

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. **Staff requests Board direction:** on a request by the Mayfair House Association to obtain an Encroachment License Agreement for encroachments on the Old Ocean Boulevard right-of-way without charge. **SUMMARY:** The right-of-way for Old Ocean Boulevard runs along the dune and beach from Sloans Curve in Palm Beach, south to Ocean Avenue at the Lantana/Boynton line. The Road was washed out in the 50's, condominiums were constructed in the 70's and 80's which encroached into the right-of-way and in the early 90's the County attempted to reassert control over the north end right-of-way in South Palm Beach by requiring the encroaching property owners to enter into encroachment permit agreements and pay fees equal to 10% of the appraised value of the land encroached upon. The property owners strenuously objected to the program and agreements were reached only with those property owners with the most extensive encroachments at reduced rates. This is the first property to be addressed in the South section of the right-of-way. The Mayfair House condominium was constructed in 1974. A portion of one condominium tower is 6 feet away from this right-of-way and the pool deck and concrete apron encroaches 10'-15' into the right-of-way. The total area encroached upon is roughly 3,750 square feet. At 10% of assessed value, this would equate to a permit fee of \$75,000. Staff negotiated an Encroachment License Agreement with Mayfair House which, similar to the other agreements, allow the encroachments to remain in place until such time that the County intends to reconstruct a road, which is unlikely to ever occur. The Agreement also gives the County an easement for beach and dune restoration and public access over, but not to, the beach. Staff supports allowing the encroachments to remain, but requires direction as to whether Mayfair House should be charged a fee. The Mayfair House Condominium has through the years suffered extensive damage during Hurricane and other storm events from waves breaking over their seawall. They have obtained permits to reconstruct and elevate their seawall, conditioned upon obtaining this Encroachment Agreement. (PREM) District 4 (HJF)

D. PURCHASING

1. **Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on August 18, 2009 at 9:30 a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, to be entitled the "Palm Beach County Local Preference Ordinance;" repealing and replacing Sections 2-80.41 through 2-80.48 of the Palm Beach County Code, which codified Ordinance No. 2002-065 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 for certain procurements; providing for a straight preference for the use of Glades subcontractors by local businesses; providing for interlocal agreements; providing for waiver; providing for limitations; authorizing the County Administrator or designee to develop rules and regulations; 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)