Yes

Taylor Yes

Vana Yes

3. CONSENT AGENDA

4. SPECIAL PRESENTATIONS 9:30 A.M.

5. PUBLIC HEARINGS 9:30 A.M.

6. REGULAR AGENDA

7. BOARD APPOINTMENTS

8. STAFF COMMENTS

9. COMMISSIONER COMMENTS

10. ADJOURNMENT

\* \* \* \* \*

3. CONSENT AGENDA

Item 3.H.3. was pulled from the consent agenda for discussion by the board.

MOTION to approve the consent agenda pulling item 3.H.3., carried 7-0.

Aaronson Yes Secorder

Abrams Yes

Koons Yes

Marcus Yes Maker

Santamaria Yes

Taylor Yes

Vana Yes

(CLERK S NOTE: The following consent agenda items were approved under one motion and vote.)

3.A. ADMINISTRATION

3.A.1.

A)

R-2009-1231

APPROVED: a Joinder to a Sublease Agreement between the Florida Atlantic University Board of Trustees and Max Planck Florida Corporation contingent upon approval of the Joinder to Sublease Agreement by the State of Florida; and

B)

R-2009-1232

APPROVED: a Sublease Consent and Agreement between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, The Florida Atlantic University Board of Trustees, Max Planck Florida Corporation and Palm Beach County, contingent upon approval of the Consent and Agreement by the State of Florida.

SUMMARY: This Sublease provides for the sublease of a portion of the FAU John D. MacArthur Campus to Max Planck for the construction of its permanent Florida facilities. The County is given limited rights to assume the sublease after Max Planck commences vertical construction of their permanent facilities in the event Max Planck is in material default of the Grant Agreement. The County's rights to assume the sublease end upon the earlier of July 21, 2023, which is the end of the term of the County's Grant Agreement with Max Planck, or the termination of the Grant Agreement due to a default by the County. The Sublease

premises may only be used as a not-for-profit biomedical research institution and campus research, training and education, and certain related uses, in conjunction with the operation of a public university by FAU. The use restriction would continue to apply even if the sublease is assumed by the County, which will limit the ability of the County to further sublease or assign its interest in the Sublease. The FAU Board of Trustees approved the Sublease on July 22, 2008. Max Planck Institute approved the Sublease on July 20, 2009. The execution of the FAU Sublease is a condition to the disbursement of Grant Funds. The Sublease Consent and Agreement contains the State's consent to the Sublease and gives Max Planck and the County non-disturbance rights in the event of a default by FAU under the master lease between the State and FAU.

Countywide/District 1 (JM & HF)

3.A.2.

R-2009-1233

ADOPTED: a Resolution of the Board of County Commissioners of Palm Beach County supporting increased flexibility in the use of federal funds by allowing transit systems of all sizes to use a percentage of their formula funds for operating purposes. SUMMARY: At the request of Commissioner Shelley Vana, staff was directed to draft this Resolution. Countywide (DW)

3.A.3.

APPROVED: the appointment by the State Surgeon General of Alina Alonso, M.D., as

the Director of the Palm Beach County Health Department. SUMMARY: Pursuant to Section 154.04(1)(b), Florida Statutes, the Board of County Commissioners must concur with the State Surgeon General's appointment of the County Health Department Director. Dr. Alonso will replace Dr. Jean Malecki who resigned effective August 1, 2009. Countywide (GB)

3.B. CLERK & COMPTROLLER

3.B.1.

APPROVED: Warrant List.

Consolidated Checks	\$53,283,617.86
Wire Transfers	469,606,513.71
Consolidated Manual Checks	0.00
EFT Transfer	2,066,021.24
Payroll Computer Checks (BCC)	2,855,446.01
Payroll Manual Checks (BCC)	34,980.40
Payroll Deposit Advices (BCC)	16,516,155.60
Palm Tran Computer Checks	245,121.42
Palm Tran Manual Checks	2,856.26
Palm Tran Advices	1,086,421.92
TOTAL	\$545,697,134.42

3.B.2.

APPROVED: the following final minutes of the Board of County Commissioners meetings:

Meeting Type	Meeting Date
Comprehensive Plan	April 13, 2009
Regular	April 21, 2009

3.B.3.

APPROVED: Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller s Office. Countywide

A)

Renewal of term contract with Tropic Fence Inc. for \$506,056 to furnish and install chain-link fence.

B)

Renewal of term contract with Howe Enterprises for \$500,000 for aircraft insecticide spraying.

C)

Renewal of term contract with Siemens Water Technologies Corp. for \$202,000 for the purchase of odor control chemicals.

D)

Increase of term contract with amount with Dan Callaghan Enterprises, Inc. for \$262,086 for a total of \$461,086 for the purchase of tires, except Goodyear.

E)

Increase of term contract with Akron Tire Co.; Tiresole of Broward, Inc. and Marino Commercial Tire & Service Centers for \$889,914 for a total of \$1,088,914 for the purchase of Goodyear tires.

F)

Renewal of term contract with Commercial Energy Specialists, Inc. for \$202,206 for the purchase of chlorinating briquette tablets.

G)

Renewal of term contract with ITW Inc. d/b/a AAA Tool & Supply; HD Supply-Plumbing; Jim & Slim s Tool Supply; W. W. Grainger, Inc; MSC Industrial Supply, Inc., NMTC, Inc. d/b/a Matco Tools and Snap-On Industrial, a Division of

IDSC Holdings, Inc. for \$407, 334 for hand held tools and hand power tools.

H)

R-2009-1234

Extend term contract with MV Contract Transportation Inc., for \$0 for flexible transit route deviation services, The Link .

I)

R-2009-1235

Increase of term contract with Avail Technologies, Inc. for \$164, 484 for a total of \$4,674,838 for automatic vehicle locating systems with automatic passenger counting devices and software agreement.

3.B.4.

RECEIVED AND FILED: proof of publications for Unclaimed Monies advertised by the Clerk & Comptroller of Palm Beach County. SUMMARY: Pursuant to Florida Statutes 116.21, the Clerk advertised certain unclaimed monies held which are subject to forfeiture to Palm Beach County. Florida Statutes 116.21 requires that the proof of publication shall be filed and recorded in the minutes of the County Commissioners of such county. Countywide (PFK)

3.C. ENGINEERING & PUBLIC WORKS

3.C.1.

A)

R-2009-1236

APPROVED: a Grant Agreement with the City of Boca Raton in an amount not to exceed \$100,000 for the Citywide Bus Shuttle System; and,

B)

BT 2009-1287

APPROVED: a Budget Transfer of \$100,000 in the Transportation Improvement Fund from Reserve for District 4 to Boca Raton Bus Shuttle System District 4.

SUMMARY: Approval of the Grant Agreement and Budget Transfer will provide funds to offset costs for the first phase operation of five (5) shuttle bus routes and eight (8) 24-passenger shuttle buses. District 4 (MRE)

3.C.2.

A)

R-2009-1237

APPROVED: a Financial Assistance Agreement with the Village of North Palm Beach

regarding the beautification of Prosperity Farms Road from Northlake Boulevard to Burns Road; and

B)

BT 2009-1261

APPROVED: a Budget Transfer of \$10,000 in the Transportation Improvement Fund from Reserve for District 1 to Prosperity Farms Road from Northlake Boulevard to Burns Road.

SUMMARY: Approval of this Financial Assistance Agreement and Budget Transfer will provide one-time funds to offset costs for the maintenance of Prosperity Farms Road from Northlake Boulevard to Burns Road. District 1 (MRE)

3.C.3.

R-2009-1238

APPROVED: Change Order No. 4 in the amount of \$341,822 to Contract No. R2008-0165 with Ranger Construction Industries, Inc. for construction of Hypoluxo Road from west of Lyons Road to Hagen Ranch Road. SUMMARY: Approval of Change Order No. 4 will allow construction of a storm sewer outfall for the portion of Hypoluxo Road east of Florida's Turnpike. District 3 (MRE)

3.C.4.

R-2009-1239

APPROVED: an Interlocal Agreement with the Village of Royal Palm Beach (Village) regarding paver blocks and/or stamped concrete within Palm Beach County (County) rights-of-way. SUMMARY: The Village has agreed to accept full responsibility for design, permits, installation, maintenance of and liability for the existence and use of paver blocks and/or stamped concrete in County rights-of-way at the intersection of Okeechobee Boulevard and Royal Palm Beach Boulevard. District 6 (MRE)

3.C.5.

R-2009-1240

ADOPTED: a Resolution to accept maintenance of 62nd Drive North from Belvedere Road to 850 feet south, at an estimated cost of \$800 annually. SUMMARY: The developer, Z. E. Taheri, was required to construct 62nd Drive North from Belvedere Road south for 850 feet, per Condition E.8(a) of Resolution R1999-100, Petition 1996-031, Taheri Planned Unit Development. The construction is complete and adoption of this Resolution will accept maintenance of the road. District 6 (MRE)

3.C.6.

APPROVED: establishing an impact fee credit of \$620,980.78, for improvements to the intersection of Clint Moore Road and Military Trail for Office Depot. SUMMARY: Office Depot has constructed improvements to the intersection of Clint

Moore Road and Military Trail. These improvements are not required to meet Traffic Performance Standards (TPS). Impact fee credits for roadway improvements that are not required by TPS require the Board of County Commissioners approval. District 6 (LB)

3.C.7.

A)

R-2009-1241

APPROVED: an Agreement with the City of West Palm Beach (City) concerning the funding of street lighting improvements for Okeechobee Boulevard (State Road 704) from Australian Avenue to Tamarind Avenue/Parker Avenue (Project); and

B)

BA 2009-1292

APPROVED: a Budget Amendment of \$325,000 in the Transportation Improvement Fund to recognize reimbursement funding from the City and appropriate it to Okeechobee Boulevard and Tamarind Avenue intersection improvement project for replacement of the existing street light system.

SUMMARY: Approval of this Agreement will provide funding from the City for the replacement of the existing street lighting system within the limits of the Project. District 7 (MRE)

3.C.8. DELETED

3.C.9.

R-2009-1242

RECEIVED AND FILED: the Local Agency Program (LAP) Agreement FPN 423189-1-38/58-01 with the Florida Department of Transportation (FDOT) providing Federal Safe Routes to School funding for the design and construction of five (5) overhead mast arm school zone flashers approved by the Board of County Commissioners on March 17, 2009. This LAP was entered into by adoption of Resolution R2009-0388.

SUMMARY: The LAP was modified by the FDOT to amend dates in the originally executed document. Completion dates for the design and construction of the project in Exhibit A titled Project Description and Responsibilities have been modified as follows: Item B had the date of June 30, 2010 added; Item E had the date of December 31, 2010 added; and Item F had the completion date changed from December 31, 2010, to June 30, 2011. This date was also changed on page two, Section 2.02 of the LAP Agreement. On page one of the Federal-Aid Project Funding Request, the dates were removed from the Environmental Document Section. Districts 2, 3 & 5 (MRE)

3.C.10.

A)

R-2009-1243

APPROVED: an Agreement with the Town of Loxahatchee Groves (Town) for the Town to pay up to \$12,000 for school speed zone flashing signs for the Loxahatchee Groves Elementary School; and

B)

BA 2009-1264

APPROVED: a Budget Amendment of \$12,000 in the Transportation Improvement Fund to recognize the funding from the Town for the designated construction of school speed zone flashing signs for the Loxahatchee Groves Elementary School.

SUMMARY: Approval of these actions will fund the purchase and installation of two (2) school speed zone flashing signs on Okeechobee Boulevard for the Loxahatchee Groves Elementary School. The County will be reimbursed for the full cost by the Town. District 6 (MRE)

3.C.11.

A)

BT 2009-1263

APPROVED: a Budget Transfer of \$30,000 in the Transportation Improvement Fund

from Reserve for District 2 to Cabana Colony - Local Drainage; and

B)

BT 2009-1262

APPROVED: a Budget Transfer of \$30,000 in the Capital Outlay Fund from Cabana Colony - Local Drainage to Keep Palm Beach County Beautiful, District 2.

SUMMARY: Approval of this item provides funding not to exceed \$30,000 for the fourth and final annual allocation to Keep Palm Beach County Beautiful (KPBCB) for Fiscal Year 2007 through Fiscal Year 2010 for a maximum total of \$120,000. The efforts of KPBCB serve a public purpose by promoting and facilitating public and community area enhancement programs and by promoting, facilitating, and reviewing beautification grants for the purpose of enhancing thoroughfare roadways throughout Palm Beach County. Countywide (MRE)

3.C.12.

A)

APPROVED: conceptually approve a reimbursement to the City of Delray Beach (City) in an amount not to exceed \$1,000,000 from the Transportation Improvement Fund Reserves for District 7 for the installation of infrastructure and road improvements on Southwest 12th Avenue; and

B)

APPROVED: directing staff to amend the Interlocal Agreement with the City and Delray Beach Housing Authority approved on November 12, 2008 (R2008-2025).

Summary: An amended Interlocal Agreement will transfer the responsibility from the Delray Beach Housing Authority to the City for improvements to Southwest 12th Avenue at the site of the old Carver Estates property. District 7 (MRE). The \$1,000,000 is the same amount as was in the 2008 Agreement, (Engineering)

3.D. COUNTY ATTORNEY

3.D.1.

R-2009-1244

APPROVED: a Settlement Agreement, inclusive of attorney s fees and costs, in the total amount of \$70,000 in the personal injury action styled Michael Murphy vs. Palm Beach County, Case No. 502008CA039573XXXXMB. SUMMARY: Plaintiff was waiting in line to board a Palm Tran bus on February 7, 2008, at or near the intersection of Military Trail and Lake Worth Road in Greenacres. As the bus approached the bus stop, the mirror struck the back of the Plaintiff s head allegedly causing injury. He developed increasing pain over the next 24 to 48 hours, which included neck pain, back pain, and bruising on his head. Eventually, he underwent steroid injections and neck surgery. Staff, including the Risk Management Roundtable Committee and Palm Tran, concur that this

settlement is in the best interest of Palm Beach County. Countywide (SCL)

3.D.2.

R-2009-1245

APPROVED: a Settlement Agreement, inclusive of attorney s fees and costs, in the total amount of \$80,000 in the personal injury action styled Edith Tucker vs. Palm Beach County, Case No. 502008CA014530XXXXMBAO. SUMMARY: Plaintiff, Edith Tucker, is one of 13 passengers who were allegedly injured on a Palm Tran bus on State Road 80 in Belle Glade on May 8, 2006. There was heavy fog and the bus operator swerved to the right to avoid a disabled Solid Waste Authority tractor-trailer that was on the roadway. The mirror on the driver s side of the bus struck the right rear of the tractor-trailer. The bus driver was cited for driving too fast for conditions after leaving approximately 35 feet of skid marks. Countywide (SCL)

3.D.3.

APPROVED: authorizing a settlement as to Parcels 814 and 815 in the amount of \$783,383.44, inclusive of attorney s fees and experts fees and costs and clerk s fees, in the eminent domain proceeding entitled Palm Beach County v. Leonard V. Mecca, as Trustee, et al, Case No: 502008CA023514XXXX MBAH, for the improvement of West Atlantic Avenue from west of Lyons Road to Starkey Road. SUMMARY: This action would authorize a settlement of the compensation for the acquisition of two (2) permanent exclusive easements acquired for the

construction and improvement of West Atlantic Avenue, from west of Lyons Road to Starkey Road (Project No. 2004602), by paying \$783,383.44 for the two (2) permanent exclusive easements acquired, any and all damages to the remaining property and costs to cure such damages, attorney s fees, experts fees and costs, and \$170 fee of the clerk of the court. This settlement does not include damages to the tenant owned fixtures constructed in the buildings on the property and, if any tenants relocate due to the taking, such relocation costs.  
District 6 (PM)

3.D.4.

APPROVED: authorizing a settlement of certain expert fees in the eminent domain proceeding entitled Palm Beach County v. E.F. Johns, Ltd., et al, Case No.: 502007CA002957XXXMBAD, for the improvement of Lyons Road. SUMMARY: This action would authorize a settlement of expert fees incurred by the owner in an eminent domain proceeding for property acquired for the improvement of Lyons Road from Glades Road to Yamato Road (Project No. 1998504), by paying \$90,000. District 5 (PM)

3.E. COMMUNITY SERVICES

3.E.1.

R-2009-1246

APPROVED: Head Start Delegate Agency Agreement with The School Board of Palm

Beach County (Delray Full Service Center), for the period of October 1, 2009, through September 30, 2010, in an amount of \$1,091,661, for services to Head Start children. 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 per child rate of \$5900.87. There are not sufficient County facilities to accommodate all 1,871 authorized slots for children 3 and 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 \$702,593 in Federal funds, \$157,199 in required match County funds and \$231,869 in overmatch. County funding is contingent on budget approval and has been requested in the FY 2010 budget. (Head Start) Countywide (TKF)

3.E.2.

R-2009-1247

APPROVED: Modification No. 001 of the Community Services Block Grant Contract (CSBG) (R2008-0596) with the State of Florida Department of Community Affairs for the period of October 1, 2008, to September 30, 2009, in an amount of \$48,697, for emergency services to low-income families.

Summary: Modification No. 001 will incorporate base increase funds of \$46,403 and carryover funds of 2,294 for a new CSBG total of \$939,474. These funds and County matching funds of \$187,895 bring the new CSBG Contract total to \$1,127,369. The additional funding will enable PBC Community Action to provide

emergency services to additional low income families. The County matching funds are included in the Department s FY 2009 budget. (Community Action Program) Countywide (TKF)

3.E.3.

A)

R-2009-1248

APPROVED: ratifying the signature of the Chairman on the 2010 State of Florida Department of Children and Families (DCF) Homeless Challenge Grant Application;

B)

APPROVED: delegating authority to the County Administrator or his designee to sign the State of Florida DCF contract for the Homeless Challenge Grant; and,

C)

APPROVED: delegating authority to the County Administrator or his designee to sign the contracts with Faith, Hope, Love, Charity, Inc. and Salvation Army, a Georgia Corporation for no longer than a one (1) year period to end June 30, 2010, for the maximum cumulative amount of \$144,000.

Summary: The Division of Human Services is applying for funding to provide

Transitional Housing through the 2010 Homeless Challenge Grant. DCF will allocate funds based on the applicant's score up to a maximum of \$144,000. Upon receipt of a grant award, the County will contract with service providers as follows:

Maximum Funding Level Allocation

\$144,000 Sub-Contractor Type of Service # to be Served

\$72,000 Faith, Hope, Love, Charity, Inc. Transitional Housing 40

\$72,000 Salvation Army, a Georgia Corporation Transitional Housing 73

Should the funding level be below the maximum, the allocations would be reduced to amounts agreed to in advance amongst the providers. No County funds are required. (Human Services) Countywide (TKF)

3.E.4.

R-2009-1249

APPROVED: a contract with 211 Palm Beach Treasure Coast, Inc., for the period October 1, 2009, through September 30, 2010, in an amount not to exceed \$45,707, for supportive services to homeless persons. Summary: 211 Palm Beach Treasure Coast, Inc. will provide homeless individuals access to a toll free Homeless Helpline and an Intake Worker 24 hours per day, 7 days a week for 365 days a year. The Intake Worker screens appropriate referrals for the Homeless Outreach Teams (HOT), accesses other available resources and enters all data into the

Client Management Information System (CMIS), a centralized computer database. The Homeless Helpline will work in conjunction with the 211 Information Systems. Payment is based on a unit cost and the estimated number of appointments scheduled for the HOT. A total of \$45,707 in County funds is included in the FY 2010 budget. County obligations under this Contract are subject to budget approval. (Human Services) Countywide (TKF)

3.E.5.

APPROVED: Contracts with the following vendors for support services to homeless individuals for the period of October 1, 2009, through September 30, 2010;

A)

R-2009-1250

Oakwood Center of the Palm Beaches, Inc. in an amount not to exceed \$42,330;  
and,

B)

R-2009-1251

Comprehensive Alcoholism Rehabilitation Programs, Inc. (CARP) in an amount not to exceed \$42,330.

Summary: Oakwood Center of the Palm Beaches, Inc. and Comprehensive Alcoholism

Rehabilitation Programs, Inc. (CARP) provide special population staffing that target homeless persons. Separate contracts are provided for these two (2) agencies. Each agency will receive \$42,330, for a total of \$84,660. County funds are included in the FY 2010 budget. County obligations under these contracts are subject to budget approval. (Human Services) Countywide (TKF)

3.E.6.

R-2009-1252

APPROVED: a contract with The Center for Family Services of Palm Beach County for the period of October 1, 2009, through September 30, 2010, in an amount not to exceed \$47,514, for emergency shelter services to homeless persons. Summary: The Center for Family Services will coordinate emergency after hours shelter placement and food, including the provision of transportation and ongoing case management to homeless persons until alternate placement can be arranged. A total of \$47,514 in County funds is included in the FY 2010 budget. County obligations under this contract are subject to budget approval. (Human Services) Countywide (TKF)

3.E.7.

R-2009-1253

APPROVED: a contract with Gulfstream Goodwill Industries, Inc., for the period October 1, 2009, through September 30, 2010, in an amount not to exceed \$34,005, for supportive services to homeless persons. Summary: Goodwill Industries, Inc.

will provide case management services to thirty (30) homeless individuals through the Transitional Housing Program, Project SUCCESS. Case management services are a vital link to meet the needs of the homeless individual to overcome the numerous barriers that have led to their homelessness. A total of \$34,005 in County funds are included in the FY 2010 budget. County obligations under this Contract are subject to budget approval. (Human Services) Countywide (TKF)

3.E.8.

R-2009-1254

APPROVED: a contract with Oakwood Center of the Palm Beaches, Inc., for the period of October 1, 2009, through September 30, 2010, in an amount not to exceed \$73,318, for services to homeless individuals. Summary: Oakwood Center of the Palm Beaches, Inc. will provide supportive services through the Homeless Assertive Community Treatment Team to include case management, employment counseling, medication management, benefits counseling, peer counseling and group counseling. These services are provided to homeless individuals who are severely mentally ill or dually diagnosed and have been placed in permanent housing through the Housing and Urban Development (HUD) Shelter Plus Care grant programs. A total of \$73,318 in County funds are included in the FY 2010 budget. County obligations under this Contract are subject to budget approval. (Human Services) Countywide (TKF)

3.E.9.

R-2009-1255

APPROVED: a contract with The Lord s Place for the period of October 1, 2009, through September 30, 2010, in an amount not to exceed \$63,000, for support services to homeless persons. Summary: The Lord s Place will provide supportive services to a maximum of 78 homeless individuals in an effort to reduce recidivism of single, chronic homeless males through Operation Jump Start. The project s objective is to reduce the revolving door syndrome of chronic homeless males by extending emergency shelter from 30 to 60 days; educating and motivating participants towards change that will create self-sufficiency through an intensive day program; and evaluating the effectiveness of a low demand program in engaging and creating change in the chronic homeless population. Case management services are a vital link to meet the needs of the homeless individual to overcome the numerous barriers that have led to their homelessness. A total of \$63,000 in County funds is included in the FY 2010 budget. County obligations under this Contract are subject to budget approval.  
(Human Services) Countywide (TKF)

3.E.10.

R-2009-1256

APPROVED: a contract with Christians Reaching Out to Society (CROS) Ministries, Inc., for the period of October 1, 2009, through September 30, 2010 in an amount not to exceed \$42,548 to provide gleaning services.

Summary: CROS Ministries will recruit and coordinate gleaning opportunities through local church, civic and non-profit agencies, in the county to develop strong neighborhood relationships, opportunities and support systems. Gleaning is the gathering of excess produce after the fields have been harvested. The produce is distributed to homeless shelters, day care centers, senior centers, and emergency food pantries. This project is a collaboration between the County, CROS and United Way to bring fresh produce into low-income neighborhoods as fresh fruit and vegetables are usually too expensive and/or of poor quality in these areas. The addition of these resources adds much needed nutrition to the diet and promotes health and wellness. A total of \$42,548 in funds is included in the FY 2010 budget of which \$34,038 is state grant dollars and \$5,000 is County ad valorem dollars. County obligations under this Contract are subject to budget approval. (CSBG and CAP) Countywide (TKF)

3.E.11.

R-2009-1257

APPROVED: a contract with the United Way of Palm Beach County to support the Community Food Alliance in an amount not-to-exceed \$25,000, for the period October 1, 2009, through September 30, 2010. Summary: The County continues to partner with the United Way to provide staff support of the Palm Beach County Community Food Alliance. This Alliance implements the countywide Community Food Security Action Plan to decrease hunger in Palm Beach County. This action plan was developed as a result of the 2004 Food Security Survey. Funding from the County will be matched by United Way for the support of the salary/benefits and

related expenses of the Community Food Alliance Coordinator. A total of \$25,000 in funds is included in the FY 2010 budget of which \$20,000 is state grant dollars and \$5,000 is County ad valorem dollars. County obligations under this Contract are subject to budget approval. (CSBG and CAP) Countywide (TKF)

3.E.12.

R-2009-1258

APPROVED: Standard Agreement No. IC009-9500 for the Community Care for the Elderly (CCE) program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2009, through June 30, 2010, in an amount not-to-exceed of \$1,025,370, for various services to the elderly.

Summary: This Agreement will allow the Division of Senior Services (DOSS), a lead agency to provide Adult Day Care, Case Aide, Case Management, Counseling (Mental Health/Screening), Emergency Alert Response, In-Home Services (Homemaker, Personal Care, Shopping Assistance, Respite, Companionship, Chore and Escort), Pest Control and Specialized Medical Equipment, Services & Supplies, which are funded with \$1,025,370 in State funds, \$113,930 in County required funds, \$347,102 in additional County funds and \$42,690 in Program Income funds. The Agreement spans two (2) County fiscal years. Sufficient funding is available in the FY 2009 budget to meet County obligations. County match and additional funding required to meet FY2010 obligations is included in the proposed FY 2010 budget. CCE funds administered and managed by the AAA will allow DOSS to provide assistance to the elderly population and caregivers to

assist functionally impaired elderly persons to live dignified and reasonably independent lives in their own homes or in the homes of relatives or caregivers. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provides CCE services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3.E.13.

R-2009-1259

APPROVED: Standard Agreement No. IZ009-9500 for the Alzheimer s Disease Initiative (ADI) program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2009, through June 30, 2010, in an amount not-to-exceed of \$230,810, for Case Management and Respite services to the elderly. Summary: The Agreement will allow the Division of Senior Services (DOSS), a lead agency to provide Case Management, In-Home Respite and Facility Based Respite, which are funded with \$230,810 in State funds, \$139,379 in additional County funds and \$5,513 in Program Income funds. The Agreement spans two (2) County fiscal years. Sufficient funding is available in the FY 2009 budget to meet County obligations. County match and additional funding required to meet FY2010 obligations is included in the proposed FY 2010 budget. ADI funds administered and managed by the AAA will allow DOSS to provide assistance to the elderly population and caregivers to assist functionally impaired elderly persons to live dignified and reasonably independent lives in their own homes or in the homes of relatives or caregivers to ensure that persons afflicted with Alzheimer s disease and other forms of dementia are given essential services to

help them age in place, in an elder-friendly environment, with security, dignity and purpose. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provides ADI services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3.E.14.

R-2009-1260

APPROVED: Standard Agreement No. IH009-9500 for the Home Care for the Elderly (HCE) program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2009, through June 30, 2010, in an amount not-to-exceed of \$137,826, for various services to the elderly.

Summary: This Agreement will allow the Division of Senior Services (DOSS), a lead agency to provide case management and subsidies, which are funded with \$137,826 in State funds and \$65,593 in additional County funds. The Agreement spans two (2) County fiscal years. Sufficient funding is available in the FY 2009 budget to meet County obligations. County match and additional funding required to meet FY 2010 obligations is included in the proposed FY 2010 budget. HCE funds administered and managed by the AAA will allow DOSS to provide assistance to the elderly population and caregivers to encourage the provision of care in family-type living arrangements in private homes on a not-for-profit basis as an alternative to nursing home or other institutional care. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provides HCE

services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3.E.15.

APPROVED: contracts and contract amendments with listed provider agencies for the period March 1, 2009, through February 28, 2010, totaling \$208,376, for Ryan White Part A HIV Emergency Relief Formula funds and \$1,613,161 Supplemental funds:

1)

a.

R-2009-1261

Formula amendment of \$119,500 to Treasure Coast Health Council- Medical.

b.

R-2009-1262

Supplemental contract of \$308,332 to Treasure Coast Health Council- Medical.

2)

a.

R-2009-1263

Formula amendment of \$88,876 to Treasure Coast Health Council- CC Support.

b.

R-2009-1264

Supplemental contract of \$101,576 to Treasure Coast Health Council - CC Support

3)

R-2009-1265

Supplemental contract of \$1,203,253 to Palm Beach County Health Department

Summary: The above contracts are for the remaining funds from the Department of Health and Human Services Health Resources and Services Administration (HRSA) award received on March 8, 2009. Total funds awarded are \$4,892,639. Contracts totaling \$3,071,102 were previously submitted and approved on a prior BCC agenda. The grant award is for the provision of services related to HIV affected clients, such as medical case management, medical care, oral health care and substance abuse treatment. The agencies listed were selected through the Request for Proposal (RFP) process and have been recommended to receive funding. (Ryan White) Countywide (TKF)

3.E.16.

A)

R-2009-1266

APPROVED: a Child Care Food Program (CCFP) Contract for the period of October 1, 2009, through September 30, 2010, in the amount of \$1,367,359 for meals served to Head Start/Early Head Start children; and,

B)

APPROVED: the CCFP Delegation of Signing Authority document, authorizing the County Administrator or his designee to sign program documents required by the Department of Health (DOH).

Summary: This Contract will enable the Head Start Program to participate in the FY 2009/2010 CCFP by providing 979 infants, toddlers and children with breakfast, lunch, and a snack each day. The Delegation of Signing Authority form will allow for one (1) representative, other than the Chairperson, to sign any additional forms from the DOH during the contract period. Head Start staff projects reimbursement of \$815,421 from the Florida DOH. County support of \$551,938 is required for a total amount of \$1,367,359 to serve meals to Head Start and Early Head Start children. The application was received at the DOH training workshop on August 4, 2009. The County funds are included in the proposed FY 2010 budget. (Head Start) Countywide (TKF) (Community Services).

3.E.17.

BA 2009-1320

APPROVED: a Budget Amendment of \$92,281 in the Head Start Fund, for the period of October 1, 2008, through September 30, 2009, to reconcile the actual grant for the furtherance of teacher education award from the Department of Health and Human Services (HHS). Summary: Head Start has received additional revenue of \$92,281 from the Department of Health and Human Services (HHS). The award provides supplemental funding for the furtherance of teacher education. The funding will be used to help maintain the quality of Head Start services by supporting the grantee in its efforts to retain qualified staff. Head Start funding distribution consists of \$62,173 for tuition for 51 teachers to take 12 credit certificate courses that would be included in their BA program, \$15,300 towards books, and \$7,239 toward training. Early Head Start funding distribution consists of \$2,661 for training, and \$4,908 for tuition reimbursement. A Budget Amendment is needed to align the County's budget with the approved funding from HHS. (Head Start) Countywide (TKF)

3.F. AIRPORTS

3.F.1.

R-2009-1267

ADOPTED: a Resolution establishing a standard form Non-concessionaire Rental Car and Parking Lot Operator Permit (Permit); authorizing the County Administrator

or his designee to execute the standard form Permit; repealing Resolution 2005-0451; and becoming effective upon adoption. SUMMARY: The Resolution establishes a new standard form Permit for use with non-concessionaire rental car and off-airport parking lot operators at the Palm Beach International Airport, and authorizes the County Administrator or his designee to execute the standard form Permit on behalf of the Board. The Resolution repeals Resolution 2005-0451, which adopted a similar permit for non-concessionaire rental car companies but which did not include off-airport parking lot operators.

Countywide (AH)

3.F.2.

R-2009-1268

ADOPTED: a Resolution approving Supplemental Joint Participation Agreement (SJPA) Number 1 with the Florida Department of Transportation (FDOT) amending the original project description. SUMMARY: On September 23, 2008, the BCC adopted a Resolution (R2008-1637) approving a Joint Participation Agreement (JPA) with the FDOT in the amount of \$725,000 or 12.50% of the eligible project costs, whichever is less, to relocate the Very High Frequency Omni-Directional Range (VOR) at Palm Beach International Airport (PBIA). The FDOT has issued SJPA Number 1 amending the original project description to Airport security improvements for Palm Beach County General Aviation Airports: Palm Beach County Park Airport (Lantana), Palm Beach County Glades Airport (Pahokee) and North Palm Beach County General Aviation Airport (F45); and amending the FDOT's participation from 12.50% to 100% with no increase in funding. This change will

allow the Department of Airports to utilize the state funds towards the construction of security improvements at the General Aviation airports.

Countywide (AH)

3.F.3. DELETED

3.F.4.

RECEIVED AND FILED: ten (10) original Agreements for the Department of Airports:

A)

R-2009-1269

Hangar Lease Agreement with Karl M. Bennett, Unit 7, Building 201, at Palm Beach County Glades Airport for one (1) year, automatically renewed at one (1) year intervals, commencing August 1, 2009 or the date of issuance of Certificate of Occupancy for Building 201 (AH);

B)

R-2009-1270

Hangar Lease Agreement with Infrared and Information Services, LLC, Unit 5, Building 201, at Palm Beach County Glades Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on August 1, 2009 or date of issuance of Certificate of Occupancy for Building 201 (AH);

C)

R-2009-1271

Hangar Lease Agreement with Frank J. Matthews, Unit 14, Building 11240, at North County General Aviation Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on July 1, 2009; terminating Hangar Lease Agreement with Robert Morgenthaler and Frank J. Matthews (R2005-2015) for Unit 6, Building 11240 at North County General Aviation Airport, same date (AH);

D)

R-2009-1272

Hangar Lease Agreement with Peter V. DeSanctis C.P.A., P.A., Unit 3, Building 11740, at North County General Aviation Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on July 21, 2009 (AH);

E)

R-2009-1273

Hangar Lease Agreement with William J. Sipes, Jr., Unit 3, Building 201, at Palm Beach County Glades Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on August 1, 2009 or the date of issuance of Certificate of Occupancy for Building 201 (AH);

F)

R-2009-1274

Consent to Sublease for Piedmont Hawthorne Aviation, LLC, d/b/a Landmark Aviation and Cloud 9 Helicopter, commencing May 8, 2009, terminating May 31, 2009, renewable on a year-to-year basis (AH);

G)

R-2009-1275

Consent to Sublease for Piedmont Hawthorne Aviation, LLC, d/b/a Landmark Aviation and Luhtech Jet, commencing July 1, 2008, terminating June 30, 2009, renewable on a year-to-year basis (AH);

H)

R-2009-1276

Second Amendment to Airline Operating and Lease Agreement with Air Canada dated June 9, 2009 (AH);

I)

R-2009-1277

Grant Agreement with Federal Aviation Administration for Rehabilitation Runway 13/31; Design Engineered Material Arresting System Runway 31 End at PBIA

(AH); and

J)

R-2009-1278

Contract with J. W. Cheatham, LLC for Runway 13-31 Rehabilitation at PBIA dated June 22, 2009 (JM).

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the BCC in R94-1453, R2006-2086, R2007-1968, R2008-1845 and Agenda Item 5B-1 approved May 19, 2009. Countywide

3.G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

3.G.1.

A)

APPROVED: a request by Palm Beach County Tax Collector, Anne M. Gannon, for Board of County Commissioners to order the 2009 tax roll to be extended prior to completion of the Value Adjustment Board hearings; and

B)

APPROVED: directing the Value Adjustment Board to certify the assessment roll as

required by State Statutes.

SUMMARY: Approval of this request will avoid a delay in the issuance of tax notices beyond November 1, 2009, and will permit the collection of property taxes prior to completion of the Value Adjustment Board hearings. Countywide (PFK)

### 3.H. FACILITIES DEVELOPMENT & OPERATIONS

#### 3.H.1.

R-2009-1279

APPROVED: Amendment No. 5 to the Annual Engineering/Professional Services Contract with Boyle Engineering Corporation (R2003-1898) for Parks & Recreation Capital Improvement Projects. SUMMARY: On November 18, 2003, the Board entered into a contract with LBFH, Inc., for engineering/professional services for Parks & Recreation Capital Improvement projects on a continuing services basis. LBFH, Inc. was acquired by Boyle Engineering Corporation (R2008-0186). Boyle Engineering Corporation has now merged with AECOM USA, Inc. and Amendment No. 5 acknowledges the merger. (Capital Improvements Division) Countywide (JM)

#### 3.H.2.

R-2009-1280

APPROVED: Consultant Services Authorization (CSA) No. 1 to Contract (R2007-1812)

with Corzo Castella Carballo Thompson Salman, PA., (C3TS) in the amount of \$428,711 to provide architectural/engineering design and construction administration services for Waterway Park. SUMMARY: CSA No. 1 includes engineering and architectural design services, regulatory approval and design permit acquisition, cost estimation, bidding assistance, as well as full construction administration services for the development of a new park providing public boat access to the intracoastal waterway in Jupiter. These professional services are required to fully develop the design and effectively administer all construction activities. Funding for these services is from \$50M GO 05 Waterfront Access Bond. C3TS will provide participation of 4.29% SBE and 100% M/WBE for this Authorization. C3TS's contract goal is 2.0% SBE and 100% M/WBE. (Capital Improvements Division) District 1 (JM)

3.H.3. Pages 46 47

3.H.4.

R-2009-1281

APPROVED: a Lease Agreement with FWI 20 LLC, for the continued use of Fire Rescue Station No. 22 located in the Grove Market Shopping Center in unincorporated Loxahatchee for \$123,525 a year. SUMMARY: The Fire Rescue Department currently operates its temporary Fire Rescue Station No. 22 out of office space within the Grove Market Shopping Center in the Acreage, pursuant to the terms of a Sublease Agreement (R2002-0116) with Palms West Hospital Limited Partnership. The Sublease Agreement expires on September 30, 2009. This Lease

Agreement is a direct lease with the owner of the Shopping Center, FWI 20 LLC, and is for the same premises that Fire Rescue is currently occupying. The leased premises consist of 4,050 square feet of space, use of the adjacent service court for apparatus parking, designated automobile parking for other fire rescue vehicles and use of common areas including parking. The term of the Lease is for five (5) years and expires on September 30, 2014, with two (2) renewal options, each for one (1) year. The County has the right to terminate the Lease after the first (2) two years with 180 days written notice. The annual gross rent is \$123,525 (\$30.50/square foot) with annual 3.5% increases. The rental rate represents a twenty percent (20%) reduction in rent. This Lease will provide additional time to acquire land and construct a permanent facility. (PREM)  
District 6 (HJF)

3.H.5.

R-2009-1282

APPROVED: Supplement No. 1 to Consultant Services Authorization (CSA) No. 5 to the contract with Slattery & Associates Architects Planners (R2004-0326) in the amount of \$419,877.50 to provide architectural and engineering services for the Belle Glade Library. SUMMARY: The City of Belle Glade is acquiring two (2) acres of land from the School District and when combined with an adjacent two (2) acres already owned by the City, will lease all four (4) acres to Palm Beach County for the Library with an attached community room. Supplement No. 1 to CSA No. 5 will provide architectural and engineering services for permitting, design and construction phase services for the new 15,000 square foot library and 4,000

square foot community space (both square footages approximate). While the documents allowing for the transfer and use of properties between the School Board, City and County and the ongoing lease of the community room by the City are still being drafted, the City Council has approved the general business terms. Staff is recommending that the County proceed with the design at this time. Slattery & Associates Architects Planners has an annual contract for architectural services which provides for an overall Small Business Enterprises (SBE) goal of 15%. The participation on this CSA is 17.9%. When added to the consultant's participation to date, the SBE participation is 19.6%. The Library is funded from the \$22.3M GO 06 Bond issue and the community room from a federal grant to the City of Belle Glade. (Capital Improvements Division)  
District 6 (JM)

3.H.6.

A)

R-2009-1283

APPROVED: Supplement No. 4 to Consultant Services Authorization (CSA) No. 3 to Contract with Miller Legg & Associates, Inc., (R2007-1813) in the amount of \$199,879 to provide engineering design and construction administration services for golf course modifications at South County Regional Park Parcel A;

B)

R-2009-1284

APPROVED: Supplement No. 5 to Consultant Services Authorization (CSA) No. 3 to Contract with Miller Legg & Associates, Inc., (R2007-1813) in the amount of \$179,494 to provide engineering design and construction administration services for recharge wells, irrigation pump and distribution piping, for the golf course at South County Regional Park Parcel A;

C)

BT 2009-1305

APPROVED: a Budget Transfer of \$1,010,983 in the \$6.1M Sunshine No. 8 06, Park & Marina Improvement Fund from Phil Foster Park Marina to South County Regional Park Phase II;

D)

BT 2009-1306

APPROVED: a Budget Transfer of \$265,029 in the Park Improvement Fund from Hurricane Wilma to South County Regional Park Phase II; and,

E)

BT 2009-1307

APPROVED: a Budget Transfer of \$564,449 in the Park Impact Fees Z-3 Fund from Aquacrest Pool Facility Enhancement to South County Regional Park Phase II.

SUMMARY: These actions will provide the additional consultant services and funding needed to complete Phase II of South County Regional Park Parcel A, including the golf course which was halted in 2007 when the South Florida Water Management District (SFWMD) rescinded the County's water use permit. To meet the new requirements for permit approval by the SFWMD and address various environmental concerns, significant changes to the planned development were proposed and approved in the recently received new permit. Supplements 4 and 5 identify additional engineering design services, construction document preparation, and construction administration services for the project which includes topographical survey and geotechnical services, recharge well design, distribution piping design, irrigation pump design, electrical design, sanitary sewer and storm water design, landscape and cart path redesign, environmental enhancement, and regulatory approval. The additional funding needed to design and construct the modifications to the project is approximately \$1,800,000. Funding for these services is from the \$6.1M Sunshine Fund '06, Park Improvement Fund, and Zone 3 Park Impact Fees. Miller Legg & Associates will provide participation of 10.2% Small Business Enterprise (SBE) and 4.4% Minority/Women Business Enterprise (M/WBE) for this Authorization. When added to the Consultant's participation to date, the resulting participations are 12.5% SBE and 8.7% M/WBE. The consultant's contract goal is 18% SBE and 2% M/WBE. (Capital Improvements Division) District 5 (JM)

3.H.7.

R-2009-1285

APPROVED: a First Amendment to the Interlocal Agreement (R2006-1909) with the City of Greenacres (City) for radio maintenance services. SUMMARY: The Agreement with the City, which provides the terms and conditions under which the City receives radio equipment maintenance services from the County, will expire on September 11, 2009. The Agreement provides for one (1) - three (3) year renewal but renewals require approval by both parties. The City has approved a renewal to extend the term of the Agreement until September 10, 2012. The renewal now requires Board approval. The terms of the Agreement are standard. The maintenance rates are consistent with those being charged to the County departments. The Agreement may be terminated by either party, with or without cause, with a minimum of three (3) months notice. (FDO/ESS) District 3 (JM)

3.H.8.

R-2009-1286

APPROVED: a Drainage Easement in favor of the Village of Royal Palm Beach for storm water drainage for the Royal Palm Beach Library. SUMMARY: Palm Beach County is currently expanding the Royal Palm Beach Library, located near the southwest corner of Okeechobee Boulevard and Royal Palm Beach Boulevard in Royal Palm Beach. The existing 7,955 square foot library is being expanded by 12,530 square feet to handle the heavy volume of residents who use the facility. Expansion of the Library requires replacement of the existing platted drainage easement with this new Easement. The relocated Drainage Easement area is 20 wide by approximately 285 long and will cover an area which is approximately

5,713 square feet (.13 acre). This is a perpetual non-exclusive Drainage Easement and is being granted to the Village of Royal Palm Beach at no charge since it will replace the existing drainage easement which will be abandoned.

(PREM) District 6 (HJF)

3.H.9.

R-2009-1287

APPROVED: a Deed of Conservation Easement across a portion of Okeeheelee Park South in unincorporated Greenacres in favor of the South Florida Water Management District (SFWMD). SUMMARY: As a condition of a SFWMD permit for the development of Okeeheelee Park South, the County is required to grant SFWMD a Deed of Conservation Easement upon completion of construction of a surface water management system and on-site wetland mitigation to serve the 600+ acre park. The park is located at 7500 Forest Hill Boulevard in unincorporated Greenacres, between South Jog Road and Florida's Turnpike. The County acquired the land from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (TIITF) in 1996. This non-exclusive easement consists of 16 wetland mitigation areas containing a total of 27.96 acres all being located within a 71-acre on-site lake. The easement is being granted to the SFWMD at no cost as a condition of compliance with the SFWMD permit. (PREM) District 6 (HJF)

3.H.10.

R-2009-1288

RECEIVED AND FILED: a Memorandum of Termination of the Use Agreement (R2006-0347) with Ric Bradshaw, Sheriff of Palm Beach County, dated February 28, 2006, for use of space in the former cafeteria building at 4215 Cherry Road, West Palm Beach. SUMMARY: On November 1, 2005, the Board approved an Internal Memorandum of Understanding with the Department of Airports (R2005-2163) for the County's use of the former King's Academy facility located at 4215 Cherry Road in West Palm Beach (Cherry Road). On February 28, 2006, the Board approved a Use Agreement whereby PBSO leased for a term of five (5) years expiring on February 27, 2011, the former cafeteria building at Cherry Road for use by its information technology employees. PBSO paid its annual rent through February 27, 2009. Pursuant to the terms of a Memorandum of Understanding For Property Exchange (R2008-0613) approved by the Board on April 15, 2008, Cherry Road was transferred from the Department of Airports' control to the County's control on May 1, 2008. As a result of the transfer in control to the County, rent payments from PBSO are no longer required as PBSO's rent is funded through the County's General Fund. Therefore, the Use Agreement with PBSO is to be considered terminated effective May 1, 2008, with no further rent due. (PREM) District 2 (HJF)

3.H.11.

R-2009-1289

APPROVED: a License Agreement with the School Board of Palm Beach County for use of School Board property to provide for a temporary staging area for the Water Utilities Departments (WUD) operations and maintenance crews in Belle Glade.

SUMMARY: On June 16, 2009 (R2009-1034), the Board approved an Interlocal Agreement with the City of Belle Glade, the City of Pahokee and the City of South Bay establishing the Glades Utility Authority (GUA) for the purpose of providing water, wastewater and reclaimed water services to the residents of Belle Glade, Pahokee, South Bay and surrounding areas. The Interlocal Agreement establishes a transition period for the transfer of assets, systems and utility service from the Cities to the GUA. During the transition period, WUD is to provide services to the GUA which include operations, maintenance, replacement and construction services for the utility systems. WUD has requested the use of vacant School Board property at its West Tech Campus adjacent to the Lake Region Water Treatment Plant in order to set up a temporary staging area for the provision of these services. This License Agreement provides for the utilization of the School Board property as a temporary staging area for placement of modular buildings, a parking area and storage of utility materials and equipment. The term of the License Agreement is for one (1) year ending on August 18, 2010. There will be no charge for the use of this property. The cost associated with the set up of the temporary staging area is \$91,125. The County has the right to assign this License Agreement to the GUA. (PREM) District 6 (HJF)

3.H.12.

A)

R-2009-1290

APPROVED: a Contract with S Group, Inc. in the amount of \$397,400 for the construction of Santaluces Concession Stand Replacement;

B)

BT 2009-1308

APPROVED: Budget Transfer of \$83,450 in the Property and Casualty Insurance Fund from Reserve to the Park Improvement Fund line; and,

C)

BA 2009-1309

APPROVED: Budget Amendment of \$83,450 for the Park Improvement Fund to receive funds from the Property and Casualty Insurance Fund and to increase budget for the Santaluces Concession Stand Replacement project.

SUMMARY: This Contract will provide for the construction of a new, one story 1,384 sq. ft. concession building that includes concession area, meeting room, restrooms and supporting site utilities at the existing Santaluces Athletic and Aquatic Complex. The Small Business Enterprises (SBE) goal for this project is 15%. S Group, Inc. bid included 15% participation. The contract time is 160 calendar days to substantial completion. The Budget Transfer and Budget Amendment are necessary to increase budget for the design and construction of the replacement building. The source of funds for this Transfer is the Property and Casualty Insurance Fund. The funds will be transferred to the Park

Improvement Fund upon completion of the Contract. (Capital Improvements Division) District 3 (JM)

3.I. HOUSING & COMMUNITY DEVELOPMENT

3.I.1.

R-2009-1291

APPROVED: an Agreement with Northwest Riviera Beach Community Redevelopment Corporation (NWRBCRC) to provide for a total of \$294,500 in Federal HOME Investment Partnership Program (HOME) funds to facilitate the construction of 22 single-family homes in an affordable homeownership project known as Brooks Subdivision.

SUMMARY: Approval of this Agreement will allocate \$294,500 of HOME/Community Housing Development Organization Reserve funds for site-development, professional services and project delivery costs directly associated with the development and marketing of this affordable housing project. This Agreement will permit reimbursement of development expenditures incurred immediately after purchase of the development site on October 10, 2008. Delays caused by rebidding the site development and applying for additional financing from the City of Riviera Beach and the Palm Beach County Housing Finance Authority, did not permit the NWRBCRC to make timely expenditures and seek reimbursements within the time period allowed under the original Agreement, which expired on February 28, 2009 (R2008-1487). These HOME funds are provided to this project in order to

support affordable homeownership opportunities for eligible first-time homebuyers. As a result of allocating these federal HOME funds to the Brook s Subdivision project, ten (10) homes will be designated as HOME-assisted (with five (5) homes being sold to very low income families and five (5) to low-income families). The remaining 12 homes will be sold to families whose household incomes do not to exceed moderate income (120% of AMI). The Agreement shall have an effective date of November 1, 2008, through October 31, 2010. This Agreement provides Federal HOME CHDO Reserve funds which no local match is required.

District 7 (TKF)

3.1.2.

APPROVED: the Sale of four (4) Westgate/Belvedere Homes Community Redevelopment Agency (CRA)-owned properties to Neighborhood Renaissance, Inc. (NR) for \$497,000 subject to the terms of the CRA s Agreement with NR. SUMMARY: Pursuant to Ordinance No. 89-6, BCC approval is required for disposition of any real property owned by the CRA. The four (4) properties will be used by NR as part of a 13-unit scattered site affordable infill housing project within the CRA area. The CRA purchased the property to provide replacement housing for the mobile homes in the area that were severely damaged by Hurricane Wilma and to provide homeownership opportunities for the area. The properties were purchased within the appraised values for a total of \$585,725 in 2007 and 2008. As of September 2, 2008, the properties were appraised at \$372,000. Funds received from the sale of the properties will be put back in the CRA s general fund for future redevelopment activities. On September 25, 2007, CRA and NR were awarded

\$2,058,461 from the Florida 2005 Community Development Block Grant Disaster Recovery Initiative (DRI) Funding Program Supplemental Appropriation Addressing Hurricane Wilma (DRI No. 3) to develop 18 affordable (80% or below median income) single and multi-family housing units in the CRA area. To accommodate the current market condition and absorption rate, ten (10) townhouse units in the original proposal were replaced with five (5) single-family units, resulting in a decrease of the overall unit count from 18 to 13 units. Of the 13 units, four (4) units will be multi-family units (2 duplexes) and the remaining nine (9) units will be single-family units. The DRI No. 3 funds will be used for the construction of replacement housing for people who were displaced by the Hurricane Wilma. District 2 (TKF)

3.1.3.

A)

APPROVED: Amendments to the Program Guidelines for the Neighborhood Stabilization Program (NSP) funded First Mortgage Loan Program and Residential Redevelopment Program to require a minimum purchase discount of one percent (1%) from the market appraised value of each residential property purchased with NSP funds; and,

B)

APPROVED: Subsequent Amendments to the criteria which may be necessitated by

future rule changes by the Department of Housing and Urban Development (HUD).

SUMMARY: On April 21, 2009, the Board of County Commissioners approved the Program Guidelines for the NSP funded First Mortgage Loan Program and Residential Redevelopment Program (Agenda Item 6D-2). The approved Program Guidelines for both programs required that all properties must be purchased at a minimum discount of fifteen percent (15%) below the current appraised market value. This was in compliance with HUD requirements which were published in the initial NSP Notice on September 29, 2008. On June 11, 2009, HUD issued a revision to the NSP Notice which reduced the required minimum purchase discount to one percent (1%) below the market appraised value for each residential property purchased with NSP funds. The proposed Amendment to The Program Guidelines for The First Mortgage Loan Program and the Residential Redevelopment Program will make these guidelines consistent with the new HUD requirement by specifically requiring a discount of at least one percent (1%) from the current market-appraised value of each residential property that is purchased utilizing NSP funds. Allowing staff to amend the criteria to address future revisions to the program rules initiated by HUD will allow the County to efficiently administer the NSP funded programs. This is critical since HUD has mandated that all NSP funding must be obligated on or before September 4, 2010. Countywide  
(TKF)

3.I.4. DELETED

3.J. PLANNING, ZONING & BUILDING

3.J.1.

R-2009-1292

APPROVED: an Interlocal Agreement with the City of Boynton Beach providing for the City to voluntarily annex parcels identified in Exhibit A , located on the west side of Seacrest Boulevard, south of Hypoluxo Road.

SUMMARY: The City of Boynton Beach ( City ) is processing a request to annex properties known as Sam s Club and Palm Beach Memorial, located on the west side of Seacrest Boulevard, south of Hypoluxo Road. After review of this annexation, County staff determined that the proposed annexation would create an unincorporated pocket without the inclusion of the parcels north of the annexation area, identified in Exhibit A . County staff did not recommend an objection to the annexation because these parcels, identified as A-1 in Exhibit A , have water service agreements that have voluntary annexation clauses. The parcel identified as A-2 in Exhibit A , located on the southwest corner of Hypoluxo Rd. and Seacrest Blvd, does not currently have a signed water service agreement. As such, the City will pursue other annexation mechanisms available in an effort to annex the A-2 parcel. The City consented to enter into an interlocal agreement with the County whereas the City will annex the parcels in A-1 of Exhibit A that have established water service agreements with the City. These annexations should occur by October 1, 2009 provided that the City boundary is contiguous to these parcels as of that date. Resolution No. R2009-099, adopted on July 21, 2009 by the City, approved the Interlocal

Agreement. This action is consistent with the Intergovernmental Coordination Element Policy 1.4-i of the County's Comprehensive Plan. District 7 (RB)

3.K. WATER UTILITIES

3.K.1.

R-2009-1293

APPROVED: Work Authorization No. 4 to the Optimization and Improvements Design/Build Services with Globaltech, Inc. (R2008-2323) for the South Bay Regional Wastewater Pump Station in the amount of \$550,336. SUMMARY: On December 16, 2008, the Board approved the Water Utilities Department Optimization and Improvements Design/Build Services Contract with Globaltech, Inc. for treatment plant and regional pump station projects. Funding for the project is from a Community Development Block Grant made available through the Department of Housing and Community Development. This Work Authorization is a guaranteed maximum price for the construction of the South Bay Regional Wastewater Pump Station. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Globaltech, Inc. provides for SBE participation of 75.00% overall. This Authorization includes 77.93% overall participation. The cumulative SBE participation, including this Work Authorization, is 70.84% overall. (WUD Project No. 09-041) District 6 (JM)

3.K.2.

RECEIVED AND FILED: two (2) Standard Development Agreements complete with executed documents received during the month of June 2009:

Standard Development Agreements

A)

R-2009-1294

SRR Holdings, LLC, (District 3)02-01104-000

B)

R-2009-1295

Akram A. and Muean A Yesh and Tahia S. A Yesh, (District 6)11-01011-000

SUMMARY: The Terms and Conditions for Standard Development Agreements are outlined in the Water Utilities Department's Uniform Policies and Procedures Manual. The Board of County Commissioners delegated the authority to execute various types of Standard Development Agreements to the Department Director including Potable Water and Wastewater Agreements (R93-1619); Reclaimed Water Agreements (R96-0228); and additional conditions for Potable Water, Wastewater, and Reclaimed Water Agreements (R2003-0539). After these Agreements are executed

by the developer and the Department, they must be recorded by the County Clerk's Office. This agenda item recommends the Board receive and file the agreements so they may be properly recorded. Countywide (SF)

3.L. ENVIRONMENTAL RESOURCES MANAGEMENT

3.L.1.

A)

R-2009-1296

RECEIVED AND FILED: a Declaration of Restrictive Covenants (DRC) No. 08-001-FF8 and Grant Award Calculation Statement (GAC) awarding a net of \$6,297,362 from the Florida Communities Trust (FCT), reimbursing a portion of the Cypress Creek Natural Area Phase IV acquisition costs; and,

B)

BA 2009-1255

APPROVED: a Budget Amendment of \$6,297,362 in the Natural Areas Fund to recognize the reimbursement of funds from FCT.

SUMMARY: On October 21, 2008, the Board of County Commissioners (BCC) approved a Grant Contract (R2008-1908) with FCT setting forth the terms under which the County would receive partial reimbursement for all eligible acquisition costs related to the Cypress Creek Natural Area Phase IV. The BCC also authorized the

County Administrator or his designee to execute all grant-related documents, including the DRC and the GAC. The Budget Amendment will provide a non ad valorem source of funds for the continued development of the Cypress Creek Natural Area and management of natural areas. This money reimburses the Natural Areas Fund which was used to help acquire this property. The reimbursement funds received from this grant will be used to meet the County's obligations related to environmental restoration and construction of public use facilities and perpetual maintenance as included in the FCT grant contracts for this and three (3) other phases of the Cypress Creek project site. These reimbursement funds will also help the County meet other FCT contractual obligations, including public use facilities and environmental restoration projects on several other County-owned natural areas. District 1 (SF)

3.L.2.

R-2009-1297

APPROVED: a contract with Mancil's Tractor Service, Inc. in the amount of \$214,664 for the construction of the Limestone Creek Natural Area Phase III South Oxbows, Project No. 2009ERM02 (Project). SUMMARY: Fifteen bids were received for the third phase of an environmental restoration project at Limestone Creek Natural Area. Mancil's Tractor Service, Inc. was the lowest responsive, responsible bidder with 17.11% Small Business Enterprise (SBE) participation, which exceeds the established 15% goal. The Project creates two (2) oxbow channels, .85 acres of mangroves, and .30 acres of transitional tidal plantings. The Contract is funded with a Loxahatchee River Preservation

Initiative (LRPI) Grant and the Indian River Lagoon License Plate Grant, both administered by the South Florida Water Management District. ERM s match for the LRPI Grant has been established from the Natural Areas Fund. District 1 (JM)

3.M. PARKS & RECREATION

3.M.1.

R-2009-1298

APPROVED: an Agreement with the City of Pahokee for the period August 18, 2009, through September 30, 2009, in an amount not-to-exceed \$30,100 for City Recreation Complex improvements. Summary: This funding is to offset the cost of improvements at Pahokee s City Recreation Complex. The recreation complex serves approximately 1,000 individuals on a weekly basis. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to October 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)

3.M.2.

R-2009-1299

RECEIVED AND FILED: an original executed Request for Funding Form for the School Board Recreation Assistance Program (RAP) project for Forest Hill Community High School for the period January 1, 2009, through December 30, 2009, in an amount not-to-exceed \$2,500 for funding of Environmental Academy field trips.

Summary: This fully executed Request for Funding Form is for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003&#8209;1747), as amended. Funding is from the Recreation Assistance Program (RAP) District 2 Funds. District 2 (AH)

3.M.3.

R-2009-1300

APPROVED: an Agreement with West Boca Basketball, Inc. for the period August 18, 2009, through September 30, 2009, in an amount not-to-exceed \$4,500 for funding of basketball camps/clinics. Summary: This funding is to assist with expenses paid by West Boca Basketball, Inc. for basketball camp/clinic expenses. The programs serve approximately 60 participants per week. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to December 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 5 (AH)

3.M.4.

R-2009-1301

APPROVED: an Agreement with Project Aspiration, A Class Act Learning Center, Inc. for the period August 18, 2009, through September 30, 2009, in an amount not-to-exceed \$1,000 for funding of the Cultural Diversity Day event. Summary: This funding is to help offset costs paid by Project Aspiration, A Class Act

Learning Center, Inc. for the Cultural Diversity Day event. This event was held on May 9, 2009, and attracted approximately 1,500 participants. The Agreement allows for reimbursement of eligible expenses incurred subsequent to April 1, 2009. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)

3.M.5.

R-2009-1302

APPROVED: an Agreement with Ann Norton Sculpture Gardens, Inc. for the period August 18, 2009, through November 30, 2009, in an amount not-to-exceed \$7,500 for funding of the Artist Preservation Project. Summary: This funding is to help offset costs for the completed Artist Preservation Project at the Ann Norton Sculpture Gardens in West Palm Beach. Approximately 5,000 people visit the Ann Norton Sculpture Gardens each year, and the exhibit for the preserved art attracted 400 viewers. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to June 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 2 Funds. District 2 (AH)

3.M.6.

R-2009-1303

APPROVED: an Agreement with the City of Greenacres for the period August 18, 2009, through May 15, 2010, in an amount not-to-exceed \$20,000 for the Veterans Memorial and Greenacres Freedom Park ballfield lighting projects. Summary: This

funding is to help offset costs incurred by the City of Greenacres for lighting projects at Veterans Memorial and Greenacres Freedom parks. Approximately 33,600 people utilize these fields annually. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to June 1, 2009. Funding is from the Recreation Assistance Program (RAP) District 2 Funds. District 2 (AH)

3.M.7.

RECEIVED AND FILED: two (2) fully-executed original Agreements for Recreation Assistance Program (RAP) funding as follows:

A)

R-2009-1304

Agreement with Aid to Victims of Domestic Abuse, Inc. for the period July 6, 2009, through March 31, 2010, in an amount not-to-exceed \$2,500 for the 2009 5K Run/Walk by the Sea; and

B)

R-2009-1305

Girls II Women, Women s Forum, Inc. for the period July 6, 2009, through November 1, 2009, in an amount not-to-exceed \$5,000 for the 2009 College Tour.

Summary: Delegation of authority for execution of these standard Recreation

Assistance Program (RAP) Agreements was approved by the Board on May 19, 2009 (5F-1). Funding is from RAP District 7 Funds. District 7 (AH)

3.M.8.

R-2009-1306

RECEIVED AND FILED: an original executed First Amendment to the Request for Funding Form for School Board Recreation Assistance Program project for Sunset Palms Elementary School for murals, benches, free-time reading libraries, and community/after school reading and resource center furnishings (R2008-1528), to extend the project completion date from June 1, 2009, to August 30, 2009.

Summary: This fully executed First Amendment to the Request for Funding Form is being processed in accordance with the Interlocal Agreement for the Funding of Recreation Assistance Program (RAP) Projects (R2003-1747), as amended. The amended project completion date of August 30, 2009, is being extended by three months to allow project completion time and completion of reimbursement documentation. All other project terms, including the funding amount of \$53,200, remain the same. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 5 (AH)

3.M.9.

R-2009-1307

APPROVED: a First Amendment to Interlocal Agreement (R2006-1143) with the City of West Palm Beach for funding of the Gaines Park Multi-Purpose Community Center

to extend the project completion date from June 19, 2009, to June 19, 2010.

Summary: This Amendment extends the project completion date for the Gaines Park Community Center from June 19, 2009, to June 19, 2010, in order to allow for additional time for project completion and submission of the reimbursement request to the County. All other terms of the Agreement, including the funding amount of \$2,000,000, remain the same. Funding for the project is from the 2002 \$50 Million Cultural and Recreational Facilities Bond referendum. District 7 (PK)

3.M.10.

R-2009-1308

RECEIVED AND FILED: a Palm Beach County, Florida, Boating Improvement Program Project Agreement with the Town of Lake Park for the period July 15, 2009, through July 14, 2010, in an amount not-to-exceed \$52,000 for the Lake Park Harbor Marina Emergency Boat Ramp Remediation project. Summary: On April 21, 2009, the Board approved \$52,000 in Florida Boating Improvement Program (FBIP) funding for emergency repair of existing boat ramps at the Lake Park Harbor Marina. The Board also authorized staff to prepare an FBIP Project Agreement to be executed by the County Administrator or his designee on behalf of the County. The Agreement allows for the reimbursement of eligible expenses subsequent to January 15, 2009. District 1 (AH)

3.M.11.

R-2009-1309

RECEIVED AND FILED: an executed Independent Contractor Agreement received during the month of July: Julie Singleton, Swimming Instructor, Therapeutic Recreation Complex. Summary: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Independent Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 02-2103 and 07-0409, and is now being submitted to the Board to receive and file.

District 3 (AH)

3.M.12.

R-2009-1310

APPROVED: an Agreement with Ski Club of the Palm Beaches, Inc., a non-profit corporation for the period August 18, 2009, through November 11, 2009, in an amount not-to-exceed \$11,000 for the purchase, delivery, and installation of a ski jump at Okeeheelee Park. Summary: This funding is to assist with costs for the purchase, delivery, and installation of a ski jump for the Okeeheelee Park water ski course by the Ski Club of the Palm Beaches, Inc. The ski jump will replace the existing deteriorating ski jump. The water ski course serves approximately 5,000 individuals annually. Besides local use, this course is the venue for national and international tournaments that provide a positive economic impact to the County. The Agreement allows for the reimbursement of

eligible project costs incurred subsequent to June 25, 2009. Funding is from the Aquatics Division's maintenance and repair budget. District 6 (AH)

3.N. LIBRARY None

3.P. COOPERATIVE EXTENSION SERVICE

3.P.1.

R-2009-1311

APPROVED: an Agreement with the Palm Beach Soil and Water Conservation District in an amount not to exceed \$79,000 to provide soil and water resource conservation services for FY 2010. Summary: This Agreement provides funding for the Palm Beach Soil and Water Conservation District's (District) Resource Conservation activities. The District provides resource conservation services to rural, agricultural, and urban communities to facilitate soil and water conservation in Palm Beach County. Services include soil information and technical assistance to improve water quality and quantity and soil planning in Palm Beach County. Countywide (AH)

3.Q. CRIMINAL JUSTICE COMMISSION

3.Q.1.

A)

R-2009-1312

APPROVED: the submittal of the FY 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation application, previously called the Local Law Enforcement Block Grant (LLEBG), for the period October 1, 2008, to September 30, 2012, totaling \$303,005 in federal funds; and

B)

APPROVED: authorizing the Criminal Justice Commission's Executive Director, through the County Administrator, to execute electronically all related documents for the FY 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program and to execute all necessary forms, documents and the resulting grant agreement as required by U.S. Department of Justice, Office of Justice Programs.

SUMMARY: Palm Beach County is eligible to receive a direct award of \$303,005 for the following proposal: 1) the Criminal Justice Commission (CJC) Youth Violence Prevention Project (YVPP) for \$272,705. The proposal above equals 90% of the eligible award amount. The remaining 10% of the award amount (\$30,300) will be used by the CJC for costs associated with administering JAG funds. There is no requirement for match with the JAG funds. Countywide (DW)

3.Q.2.

APPROVED: the submittal of the following nine (9) grant proposals to the Florida

Department of Law Enforcement (FDLE) for the Edward Byrne Memorial Justice  
Assistance Grant (JAG) Program State Solicitation:

1)

R-2009-1313

Criminal Justice Commission Program Evaluation for \$100,000;

2)

R-2009-1314

City of Pahokee Youth Programs for \$132,000;

3)

R-2009-1315

Palm Beach Community College, Criminal Justice Institute, firing range training  
enhancements for \$5,910;

4)

R-2009-1316

Gulfstream Goodwill Industries, Belle Glade Re-Entry for \$60,000;

5)

R-2009-1317

N.O.P.E. Taskforce Education Program for \$40,000;

6)

R-2009-1318

Palm Beach Law Enforcement Exchange, LEX Project for \$80,000;

7)

R-2009-1319

Public Defender, Re-Entry paralegal assistance for \$40,000;

8)

R-2009-1320

City of Riviera Beach, Weed & Seed Program for \$64,000 and

9)

R-2009-1321

YWCA of Palm Beach County, Y Girls Program for \$20,000; and

B)

APPROVED: authorizing the Criminal Justice Commission's Executive Director, through the County Administrator, to execute electronically all related documents for the FY 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program and to execute all necessary forms, documents and the resulting grant agreement as required by the FDLE for FY 2010.

SUMMARY: The Criminal Justice Commission met on July 27, 2009, and approved the recommendations made by the CJC Finance Committee for FY 2010 funds totaling \$602,122. The proposals above equal 90% of the eligible award amount. The remaining 10% of the award amount (\$60,212) will be used by the CJC for costs associated with administering JAG funds. No local match is required for the JAG program. Countywide (DW)

3.R. HUMAN RESOURCES None

3.S. FIRE RESCUE

3.S.1.

A)

R-2009-1322

APPROVED: ratifying the Chairman's signature approving a Grant Application to the Federal Emergency Management Agency (FEMA), U.S. Department of Homeland

Security s (DHS) A.R.R.A Assistance to Firefighters Grant program in the amount of \$2,773,348, with no cost-share requirement; and

B)

APPROVED: authorizing the County Administrator, or his designee (Battalion Chief Thomas Tolbert), to act as the County s representative for the purpose of electronically signing and submitting the Grant Application via the DHS/FEMA website.

SUMMARY: The Assistance to Firefighters (AFG) Fire Station Construction (FSC) Grants provide financial assistance directly to fire departments on a competitive basis to build new or modify existing fire stations in order for departments to enhance their response capability and protect the community they serve from fire and fire-related hazards. The authority for this grant program is derived from the American Recovery and Reinvestment Act (ARRA) of 2009 which provided a total of \$210 million to this grant program. The maximum award for one application is \$15 million with no one project within an application exceeding \$5 million. The primary goal of this grant program is to help fire departments meet their firefighting and emergency response needs. The FSC grant program seeks to support organizations lacking the tools and resources necessary to effectively protect the health and safety of the public and their emergency response personnel with respect to fire and all other hazards. Palm Beach County is requesting \$2,773,348 to fund the construction of Station 74 within the City of South Bay, while committing \$86,864 of the existing project budget to cover

the cost of items ineligible under the grant program such as landscaping. The deadline for electronic submission of this grant application to the grantor agency was July 10, 2009. Due to the preparation time, submittal deadlines, and BCC meeting dates, the grant had to be submitted prior to full Board approval.

Countywide (SB)

3.S.2.

R-2009-1323

APPROVED: a Memorandum of Understanding (MOU) Relating to Fundraising for the Drowning Prevention Coalition of Palm Beach County with the American Red Cross (ARC), Greater Palm Beach Area Chapter, for a period of three (3) years.

SUMMARY: The Drowning Prevention Coalition (DPC) program is managed by Palm Beach County Fire Rescue; however, the program is funded by multiple sources including the Children s Services Council of Palm Beach County and the County s General Fund. This MOU defines a cooperative working relationship with the Red Cross allowing each party to maintain its own identity in providing services to the community yet coordinate the delivery of their respective swimming and water safety activities by sharing data, information and changes in applicable legislation, as they relate to water safety. Each party will include a representative in committees and task forces formed to improve water safety education and maintain ongoing communications of potential funding opportunities that could benefit both parties. The Red Cross shall research, apply for and/or solicit additional funding sources, specifically for the delivery of drowning prevention programs within Palm Beach County. If their efforts result in secured

funding for the DPC, the funding shall be awarded to the County as a grant and Fire-Rescue will prepare the necessary budget amendment documents to recognize the grant award and establish budget for the designated purchases. Countywide (SB)

3.T. HEALTH DEPARTMENT None

3.U. INFORMATION SYSTEMS SERVICES None

3.V. METROPOLITAN PLANNING ORGANIZATION None

3.W. PUBLIC AFFAIRS None

3.X. PUBLIC SAFETY

3.X.1.

R-2009-1324

RECEIVED AND FILED: a Contract with the Children s Health Care Associates, P.A., in an amount not to exceed \$54,000 for the period of October 1, 2009, to September 30, 2010 for professional/medical services to the residents of Highridge Family Center. SUMMARY: This Contract provides physical examinations, diagnosis, and treatment of illnesses of the residents of Highridge Family Center. On July 23, 2002, the Board authorized the County Administrator or his designee to execute these contracts as long as funding was available and they

were approved by the County Attorney's office for legal sufficiency. Countywide  
(DW)

3.X.2.

A)

R-2009-1325

RECEIVED AND FILED: an executed modification to the agreement with State of Florida, Division of Emergency Management to receive Federal Emergency Management Performance Grant (EMPG) funds in the amount of \$197,942 for a total of \$296,668; and

B)

BA 2009-1272

APPROVED: an upward Budget Amendment of \$86,668 in the Emergency Management Grant Fund to adjust grant budget.

SUMMARY: This is an annual federal grant that the Division of Emergency Management receives to enhance emergency management operations of the County. The grant will be used to further enhance emergency planning, response, mitigation and recovery in the County. This modification increases the federal grant award to \$197,942 or \$92,942 more than prior years. The federal portion of the agreement will have until June 30, 2010 to be expended. The state portion of

\$98,726 to be expended by September 30, 2009 remains unchanged. Resolution R2006-0401 authorizes the County Administrator or his designee to execute grant contracts with Florida Department of Community Affairs. A dollar for dollar County in-kind match is required by the grant, and included in the County budget. Countywide (GB)

3.X.3.

RECEIVED AND FILED: the following executed agreements with the Fifteenth Judicial Circuit for the period July 1, 2009, to June 30, 2010:

A)

R-2009-1326

An agreement for Expert Witness Professional Services for adult competency evaluations;

B)

R-2009-1327

An agreement for Expert Witness Professional Services related to appointment as an Examining Committee member relating to guardianship matters;

C)

R-2009-1328

An agreement for Expert Witness Professional Services for juvenile competency evaluations and psychological evaluations; and,

D)

R-2009-1329

An agreement for Social (Custody) Evaluations/Home Studies.

SUMMARY: The Administrative Office of the Court has contracted with the Division of Justice Services to provide court ordered forensic evaluations and testimony through Justice Services Forensic Psychology Office. Seniors, adults, teens, and children throughout the county are directed to the Forensic Psychology Office with the appropriate Court Order, outlining which specific evaluation is required. The scope of services provided includes competency evaluations for adult and juvenile criminal matters, psychological evaluations for adult and juvenile criminal matters, child welfare and family court cases, social (custody) evaluations for indigent parties involved in family court proceedings and appointment as an Examining Committee member relating to guardianship matters. Resolution No. R2005-0792 authorizes the County Administrator or his designee to sign contracts to provide forensic evaluations for the Fifteenth Judicial Circuit. Countywide (GB)

3.X.4.

A)

R-2009-1330

RECEIVED AND FILED: an executed agreement with Florida Council Against Sexual Violence (FCASV) to receive grant funds in the amount of \$24,008 for the period July 1, 2009, to June 30, 2010; and,

B)

BA 2009-1259

APPROVED: a Budget Amendment of \$24,008 in the Public Safety Grant Fund to adjust grant budget.

SUMMARY: This is an annual grant that is received by the Division of Victim Services. The funds will be used to provide sexual battery recovery services to victims. Resolution R2006-0096 authorizes the County Administrator or his designee to execute certain FCASV grant agreements on behalf of the County. No County match is required. Countywide (GB)

3.X.5.

R-2009-1331

RECEIVED AND FILED: the original executed Grant Agreement with Child & Family Connections to receive up to \$34,651 per year for the Division of Justice Services supervised visitation services provided by the Family Connections

program, for the period of July 1, 2009, through June 30, 2010. SUMMARY:  
Resolution R2005-1588 authorizes the County Administrator or his designee to execute grant contracts with Child & Family Connections to provide supervised visitation services. The grant does not require any County cash match; a County in-kind match of \$3,850.12 is required by the grant. Countywide (GB)

3.X.6.

A)

R-2009-1332

APPROVED: acceptance of the Office of Justice Programs FY 2009 Drug Court Discretionary Grant (2009-DC-BX-0016) in the amount of \$200,000 for Palm Beach County Drug Court for the period of September 1, 2009, to August 31, 2011;

B)

APPROVED: authorizing the County Administrator or his designee to execute electronically all related documents for the Office of Justice Programs FY 2009 Drug Court Discretionary Grant Program.

C)

BA 2009-1304

APPROVED: a Budget Amendment of \$200,000 in the Justice Services Grant Fund to

establish grant budget.

SUMMARY: This is an Office of Justice Programs federal grant in the amount of \$200,000 to expand Palm Beach County's Adult Drug Court to include a track for co-occurring mental health and substance abuse issues. The program's goal is to provide integrated substance abuse and mental health treatment services to 50 drug court participants with co-occurring disorders. The additional mental health treatment will increase the success rate of the substance abuse treatment for these participants. This grant is for a two (2) year period, beginning on September 1, 2009 and ending on August 31, 2011. The grant does not require any County cash match; an in-kind match of 25% is however required. Countywide (GB)

3.Y. PURCHASING None

3.Z. RISK MANAGEMENT None

3.AA. PALM TRAN

3.AA.1.

R-2009-1333

APPROVED: an Interlocal Agreement with the Town of Lake Park regarding the placement of bus shelters within the Town's limits by the County's bus shelter contractor, CBS Outdoor Group Inc. Summary: In December 2001, Palm Beach County entered into a long-term bus shelter construction and advertising contract with

NextMedia Outdoor Inc., which was assigned on October 28, 2008 to CBS Outdoor Group, Inc. Various cities have expressed interest in having the County s contractor build bus shelters within their community. The Interlocal Agreement gives the County the right to construct advertising bus shelters within the Town of Lake Park. In accordance with previous policy of the Board, advertising revenue generated from the shelters constructed in any municipality will be passed through to that municipality. Countywide (DR)

3.BB. SHERIFF

3.BB.1.

A)

R-2009-1334

APPROVED: accepting on behalf of the Palm Beach County Sheriff s Office an agreement with the City of Miramar, a municipal corporation of the State of Florida, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative (UASI) to provide \$451,337 in FY 2008 reimbursable funding for various direct law enforcement oriented domestic security activities effective until May 31, 2011; and,

B)

BA 2009-1319

APPROVED: a Budget Amendment of \$451,337 in the Sheriff s Grant Fund.

SUMMARY: This Agreement provides a means of funding various domestic security activities within the County and region using federal Urban Area Security Initiative (UASI) funds through the City of Miramar as the Ft. Lauderdale UASI s fiscal agent. These funds and related equipment will be used for direct law enforcement activities. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

3.BB.2.

A)

R-2009-1335

APPROVED: accepting on behalf of the Palm Beach County Sheriff s Office, an agreement with the City of Miramar, a municipal corporation of the State of Florida, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative (UASI) to provide an additional \$146,685 in FY 2007 reimbursable funding for various direct law enforcement oriented domestic security activities effective until April 10, 2010;

B)

R-2009-1336

APPROVED: accepting on behalf of the Palm Beach County Sheriff's Office, an agreement with the City of Miramar, a municipal corporation of the State of Florida, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative (UASI) to provide an additional \$82,500 in FY 2007 reimbursable funding for various direct law enforcement oriented domestic security activities effective until April 10, 2010;

C)

BA 2009-1318

APPROVED: a Budget Amendment of \$229,185 in the Sheriff's Grant Fund.

SUMMARY: On May 20, 2008, the of County Commissioners accepted an agreement on behalf of the Palm Beach County Sheriff's Office an agreement with the City of Miramar, a municipal corporation of the State of Florida, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative (UASI) to provide \$412,745 in FY 2007 reimbursable funding for various direct law enforcement oriented domestic security activities effective until April 10, 2010 (R2008-0894). These two (2) agreements provide a means of funding various domestic security activities within the County and region using surplus federal Urban Area Security Initiative (UASI) funds through the City of Miramar as the Ft. Lauderdale UASI's fiscal agent. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

3.BB.3.

R-2009-1337

RECEIVED AND FILED: Grant Adjustment Notice amending the U.S. Department of Justice Project Safe Neighborhood grant, for the Midnight Hoops Program for Fremd Village, to extend the ending grant period from June 30, 2009, to December 31, 2009. SUMMARY: The Board of County Commissioners (BCC) accepted this grant for \$44,125 on September 11, 2007; the original grant period was July 1, 2007, through March 31, 2008 (R2007- 1575). On June 3, 2008, the BCC received and filed an agenda item extending the grant period from March 31, 2008, through December 31, 2008 (R2008-1001). On April 7, 2009, the BCC received and filed an agenda item extending the grant period from December 31, 2008, through June 30, 2009 (R2009-0597). This agenda item will extend the grant period from June 30, 2009, through December 31, 2009. The objective of this program is to purchase lighting and develop a basketball and prevention education program for youth in and around the Fremd Village Housing community in Pahokee. The Palm Beach County Sheriff s Office has been given an extension to allow the grant funds to be fully expended. No additional positions are needed and no additional County funds are required. Countywide (DW)

ITEM PULLED FROM THE CONSENT AGENDA

3.H.3.

R-2009-1338

APPROVED: Amendment No. 8 to the contract with Moss & Associates, LLC. (R2007-0031) for Construction Management Services for the Central Video Visitation Facility for a Guaranteed Maximum Price (GMP) in the amount of \$4,832,770. SUMMARY: On April 25, 2006, the Board approved proceeding with Jail Expansion II consisting of the expansion of the West County Detention Facility, the Stockade and renovations to the Main Detention Center. This Amendment authorizes the construction of the Video Visitation Facility at the Central Detention Center which provides a central location for video inmate visits. This facility will reduce costs and enhance security associated with the operation of the detention system. Amendment No. 8 is funded from the Criminal Justice and Public Improvement Revenue Bond Series 2008. The Small Business Enterprises (SBE) participation goal for this project is 15%. Moss & Associates will be providing 16.12% SBE participation in this Amendment. Overall SBE participation is 15.9%. The duration for this work is 242 calendar days. This Amendment also includes adding language to the contract regarding the County's policy for the use of preferences for evaluating subcontractor bids for Small Business Enterprises and local firms. (Capital Improvements Division) Countywide/District 6 (JM)

Commissioner Taylor stated that the \$4 million expense associated with the Central Video Visitation project should be re-evaluated to determine if the project should go forward. She stated that although the issue was brought to the board in 2006, when the economy was more stable, the current economic decline suggested that the project should be postponed if the County could wait until a later time.

County Administrator Robert Weisman responded that the video visitation project had been a part of the detention system since its inception. Mr. Weisman said that video visitation had been viewed as a cost saving measure in reducing the need to transport inmates, making it easier for the public and the legal community to communicate with inmates.

Director of Facilities Development & Operations Audrey Wolf, stated the following:

The current plan was viewed as a measure for cost savings and public safety.

When the board approved the jail expansion program, video conferencing was a part of the project. The first phase of the project was to construct the West County Detention Center in Belle Glade.

Video conferencing would be used to reduce costs, and reduce the introduction of contraband, in addition to the public safety factors surrounding transporting inmates.

The public would make their visits electronically from a single location.

The new jail under construction had no video visitation

plans, and therefore, the current plan should move forward.

MOTION to approve the amendment, carried 7-0.

Aaronson Yes Maker

Abrams Yes

Koons Yes

Marcus Yes Seconder

Santamaria Yes

Taylor Yes

Vana Yes

4. SPECIAL PRESENTATIONS 9:30 A.M.

4.A.

PRESENTED: Proclamation declaring August 2009 as Local 2928 Firefighter  
Appreciation Month in Palm Beach County. (Sponsored by Commissioner Vana)

4.B.

PRESENTED: Proclamation declaring August 17 23, 2009 as Hireability Week in  
Palm Beach County. (Sponsored by Commissioner Koons)

4.C.

PRESENTED: Proclamation honoring Chief Herman W. Brice on 25 years of dedicated service to Palm Beach County. (Sponsored by Commissioner Marcus)

UNSCHEDULED ITEM

Appointment of Steve Jerauld as Palm Beach County Fire & Rescue Chief

MOTION to approve the appointment, carried 7-0.

Aaronson Yes Seconder

Abrams Yes

Koons Yes

Marcus Yes Maker

Santamaria Yes

Taylor Yes

Vana Yes

4.D.

PRESENTED: Certificate of Appreciation to Phyllis House for 35 years of distinguished service to the Palm Beach County Clerk & Comptroller s Office and Board of County Commissioners.

(CLERK S NOTE: Commissioner Koons asked Dr. Alina Alonso to comment about her appointment as Health Department Director)

(CLERK S NOTE: Commissioner Marcus left the meeting.)

#### PUBLIC HEARINGS

5. PUBLIC HEARINGS 9:30 A.M.

MOTION to receive and file proofs of publication 4547219, 4550454, 4552712, 4581049, and 4606190, carried 6-0.

Aaronson Yes Seconder

Abrams Yes Maker

Koons Yes

Marcus Absent

Santamaria Yes

Taylor Yes

Vana Yes

5.A.

APPROVED: Continuing Public Hearing to September 15, 2009 to:

A)

Adopt a resolution confirming the special assessment process for Cinquez Park  
Area Paving and Drainage Improvement;

B)

Adopt a resolution confirming the special assessment process for Cinquez Park  
Area Water Distribution System;

C)

Adopt a resolution confirming the special assessment process for Cinquez Park  
Area Sanitary Sewer Collection System Project;

D)

Accept an ordinance from the Town of Jupiter to authorize Palm Beach County  
(County) to assess property owners for Cinquez Park Area improvements within the  
Town of Jupiter;

E)

Approve a contract with Sheltra & Son Construction Company, Inc. (Contractor),

the lowest, responsive, responsible bidder, in the amount of \$967,512.75 for the above Cinquez Park Area Paving and Drainage, Water Distribution System, and Sanitary Sewer Collection System improvements (Project); and

F)

Approve a budget transfer of \$960,125 in the Municipal Services Taxing Unit Improvement Fund from Reserves to Cinquez Park Area improvements.

SUMMARY: Adoption of these three (3) Resolutions will allow the County to collect 50% of the project costs for the paving and drainage portion and 100% of the project costs for the water and sewer systems portion for the improvements to Cinquez Park. Assessments will be payable in 20 equal annual installments.

The Ordinance passed by the Town of Jupiter will permit the County to assess the property owners that are within the municipal boundaries that receive a benefit from the improvements. Approval of the construction contract will authorize the contractor to build the sanitary sewer collection system, the water distribution system, the storm water system and pave the roads. The Small Business Enterprise participation committed for the Project by the Contractor is 15.32% overall.

District 1 (MRE) (POP 4552712)

PUBLIC COMMENT CARDS SUBMITTED: None

MOTION to approve continuing the public hearing for this item to September 15, 2009 at 9:30 a.m., carried 6-0.

Aaronson Yes Seconder

Abrams Yes Maker

Koons Yes

Marcus Absent

Santamaria Yes

Taylor Yes

Vana Yes

5.B.

R-2009-1339

ADOPTED: a Resolution abandoning a portion of that certain unimproved 25 foot wide platted right-of-way lying east of and adjacent to Tract 6, Block 4, Palm Beach Farms Plat No. 3, as recorded in Plat Book 2, Pages 45-54, Public Records of Palm Beach County, Florida. SUMMARY: Adoption of this resolution will allow for the abandonment of the unused road right-of-way, lying within Palm Beach County Water Treatment Plant No. 8. The site is located south of Okeechobee Boulevard, east of Jog Road and north of Belvedere Road. Palm Beach County Water Utilities Department operates this treatment plant and their proposed site plan, as approved by the Development Review Officer, calls for the abandonment of this right-of-way. District 2 (PK) (POP 4547219)

PUBLIC COMMENT CARDS SUBMITTED: None

MOTION to adopt the resolution, carried 6-0.

Aaronson Yes Seconder

Abrams Yes Maker

Koons Yes

Marcus Absent

Santamaria Yes

Taylor Yes

Vana Yes

5.C.

R-2009-1340

ADOPTED: a Resolution abandoning portions of the unimproved 25 foot and 30 foot wide platted rights-of-way, adjoining Tract 5, Block 4, Palm Beach Farms Plat No. 3, as recorded in Plat Book 2, Pages 45-54, Public Records of Palm Beach County, Florida. SUMMARY: Adoption of this Resolution will allow for the abandonment of the unused road rights-of-way, lying within Palm Beach County Water Treatment Plant No. 8. The site is located south of Okeechobee Boulevard, east of Jog Road and north of Belvedere Road. Palm Beach County Water Utilities Department operates this treatment plant and their proposed site plan, as approved by the Development Review Officer, calls for the abandonment of these rights-of-way. District 2 (PK) (POP 4550454)

PUBLIC COMMENT CARDS SUBMITTED: None

MOTION to adopt the resolution, carried 6-0.

Aaronson Yes Maker

Abrams Yes

Koons Yes

Marcus Absent

Santamaria Yes

Taylor Yes

Vana Yes Second

5.D.

ORD 2009-024

ADOPTED: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Sections 2-80.21 through 2-80.34 of the Palm Beach County Code, which codified Ordinance No. 2002-064, as amended by Ordinance No. 04-071, Ordinance No. 05-048, and Ordinance No. 2008-014, and established the Small Business Enterprise Program; providing for definitions; providing for eligibility standards; providing for commercially useful business function; providing for application procedures; providing for application review procedures; providing for recertification; providing for decertification;

providing for M/WBE eligibility; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date. SUMMARY: The Office of Small Business Assistance (OSBA) conducted a study of comparable regional programs and reviewed gross receipts of county SBEs. Based on the research, the OSBA determined in order to reduce confusion, the county should utilize gross receipts when determining the size of the SBE for certification. Other changes to the SBE Ordinance are recommended to create a thorough process for reviewing applications for certification and provide further clarity in the ordinance.

Countywide (TKF) (POP 4581049)

PUBLIC COMMENT CARDS SUBMITTED: None

MOTION to adopt the ordinance, carried 6-0.

Aaronson Yes Maker

Abrams Yes

Koons Yes

Marcus Absent

Santamaria Yes

Taylor Yes

Vana Yes Seconder

(CLERK S NOTE: Commissioner Marcus rejoined to the meeting.)

5.E.

R-2009-1341

ADOPTED: a Resolution conceptually authorizing the granting of 4.33 acres of a drainage easement and a flowage easement within the Winding Waters Natural Area in exchange for approximately 19.42 acres of land to be unencumbered by Northern Palm Beach County Improvement District (Northern) canal easements within the Winding Waters Natural Area pursuant to the Conservation Lands Protection Ordinance (No. 2003-052). SUMMARY: The Conservation Lands Protection Ordinance requires a request to use or convey an interest in conservation lands for purposes other than originally intended to be offset by an offer that provides an exceptional benefit to the Conservation Lands Program. The removal of 19.42 acres of Northern canal easements within the Winding Waters Natural Area will allow the completion of the creation of approximately 185 acres of freshwater wetlands, and the ability to raise groundwater elevation almost 4.5 feet throughout much of the remainder of the natural area. Raising the groundwater elevations will help restore degraded wetlands located in those remaining areas. The exchange of these canal easements for drainage and flowage easements provides an exceptional benefit to the Conservation Lands Program because it allows the site to be restored as a large wetland complex that was envisioned for the site when it was purchased from Watermark Communities, Inc. in 2001. It also provides for the creation of the wetland system for which the site is named. The wetland creation work is being funded through a cooperative agreement with the Solid Waste Authority (R2008-1373), which is buying the fill material derived from the wetland creation. Pursuant to the Conservation Lands Protection

Ordinance, a Public Hearing must be held for consideration of a Resolution by the Board to approve the concept of using Conservation Lands for purposes other than originally intended or conveying interests in Conservation Lands to another entity. In addition, pursuant to Section 3.03 of the Ordinance, the Natural Areas Management Advisory Committee has reviewed and recommended this easement exchange. The City of West Palm Beach has also reviewed the exchange application and has no objection to the exchange. In order to approve the Resolution, the Board must have an affirmative vote of five (5) members of the Board. District 7 (HF) (POP 4606190)

PUBLIC COMMENT CARDS SUBMITTED: None

(CLERK S NOTE: Commissioner Marcus rejoined the meeting)

MOTION to adopt the resolution, carried 7-0.

Aaronson Yes Maker

Abrams Yes

Koons Yes

Marcus Yes

Santamaria Yes

Taylor Yes

Vana Yes Seconder

5.F.

ORD 2009-025

ADOPTED: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Sections 2-80.41 through 2-80.48 of the Palm Beach County Code, which codified Ordinance 02-065 establishing a Local Preference in Purchasing Ordinance ; providing for a title; providing for definitions; providing for a reciprocal preference for local businesses; providing for a straight preference for local businesses; providing for a straight preference for Glades businesses; providing for a straight preference for the use of Glades subcontractors by local businesses; providing for limitations; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; and, providing for an effective date.

Summary: The current Local Preference Ordinance (Ordinance No. 2002-065), which was adopted in 2002, established a 5% straight local preference for local businesses. It also established a 5% reciprocal preference for local businesses competing against vendors from Martin, Broward and Miami-Dade Counties that is applied when a local preference ordinance or policy established by one of those Counties is utilized against Palm Beach County vendors. In addition to the 5% straight local preference and the 5% reciprocal preference for local businesses, the proposed Ordinance Amendment establishes a 5% straight local preference for Glades businesses competing against local or non-local vendors for goods or

services to be utilized in the Glades and for any construction projects located in the Glades. The proposed Ordinance Amendment also establishes a straight 3% or 4% preference for local businesses using Glades subcontractors for goods or services to be utilized in the Glades or for any construction projects located in the Glades. Countywide (DW) (POP 4581049)

PUBLIC COMMENT CARDS SUBMITTED: J.P. Sasser

MOTION to adopt the ordinance, carried 7-0.

Aaronson Yes Maker

Abrams Yes

Koons Yes

Marcus Yes Seconder

Santamaria Yes

Taylor Yes

Vana Yes

## 6. ADMINISTRATION

### 6.A.1.

A)

R-2009-1342

APPROVED: adopting Resolution supporting Office Depot Inc. as an approved qualified applicant for Florida's Qualified Target Industry (QTI) Tax Refund Program; and,

B)

R-2009-1343

APPROVED: the Special Economic Development Agreement for Major Investments, as the required QTI local match with Office Depot Inc., in an amount not to exceed \$650,000 per year for ten (10) years in consideration of the capital investment of \$210,000,000, for the retention of 1,750 jobs (40 HR Full-Time Equivalent {FTE} or 2,030 jobs at 35 HR FTE) and the creation of 200 jobs in Palm Beach County at an average annual salary of \$76,792, excluding benefits.

SUMMARY: Office Depot, Inc. committed to construct their Global, North American Corporate and Latin American Headquarters in Boca Raton, Florida. The Board of County Commissioners (BCC) on July 11, 2006, approved a conceptual Economic Development Ad Valorem Tax Exemption for Office Depot, Inc. not-to-exceed \$650,000 annually, conditional upon the company achieving the goals of investing \$210,000,000 in private capital for construction of the headquarters, achieve average annual salaries of \$76,792, the retention of 1,750 employees (40 HR FTE

or 2,030 jobs at 35 HR FTE), and hiring an additional 580 full-time employees.

In 2007, the Board of County Commissioners agreed to reduce the new jobs requirement to 400. Office Depot, Inc. has now completed construction of a new 631,975 square feet Global Headquarters at a capital investment of \$210,000,000; has agreed to meet 100% of their obligation for average salaries at \$76,792, excluding benefits, and will retain their current 1,750 person (40 HR FTE or 2,030 jobs at 35 HR FTE) labor force. Office Depot requested to reduce their job creation goal from 400 to 200 due to current economic conditions. Their eligible annual incentives will be reduced proportionately to account for this reduction.

In 2009, the Palm Beach County Property Appraisers Office determined that the Ad Valorem Tax Exemption Program Section 196.1995(5) F.S. would be limited to 100% of the assessed value of the old facility (567,468 SF) minus the new facility (635,067 sq. ft.), or 64,327 square feet. This determination did not fulfill the conceptual approval; therefore in consideration of the scope of investment by Office Depot, Inc., and the conceptual approval of incentives for their expansion in Palm Beach County, a Special Economic Development Agreement for Major Investments has been prepared. The intent is to replace the tax exemption application with a performance based ten (10) year agreement. The FY 2009 - 2010 Budget includes the maximum annual incentive allowed by this Agreement. No funds will be expended in FY 2008 - 2009. District 5 (DW)

MOTION to adopt the resolution, carried 7-0.

Aaronson Yes Maker

Abrams Yes

Koons Yes

Marcus Yes Seconder

Santamaria Yes

Taylor Yes

Vana Yes

Commissioner Vana said that she would support the resolution if she could get clarification from staff about concerns expressed to her by some County employees regarding Office Depot's delivery process.

Assistant County Administrator Shannon Larocque suggested that a meeting be scheduled with staff and Office Depot representatives. Commissioner Abrams added that Commissioner Vana's concern was not with the agreement, but with the practices in question at Office Depot.

Brian Levine, a representative from Office Depot, asked for clarification on the issue. Commissioner Koons said that staff would work with Office Depot toward resolving the issue.

Commissioner Marcus and Commissioner Vana agreed that the results of the meeting with Office Depot should be made available to the public.

6.A.2.

ADOPTED: a Resolution authorizing the issuance of American Recovery and Reinvestment Act (ARRA) Federal Recovery Zone Facility Bonds and providing for the legal process, including application, fees, policy and procedures consistent with Federal Treasury Department regulations.

SUMMARY: On February 17, 2009, the American Recovery and Reinvestment Act (ARRA) authorizing the issuance of Recovery Zone Facility Bonds was signed into law. On June 12, 2009, the Treasury Department allocated \$15 Billion for Recovery Zone Facility Bonds, which includes Palm Beach County's allocation of \$53,988,000. These bonds were specifically created to foster economic development in distressed areas. Recovery Zone Facility Bonds are tax exempt private activity bonds that can be used for qualified private business, but must be used to finance recovery zone property in a Recovery Zone. The Treasury defined a Recovery Zone as any area designated by the issuer as having significant poverty, unemployment, rate of home foreclosures or general distress. The county administrator, in consultation with the Economic Development Office, will designate areas of Palm beach County as Recovery Zones in conformance with the purpose of the ARRA. A qualified business is defined as any trade or business except residential rental property or certain businesses such as private golf courses, massage parlors, hot tub facilities, suntan facilities, racetracks and other gambling facilities or liquor stores. The bond allocation expires on December 31, 2010. Federal law requires the Board of County Commissioners to approve each project prior to issuance of such Bonds. These bonds are the sole obligation of the private business and not a financial obligation of the County.

They require no guarantees of the County and are not assessed against the bonded indebtedness of the County. Countywide (PFK)

MOTION to adopt the resolution, carried 7-0.

Aaronson Yes Maker

Abrams Yes

Koons Yes

Marcus Yes Seconder

Santamaria Yes

Taylor Yes

Vana Yes

6.A.3.

A)

APPROVED: the creation of a new Economic Development Specialist Position within the Economic Development Office (EDO);

B)

APPROVED: the revision of the Community Development Block Grant (CDBG) Set-Aside Program criteria to allow for funding of an Economic Development Specialist

Position; and,

C)

APPROVED: Amendment No. 10 to the FY 2008/2009 Annual Action Plan, to provide funding for an Economic Development Specialist position under the Community Development Block Grant (CDBG) Economic Set-Aside Program FY 2008/2009.

SUMMARY: The proposed Amendment will allow for the funding of a new Economic Development Specialist position to provide direct services and assistance to large and small businesses creating, expanding and maintaining jobs for members of low-moderate income households. The position will be limited to the funds remaining annually in the Housing and Community Development Economic Set-Aside funds. The Economic Development Specialist will be hired at Pay Grade 35 with a salary range of \$51,001.60 to \$83,663.84. The above grant funded position will be eliminated when the grant funding is exhausted. These are Federal CDBG funds which require no local match. Countywide (DW)

MOTION to approve the amendment, carried 7-0.

Aaronson Yes Maker

Abrams Yes

Koons Yes

Marcus Yes Seconder

Santamaria Yes

Taylor Yes

Vana Yes

6.A.4.

A)

APPROVED: the creation of a Palm Beach Community College Glades Campus Scholarship Program in the amount of \$20,000 in partnership with the Palm Beach Community College Foundation, Inc.;(Admin)

B)

BT 2009-1323

APPROVED: a Budget Transfer of \$20,000 in General Fund decreasing the transfer to the Park Improvement Fund and increasing the transfer to the Economic Development Fund;

C)

BA 2009-1324

APPROVED: a Budget Amendment of \$20,000 in the Park Improvement Fund decreasing the transfer from the General Fund and the appropriation to the District 6 Recreation Assistance Program;

D)

BA 2009-1325

APPROVED: a Budget Amendment of \$20,000 in the Economic Development Fund increasing the transfer from the General Fund and the appropriation to the Palm Beach Community College Glades Campus Scholarship Program; and

E)

APPROVED: authority for the County Administrator to execute the Agreement with the Foundation on behalf of the County. (Admin)

SUMMARY: The rural Glades communities are associated with high rates of poverty, illiteracy, school dropout and unemployment. These and other generational ills have caused devastation throughout the community with unemployment numbers soaring to unprecedented levels. These communities have working class families where the per capita income is as low as \$6,572. The factors that impede youth outcomes of economic self-sufficiency and healthy familial and social relationships are very similar to other distressed areas throughout the State and the Nation, including that the high school graduation rate in the Glades averages only 40%. This Scholarship Program is designed to help Glades residents of limited means to have a better chance of a life of financial independence. The Program will provide a mechanism to teach vocational skills that will lead to professional license, thus enhancing long term

transferable employment. The Program will focus on increasing the number of skilled vocational workers in the fields of welding and heavy equipment mechanics, construction and cosmetology. The Program will be operated out of the West Technical Center in Belle Glade. Initially 26-33 scholarships will be provided. These numbers are based on individual class tuitions ranging from \$377 per class to \$295 per class. These program funds would be reimbursed by financial aid monies once a student passed the necessary exams, thus providing for long term program funding. This is a non-standard use of RAP funds. District 6 (AH)

MOTION to approve the creation of the Glades Campus Scholarship Program, the budget transfer, the budget amendments, and the authority, carried 7-0.

Aaronson Yes Seconder

Abrams Yes

Koons Yes

Marcus Yes Maker

Santamaria Yes

Taylor Yes

Vana Yes

6.A.5.

A)

APPROVED: the following District 7 Recreation Assistance Program (RAP)

reallocations in an amount not to exceed \$12,000:

1)

Martin Luther King, Jr. Coordinating Committee of  
West Palm Beach artistic, cultural and  
educational enrichment activities

(\$5,000);

2)

Inner City Youth Golfers, Inc. student golf program

(\$2,500);

3)

Redemptive Life Urban Initiatives Corporation

Palm Beach Youth Jam 2009

(\$2,500)

4)

Youth Recreation Association of Riviera Beach Boys

basketball team program

(\$2,000)

B)

APPROVED: authorizing the County Administrator, or his designee to execute the standard RAP agreements in the amount stated.

SUMMARY: Prior to Commissioner Addie Greene leaving office, she had allocated RAP funding to a number of non-profit agencies. Two (2) of those agencies: Community Neighborhood Helping, Inc./\$5,000 for the Glory Awards (no longer scheduled) and PB XXtreme Heat, Inc./\$7,000 for a basketball program (insufficient documentation provided) will not receive funding. Commissioner Taylor is requesting that those RAP allocations be redistributed to the above four (4) non-profit agencies. Approval of this item will authorize the RAP expenditures and allow the agreements to be executed by the County Administrator or his designee. Funding is from RAP District 7. Staff does not intend to process any re-allocations or new allocations after the September 15 Board meeting. All remaining unallocated program funds will be swept. District 7 (AH)

Commissioner Taylor disclosed that she had served as an advisor to the Martin Luther King Jr. Coordinating Committee.

MOTION to approve the recreation assistance program, carried 7-0.

Aaronson Yes

Abrams Yes Seconder

Koons Yes

Marcus Yes Maker

Santamaria Yes

Taylor Yes

Vana Yes

6.B. WATER UTILITIES DEPARTMENT

6.B.1.

R-2009-1345

APPROVED: a Service Agreement with the Glades Utility Authority (GUA) for Operations, Maintenance and Management of the GUA Utility System. SUMMARY: On June 16, 2009, the Board of County Commissioners approved the Interlocal Agreement (R2009-1034) and Transition Agreement (R2009-1035), establishing the GUA pursuant to Chapter 163, Florida Statutes. The GUA is a regional partnership established for the purpose of providing water, wastewater, and reclaimed water services to the residents of Belle Glade, Pahokee, South Bay, and surrounding areas in an efficient and fiscally responsible manner. The Service Agreement authorizes the County to operate, maintain and manage all utility assets, including the Lake Region Water Treatment Plant (LRWTP), Belle Glade Wastewater Plant, the Pahokee Wastewater Treatment Plant, and all water distribution systems and wastewater collection systems. Countywide (MJ)

MOTION to approve the service agreement, carried 7-0.

Aaronson Yes Maker

Abrams Yes

Koons Yes

Marcus Yes Seconder

Santamaria Yes

Taylor Yes

Vana Yes

6.B.2.

R-2009-1346

APPROVED: Release of Utility Easement on land owned by Boynton Beach Associates XXI, LLLP. SUMMARY: This document will release the County's interest in the utility easement (Easement) recorded in the Official Records of Palm Beach County in Book 08692, Page 0612 on land owned by Boynton Beach Associates XXI, LLLP. The Water Utilities Department has determined that this Easement is no longer needed, and therefore recommends the release. District 5 (MJ) (WUD)

MOTION to approve the release, carried 7-0.

Aaronson Yes Seconder

Abrams Yes

Koons Yes

Marcus Yes Maker

Santamaria Yes

Taylor Yes

Vana Yes

## 6.C. ENVIRONMENTAL RESOURCES MANAGEMENT

### 6.C.1.

R-2009-1347

APPROVED: an Interlocal Agreement (Agreement) with the Northern Palm Beach County Improvement District (Northern) that provides the process for the County to grant a drainage and flowage easement within the Winding Waters Natural Area to Northern in exchange for Northern's relinquishment of its canal easement rights to the EPB-9 and EPB-9A canals within the Winding Waters Natural Area.

SUMMARY: The Board has considered this easement exchange in concept earlier today under Agenda Item 5E. The Board's conceptual approval of the exchange pursuant to the Conservation Lands Protection Ordinance requires this separate agenda item to formally authorize the easement exchange. There is no monetary consideration for this exchange. The Agreement provides the methodology and responsibilities of the parties relative to the exchange of drainage and flowage easements that will benefit the creation of approximately 185 acres of wetlands in the Winding Waters Natural Area. The Agreement also provides for the

maintenance of water control structures that will be constructed within the drainage easements as part of the wetland creation project. The land area obtained by the County when Northern relinquishes its canal rights to the EPB-9 and EPB-9A canals will allow the completion of the 185-acre created wetland that gives the site its name. The drainage and flowage easements the County will grant to Northern will allow Northern to continue to flow water through the Winding Waters Natural Area. The new water flow will be in a manner that enhances the County's efforts to restore native habitats on the property and provide a very large wetland system for wading birds, fish, amphibians, and other wetland dependent species, while also providing passive recreational opportunities. District 7 (HF)

MOTION to approve the agreement, carried 7-0.

Aaronson Yes

Abrams Yes Secunder

Koons Yes

Marcus Yes Maker

Santamaria Yes

Taylor Yes

Vana Yes

6.D. HOUSING & COMMUNITY DEVELOPMENT

6.D.1.

APPROVED: funding for Eliza Wisdom through the State Housing Initiative Partnership s (SHIP) Owner Occupied Rehabilitation Program (OORP). SUMMARY: The OORP is a component of the SHIP Local Housing Assistance Plan (LHAP). It finances repairs to hurricane damaged homes as well as, homes with code violations, deterioration and signs of decline due to deferred maintenance. Mrs. Wisdom s home repairs will cost \$27,300. Homeowners with repairs exceeding \$20,001 receive a deferred payment loan secured by a mortgage that requires no repayment if the home continues to be occupied for 30 years. The loan becomes due and payable if the property is sold, leased or transferred prior to the expiration of the 30 year encumbrance period. Mrs. Wisdom s daughter, Maureen Harrison is a Fiscal Specialist II employed by Palm Beach County s Housing and Community Development Department under a Federal grant from the U.S. Department of Housing and Urban Development. Mrs. Harrison s duties do not involve OORP or any other SHIP initiative which is funded by the State of Florida. Mrs. Wisdom qualifies as an extremely low-income household and her family size is one (1). These are SHIP funds which do not require a local match. Countywide (TKF)

MOTION to approve the funding, carried 7-0.

Aaronson Yes Seconder

Abrams Yes

Koons Yes

Marcus Yes Maker

Santamaria Yes

Taylor Yes

Vana Yes

6.D.2.

APPROVED: conceptually approved the following two (2) affordable housing projects through the Commission on Affordable Housing's Multi-Family Rental Development Program allocating up to \$200,000 for the development of up to 218 affordable housing units:

Match Request

1)

Temple Development, LLC for Madison Springs Apts.

\$200,000

(District 3) - 92 units

Alternate

2)

Beneficial Acquisitions, LLC for Grace Wood Senior Apts.

\$200,000

(District 3) - 126 units

SUMMARY: These funding recommendations represent the required local government match/contribution necessary to qualify for the Housing Tax Credit Program with the Florida Housing Finance Corporation (FHFC). The Commission on Affordable Housing Advisory Committee originally made funding recommendations on April 20, 2009, and those recommendations were conceptually approved by the Board of County Commissioners (BCC) on May 5, 2009 (Agenda Item No. 3I-4). Since that time, two (2) of the conceptually approved projects have been withdrawn by the developer, Auburn Development, LLC., and the two (2) alternates approved by the BCC on May 5, 2009 has received the funding allocations released by Auburn Development, LLC. The Commission on Affordable Housing on August 10, 2009 recommended that the BCC conceptually approve Temple Development, LLC for the development of Madison Springs Apartments and Grace Wood Senior Apartments be named as an alternate to receive match funding should any of the other projects withdraw. Since the CAH meeting, the County has received notice that Dakota Housing LLC has lost site control. District 3 (TKF) (HCD)

MOTION to conceptually approve the two housing projects, carried 7-0.

Aaronson Yes Maker

Abrams Yes

Koons Yes

Marcus Yes Seconder

Santamaria Yes

Taylor Yes

Vana Yes

PUBLIC COMMENT CARDS SUBMITTED: Janice Booher.

Commissioner Koons stated that \$1,037,000 of road impact fees were generated in Commissioner Marcus district and therefore could not be reallocated to other districts. He said that funding could become available from other programs and departments that could be reallocated to District 1 for affordable housing.

County Administrator Robert Weisman advised that the board should not reallocate any funding until the FY 2011 budget was projected.

Commissioner Marcus stated that older affordable housing areas in her district do exist such as Limestone Creek and Kennedy Estates, and that Habitat for Humanity was building twenty-seven homes in the area. She added that existing infrastructure repairs were needed before dedicating funds to build new affordable housing.

Commissioner Santamaria said that he would support the development of affordable housing in high-end real estate markets.

BOARD DIRECTION:

Commissioner Abrams asked staff to provide a list detailing the funds spent on low-income and affordable housing in the past year.

Commissioner Koons stated that it had been a priority of the board to create affordable housing with policies such as the mandatory inclusionary zoning, and the increase in density to rate these programs.

ADDITIONAL PUBLIC COMMENT CARDS SUBMITTED: Mike Macy.

Commissioner Koons stated that the board would continue its support of affordable housing, and the County's municipalities should also develop strategies for affordable housing.

6.E. PLANNING, ZONING & BUILDING

6.E.1.

R-2009-1348

APPROVED: an Interlocal Agreement with the City of Greenacres providing for the annexation of one (1) enclave, generally located east of Jog Road, north of Lake Worth Road on Harmony Drive. SUMMARY: The Board of County Commissioners has directed staff to work with municipalities to strategically address annexations. Chapter 171, F.S., allows annexation of enclaves of less than 10 acres through an Interlocal Agreement between the annexing municipality and the County. By Resolution No. 2009-19, the City of Greenacres has petitioned the County to

enter into such an agreement for the annexation of one (1) enclave identified as Exhibit A within the interlocal agreement. The proposed annexation meets the requirements of Chapter 171, F.S., and is consistent with the Intergovernmental Coordination Element of the County's Comprehensive Plan. District 2 (RB)

MOTION to approve the agreement, carried 7-0.

Aaronson Yes Secunder

Abrams Yes

Koons Yes

Marcus Yes Maker

Santamaria Yes

Taylor Yes

Vana Yes

PUBLIC COMMENT CARDS SUBMITTED: Thomas Lanahan.

6.E.2.

APPROVED: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, titled Palm Beach County Construction Permit Fee Schedule; repealing Ordinance 2005-018; providing for the construction permit fee schedule as exhibit A ; providing for time for assessment of fees; providing for methodology for valuation for primary permitting fees; providing for review;

providing reference for administrative details on permits; providing for refunds; providing for fee increases for failure to obtain permits in advance of construction; providing for violations on non-payment of fees; providing for records of fees; providing for repeal of laws and ordinances in conflict; providing for a savings clause; providing for severability; providing for applicability; providing for inclusion in code; and providing for an effective date. SUMMARY: On July 12, 2005, the Board of County Commissioners of Palm Beach County adopted Ordinance 2005-018, titled Palm Beach County Construction Permit Fee Schedule, along with Exhibit A , which was incorporated. That ordinance called for an annual review of building permit fees to determine if fee adjustments are required. Based upon that review it has been determined that a fee increase is necessary to balance revenues and expenditures and to maintain an adequate level of service. Significant fee increases have not occurred since 2003. Thus, Palm Beach County s fees are much lower than most other local jurisdictions. The building industry has been included in the review process.

Unincorporated (GB)

MOTION to approve the ordinance, carried 7-0.

Aaronson Yes

Abrams Yes

Koons Yes

Marcus Yes Maker

Santamaria Yes

Taylor Yes

Vana Yes Seconder

6.F. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

6.F.1.

APPROVED: the policies promulgated by the County Administrator for the issuance, management, monitoring, and evaluation of all debt obligations issued by Palm Beach County and for the competitive selection of bond underwriters. SUMMARY: OFMB has revised the existing Policy and Procedure Memorandum (PPM), No. CW-F-074, Debt Management Policy and created a new PPM, No. CW-F-078, Competitive Selection of Bond Underwriters Policy for Negotiated Sales. Together, these policies establish a County Financing Committee (CFC) which will be involved in every decision-making aspect of debt-related activities; establish a preference for competitive sales of bonds, while retaining the flexibility to utilize negotiated sales when recommended by the CFC; and require an Request for Proposal (RFP) process for all outside professionals involved in debt, including financial advisor, bond/disclosure counsel and underwriters. Both of these PPMs were provided to the Grand Jury to review as a part of their deliberations. The Grand Jury recommended that the Board of County Commissioners implement the County proposals to end the bond rotation system and institute an RFP process for bond sales. Countywide (PFK)

MOTION to approve the policies. Motion by Commissioner Marcus and seconded by

Commissioner Aaronson.

Commissioner Koons stated that Palm Beach was still an AAA bond-rated county.

County Administrator Robert Weisman said that Palm Beach was the only AAA bond-rated county in Florida and one of twenty in the United States.

Office of Financial Management and Budget Director Liz Bloeser pointed out a correction in the item summary where PPM number CW-F-076 should be CW-F-078.

AMENDED MOTION to include the changes stated by Ms. Bloeser. The maker and seconder agreed, and the motion carried 7-0.

Aaronson Yes Seconder

Abrams Yes

Koons Yes

Marcus Yes Maker

Santamaria Yes

Taylor Yes

Vana Yes

PUBLIC COMMENT CARDS SUBMITTED None

County Administrator Robert Weisman said that the motion established a totally competitive and transparent process for all future bond issuances.

7. BOARD APPOINTMENTS

7.A.1. ADMINISTRATION

APPROVED: the appointment of one (1) individual to the Health Facilities

Authority, effective August 18, 2009:

Nominee	Seat No.	Seat Requirement	Term Expiration	Nominated by
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Christopher B. Roemer	2	Resident of PBC	04/30/2013	Comm. Marcus
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OR

Rose B. Bellanca	2	Resident of PBC	04/30/2013	Economic Council
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SUMMARY: Per Chapter 154.207, Florida Statutes and Resolution Nos. R77-379, R77-398 and R92-563, the Health Facilities Authority is composed of five (5) members appointed at-large by the Board of County Commissioners (BCC). A memo dated March 31, 2009, was circulated to the BCC notifying the Board that there was a vacancy on the Health Facilities Authority, due to Peter Baronoff not seeking reappointment. Two nominations were received, one from Commissioner Marcus and one from the Economic Council. To date, no other nominations have been submitted. Countywide (TKF)

MOTION to approve the appointment of Christopher B. Roemer, carried 7-0.

Aaronson Yes Seconder

Abrams Yes

Koons Yes

Marcus Yes Maker

Santamaria Yes

Taylor Yes

Vana Yes

7.B.1. PALM TRAN

APPROVED: the appointment of three (3) at-large members from the following categories to the Palm Tran Service Board: (Palm Tran)

NomineeCategory &

Seat NumberTerm to ExpireNominated by

Terry BrownElected Municipal Official of a Municipality Located within

Palm Beach County,

Seat No. 48/17/2011Comm. Abrams

Comm. Koons

Comm. Taylor

Roberta Van

SickleDisability Advocate,

Seat No. 28/17/2011Comm. Koons

Comm. Taylor

Marta Suarez-

MuriasFixed Route Bus Passenger, Seat No. 98/17/2010Comm. Koons

Comm. Taylor

SUMMARY: The Palm Tran Service Board was established December 18, 2001 (R2001-2241), as amended April 2, 2002 (R2002-0485), and is currently comprised of 13 at-large voting members from 13 categories appointed by the Palm Beach County Board of County Commissioners. Members may serve two (2) year terms with no limit on reappointments. The individuals named above have been or are in seats on the board at this time. Staff is recommending a realignment of individuals within certain seats. A memo dated July 6, 2009 was circulated to the Board of County Commissioners along with the Board Appointment Nomination Forms. Countywide (DR)

Commissioner Marcus said that the Palm Tran Service Board (PTSB) was recently designated for reorganization and that more time would be needed to appoint the members.

Commissioner Koons said that he along with Palm Tran administration, had suggested that the Board of County Commissioners (BCC) approve the designated PTSB appointments and that the PTSB would then evaluate current processes and provide the BCC with recommendations. He also referred to the benefit of Terry Brown's appointment as an elected official of the PTSB and that after the designated appointments were made, the board would re-evaluate the PTSB and make any needed adjustments.

Commissioner Abrams asked if the qualifications of the PTSB members were considered prior to their appointment and whether the BCC had the authority to change the scope of the PTSB. Commissioner Aaronson stated that the PTSB members were appointed, and serve at the discretion of the PTSB.

PTSB Executive Director Chuck Cohen said that two existing PTSB members had been repositioned to help place Mr. Brown officially on the PTSB and to create an appointment representing a member of the business community.

Commissioner Marcus suggested the inclusion of urban planners, as well as the business community, which would give a global perspective to the PTSB.

Commissioner Aaronson said that although he supported the appointments, the board would be revisiting the current positions and clarifying the job of the PTSB.

Commissioner Koons said that for the past ten years, with the support of the BCC, the PTSB had done a good job determining Palm Tran's direction.

MOTION to approve the appointments, carried 7-0.

Aaronson Yes Maker

Abrams Yes

Koons Yes

Marcus Yes

Santamaria Yes

Taylor Yes

Vana Yes Secunder

7.C.1. ENVIRONMENTAL RESOURCES MANAGEMENT

APPROVED: the following nomination to Seat 7 to fill the vacancy created by the resignation of Andre Cadogan for term ending October 31, 2010.(ERM)

NomineeRepresentingSeatNominated by

Allen TrefryCitizen having an interest in preservation and conservation of  
natural areas7Comm. Jeff Koons

Comm. Karen Marcus

OR

Evelyn Parkes- Brier 7Comm. Karen Marcus

Comm. Priscilla A. Taylor

OR

Cynthia Plockelman 7Comm. Karen Marcus

SUMMARY: On February 24, 2009, the Board of County Commissioners (BCC) adopted Resolution No. 2009-0319 which established NAMAC with seven (7) at-large members. The composition of the Committee shall be as follows: one (1) member with experience in the management of natural areas, one (1) biological scientist, one (1) professional educator with knowledge of South Florida ecosystems, one (1) representative of a local municipal government public recreation program, one (1) member of the Palm Beach County Parks and Recreation Department staff, two (2) citizens having an interest in preservation and conservation of natural areas. A memorandum from Environmental Resources Management (ERM) was sent to the BCC on May 29, 2009 requesting nominations for Seat 7. Mr. Trefry, Ms. Parkes-Brier and Ms. Plockelman have expressed an interest in completing the term for Seat 7. There were no other nominations.

Countywide (SF)

MOTION to approve the appointment of Allen Trefry, carried 7-0.

Aaronson Yes Maker

Abrams Yes

Koons Yes

Marcus Yes

Santamaria Yes

Taylor Yes

Vana Yes Seconder

7.C.2.

APPROVED: the appointment of one at-large member to the Groundwater and Natural Resources Protection Board (GNRPB) for a term of three (3) years beginning August 18, 2009, through August 17, 2012.

New Appointment

Nominee Representing Seat No. Nominated by

Lloyd A. Comiter Attorney licensed to 2 Palm Beach County

Practice in Florida Bar Association

SUMMARY: Ordinance 92-20 and Article 17.C.7. of the Unified Land Development Code (ULDC) provide for a seven (7) member GNRPB. The membership consists of one (1) professional engineer, one (1) attorney, one (1) hydrologist, one (1) business person, one (1) biologist or chemist, one (1) citizen of PBC, and one

(1) member of an environmental organization. Ordinance 92-20 and Article 17.C.7 of the ULDC requires Seat No. 2 to be filled by an attorney licensed to practice in Florida. No other nominations were received. Countywide (SF)

MOTION to approve the appointment, carried 7-0.

Aaronson Yes Maker

Abrams Yes

Koons Yes

Marcus Yes Seconder

Santamaria Yes

Taylor Yes

Vana Yes

#### 7.D. COMMISSION DISTRICT APPOINTMENTS

##### 7.D.1.

APPROVED: Appointment of Burt Goodman to Seat 4 of the Water Utilities Advisory Board for a term of three Years until May 31, 2011, to complete the term of Sheldon Farber.

MOTION to approve the appointment, carried 7-0.

Aaronson Yes Seconder

Abrams Yes Maker

Koons Yes

Marcus Yes

Santamaria Yes

Taylor Yes

Vana Yes

7.D.2.

APPROVED: Reappointment of Patricia Lebow to Seat 4 of the Business Development Board for a term of one year from October 1, 2009 to September 30, 2010.

MOTION to approve the appointment, carried 7-0.

Aaronson Yes Seconder

Abrams Yes Maker

Koons Yes

Marcus Yes

Santamaria Yes

Taylor Yes

Vana Yes

7.D.3.

APPROVED: Reappointment of Floyd Nichols to the Business Development Board for a Term of One Year.

MOTION to approve the appointment, carried 7-0.

Aaronson Yes Seconder

Abrams Yes

Koons Yes

Marcus Yes Maker

Santamaria Yes

Taylor Yes

Vana Yes

(CLERK S NOTE: Items 9.B.1 and 9.B.2. were addressed at this time. See page 71.)

8. STAFF COMMENTS

8.A. ADMINISTRATION COMMENTS None

8.B. COUNTY ATTORNEY None

9. COMMISSIONER COMMENTS

9.A. District 1 COMMISSIONER KAREN T. MARCUS

9.A.1.

DISCUSSED: Rename Light Harbor Park.

MOTION to approve the request, carried 7-0.

Aaronson Yes Seconder

Abrams Yes

Koons Yes

Marcus Yes Maker

Santamaria Yes

Taylor Yes

Vana Yes

9.B. District 2 - COMMISSIONER JEFF KOONS, CHAIRMAN

9.B.1.

DISCUSSED: Commissioner Koons Appointed to the Canvassing Board.

MOTION to appoint Commissioner Koons to the Canvassing Board to serve in the

next election, carried 7-0.

Aaronson Yes Seconder

Abrams Yes

Koons Yes

Marcus Yes Maker

Santamaria Yes

Taylor Yes

Vana Yes

9.B.2.

DISCUSSED: Commissioner Abrams Appointed to the Value Adjustment Board.

Commissioner Aaronson recommended that Commissioner Koons be replaced on the Value Adjustment Board by Commissioner Abrams.

MOTION to appoint Commissioner Abrams to the Value Adjustment Board, carried 7-0.

Aaronson Yes Maker

Abrams Yes

Koons Yes

Marcus Yes Seconder

Santamaria Yes

Taylor Yes

Vana Yes

9.C. District 3 COMMISSIONER SHELLEY VANA

9.C.1.

DISCUSSED: Auditing County Processes.

Commissioner Vana said that as chair of the Audit Committee, she needed clarification regarding the Palm Beach County Clerk & Comptroller s Clerk authority to audit the Municipal Service Tax Unit (MSTU).

BOARD DIRECTION:

Commissioner Vana requested that a meeting be scheduled between the Clerk office and County staff for clarification of responsibilities in reference to project auditing.

Commissioner Koons said that the County had accountability safeguards in place to ensure that the administration was executing the policies and procedures set forth by the board. He said that forensic audits had been conducted in the past

and the board was directed to change how contracts were issued to non-profit organizations and a mandatory system of approvals for all non-profit organizations was established. He concluded that every audit should take place via the committee.

Commissioner Aaronson said that the issue with the MSTU had been made public repeatedly and all discrepancies had been revealed. He said conducting an audit of a County program should be a function of the audit committee, and added that involving the Clerk was unnecessary, unless there were claims of misappropriated funds. Commissioner Aaronson said that when an inspector general was appointed, the County auditing process could be presented for discussion.

Commissioner Marcus stated that transparency had been a key topic among the public and the board. She said that the board and the State Attorney implemented the recommendations of the Grand Jury to establish an inspector general position. She added that in the interim, the audit committee would set the scope of the audits and ensure that they were performance-based.

#### BOARD DIRECTION:

Commissioner Koons recommended that a workshop about the audit committee process be scheduled, and Commissioner Vana concurred. He added that the act of auditing was a tool that the board would consider for certain situations.

Inspector General and Audit Director Roger Trca said that his office provided

the Audit Committee with expertise in the areas of policies, procedures, statutes and vendors. He added that the MSTU report outlined the actions made by the Clerk; however, the remaining structure of the committee was determined by the board.

Commissioner Vana asked Mr. Trca if the Clerk would continue to provide expert information to the audit committee although, the Clerk's representative was an audit committee member. Mr. Trca said that the Clerk's office would comply with the board's request.

Commissioner Abrams said that the Clerk had been contacted in the past to conduct an audit and had expressed a desire not to be involved because of board policy at the time.

Commissioner Vana said this issue came to light when a citizen requested that the Clerk conduct a county-related audit and the Clerk agreed that the review was needed. Roger Trca said that the audit request came to the Clerk's attention via the ethics hotline and the Clerk's office conducted an investigation, per procedure.

Commissioner Marcus said that the Clerk should not conduct an audit if there were allegations of wrongdoing because the State Attorney should be contacted to investigate. She added that the county charter ensured transparency through audits, which is why the county had an internal auditor and an audit committee.

Commissioner Taylor said that policies and procedures were already in place for conducting audits; therefore, there should be no confusion.

County Administrator Robert Weisman said that the Clerk had a vital function in County government such as pre-auditing, paying County bills and protecting County funds, but should not include auditing County processes. He said the board should bring the MSTU issue to the internal auditor and have it assigned to the Internal Audit Committee for review.

Commissioner Santamaria said that the responsibilities of the Clerk's office had been misunderstood, and that the Clerk's responsibilities needed to be clearly defined going forward.

Commissioner Vana said that the Clerk was asked by a concerned citizen to conduct an audit, to which she agreed. Commissioner Aaronson said that even though the Clerk was requested to get involved, her actions were the responsibility of the Internal Audit Committee.

MOTION to approve reinforcing existing County processes. Motion by Commissioner Aaronson, and seconded by Commissioner Marcus.

County Attorney Denise Nieman said that her office was confident that the Clerk had no post-audit authority but that the Clerk's pre-audit function was clearly defined by law. She also said that a County charter permitted internal auditing and that the inspector general ordinance would be presented to the board by the

end of 2009.

Mr. Weisman said that in the event the Clerk was requested to conduct an audit, she could obtain all legally entitled public records; however, county staff would not cooperate with the audit. He said if the issue interferes with county government, a declaratory statement would be composed and cooperation with the Clerk would be limited to the appropriate legal extent.

Commissioner Koons said that the Audit Committee function may be readjusted once the policies and procedures related to internal auditing were confirmed by the board.

UPON CALL FOR A VOTE, the motion carried 7-0.

Aaronson Yes Seconder

Abrams Yes

Koons Yes

Marcus Yes Maker

Santamaria Yes

Taylor Yes

Vana Yes

9.D. District 4 COMMISSIONER STEVEN L. ABRAMS None

9.E. District 5 COMMISSIONER BURT AARONSON, VICE CHAIRMAN

None

9.F. District 6 COMMISSIONER JESS R. SANTAMARIA

(CLERK S NOTE: Item 9.F.1. was addressed after item 9.G.1.)

9.F.1.

DISCUSSED: Glades Scholarship Program.

Commissioner Santamaria thanked the board for approving item 6.4.A., the Palm Beach Community College Glades Campus Scholarship Program. He said that the program teaches students to learn skills that could lead to securing better jobs.

Commissioner Koons said that two leading Glades employers informed him that typically, they had to interview 50 candidates to fill one position, largely due to the lack of skill and the ability to pass drug testing. He said that the scholarship program addressed the problem of learning needed job skills for Glades residents.

9.G. District 7 COMMISSIONER PRISCILLA A. TAYLOR

(CLERK S NOTE: Item 9.G.1. was addressed after item 9.C.1.)

9.G.1.

DISCUSSED: Glades Municipal Service Tax Unit (MSTU).

Commissioner Taylor expressed concern that Glades residents would not be able to afford the proposed Municipal Service Tax Unit millage rate increase for Fire-Rescue services.

BOARD DIRECTION:

Commissioner Koons asked County Administrator Robert Weisman to schedule the proposed Glades millage rate increase along with other Glades issues as an item for discussion at the September 1, 2009, regular board meeting.

10. ADJOURNMENT

At 11:45 a.m., the chair declared the meeting adjourned.

ATTESTED:

APPROVED: 2/23/2010

Clerk

Chair