

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

**MAY 4, 2010**

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

**COMMISSION  
CHAMBERS**

- 1. CALL TO ORDER**
  - A. Roll Call
  - B. Invocation
  - C. Pledge of Allegiance
  
- 2. AGENDA APPROVAL**
  - A. Additions, Deletions, Substitutions
  - B. Adoption
  
- 3. CONSENT AGENDA (Pages 6 - 19)**
  
- 4. SPECIAL PRESENTATIONS (Page 20)**  
**TIME CERTAIN – 9:30 A.M. (Employee Service Awards) (Page 20)**  
**TIME CERTAIN – 10:00 A.M. (Proclamations/Certificates) (Page 20)**
  
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve: Amendment No. 5 to the Palm Beach County (PBC) Section 108 Loan Program Criteria. **SUMMARY:** The proposed Amendment will modify the following elements of the Criteria, including: Program Details: Section III-A (Eligibility), substituted the type of fund matching of Entitlement Communities from 100% loan fund match to 100% fund match in the form of a loan, grant property donation [land, buildings, and easements, at a value derived by PBC Property Appraiser's assessed value] or a match that is deemed appropriate by PBC. Section III-I (Fees and Costs), an increase of the non-refundable Processing Fee from \$100 to \$200 and an increase of the Section 108 Loan Fee from 1.5% to 2%. Program Administration: Section IV-E (Loan Acceptance), added this Section to explain in detail the process of acceptance of the terms and conditions of the Section 108 loans. This Amendment will provide loan opportunities for projects in entitlement communities, offset administrative costs and further clarify the loan criteria. Countywide (DW)

2. Staff recommends motion to approve:

**A)** a Modification to an Award/Contract (R2009-1058) (Charge Resolution Contract No. EECCN090037, Modification No. 1) with the U. S. Equal Employment Opportunity Commission (EEOC) allowing the Office of Equal Opportunity to receive revenue in the total amount of \$99,900 as payment for processing and resolving employment discrimination complaints; and

**B)** a Budget Amendment of \$18,900 in the EEOC Fund to adjust the budget to the actual grant award.

**SUMMARY:** Execution of this contract Modification is required so that OEO can receive payment for processing and resolving complaints of employment discrimination pursuant to the Worksharing Agreement with the EEOC. This Charge Resolution Contract is for FY 2009-2010 and is in the amount of \$99,900 (\$97,350 - charge processing; \$1,150 Intake Services, and \$1,400 - attendance at EEOC sponsored annual training). EEOC Charge Resolution Contracts for all Fair Employment Practices Agencies nationwide provide payment at a rate of \$550 per charge. OEO's contract is for a total of 177 charges. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

3. Staff recommends motion to approve:

**A)** Modification No. 001 to the United States Department of Energy (DOE) Energy Efficiency and Conservation Block Grant (EECBG) Program Assistance Agreement totaling \$6,587,600; and

**B)** a Budget Transfer of \$200,000 in the Energy Efficiency and Conservation Block Grant fund to reallocate funding between the Competitive Grants for Governmental Organizations and the Revolving Loan Program for Energy Efficiency and Conservation Projects for businesses.

**SUMMARY:** On October 20, 2009, the Palm Beach County Board of County Commissioners (BCC) approved the United States Department of Energy’s Energy Efficiency and Conservation Block Grant (EECBG) Program Assistance Agreement totaling \$6,587,600 (R2009-1743) for the following project activities: Water Utilities Department’s (WUD) Digester Biomass Gasification project at the Southern Region Water Reclamation Facility (\$1.2 million), Facilities Development & Operations (FDO) Dept.’s HVAC for the Emergency Operations Center (\$1.5 million), Parks and Recreation Dept.’s Green Generation Lighting at John Prince, Okeeheelee and Lake Lytal Parks (\$1,125,000), Engineering’s Traffic Signal Synchronization for four (4) streets (\$200,000), FDO’s Solar Power for Agricultural/Mounts Complex (\$175,000), Economic Development Office’s Energy Efficiency/Conservation Competitive Grants for Governmental Organizations (\$650,000), and Revolving Loan Fund (\$900,000) and Equity Seed Capital Program (\$400,000) for emerging Green Technology Companies and Energy Efficiency Projects for Businesses and Administration costs (\$437,600). However, during the review process, the DOE did not approve the Equity Seed Capital Program (\$400,000) and approved the redistribution of \$200,000 to the Competitive Grants for Governmental Organizations for a total of \$850,000 and \$200,000 to the Revolving Loan Program for Energy Efficiency Projects for Businesses for a total of \$1.1 million. These changes are reflected in the modified Assistance Agreement. **These are Federal funds that require no local matching funds.** Countywide (DW)

B. CLERK & COMPTROLLER

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

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Budget	July 13, 2009
Comp Plan	August 25, 2009
Regular	September 1, 2009
Budget	September 8, 2009
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Zoning	September 29, 2009
Regular	November 3, 2009
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Regular	December 1, 2009
Regular	January 12, 2010
Regular	February 2, 2010
Regular	February 23, 2010
Regular	March 9, 2010

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

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to adopt:** a Resolution approving recordation and filing of a Specific Purpose Survey Maintenance Map with the Clerk of the Circuit Court of and for Palm Beach County (County), Florida, certifying that Seminole Pratt Whitney Road crossing the "M" Canal, has been maintained or repaired, continuously and uninterrupted, by the County for over four (4) years and all right, title, easement appurtenances in and to the road is therefore vested in the County. **SUMMARY:** This recordation and filing will establish and confirm title of Seminole Pratt Whitney Road crossing the "M" Canal, to the County in accordance with Section 95.361, Florida Statutes, which provides that upon four (4) years of continuously and uninterrupted maintenance or repair of the road by the County and upon filing of a map with the Clerk, title to the road becomes vested in the County for the extent in width that it has been actually maintained. This maintenance includes road pavement, guardrail and bridge maintenance and roadside mowing of vegetation. The Road and Bridge Division Director has certified, on the cover of the Seminole Pratt Whitney Road crossing the "M" Canal Specific Purpose Survey Maintenance Map, that it depicts the limits of maintenance by the County. District 6 (MRE)
  
2. **DELETED**
  
3. **Staff recommends motion to approve:** an Interlocal Agreement with the City of Delray Beach (City) to extend the completion date from March 31, 2009, to June 30, 2010 for the installation of a trombone style signal mast arm on West Atlantic Avenue and 12<sup>th</sup> Street. **SUMMARY:** Approval of this Agreement with the City will extend the date of completion for the installation of trombone style signal mast arms from March 31, 2009, to June 30, 2010. District 7 (MRE)
  
4. **Staff recommends motion to approve:**  
  
**A)** an Agreement with Seasons Homeowners Association in an amount not to exceed \$34,400 for landscaping and irrigation; and  
  
**B)** a Budget Transfer of \$34,400 in the Transportation Improvement Fund from Reserve for District 4 (\$8,000) and Sweep Reserves (\$26,400) to Seasons Homeowners Association Landscape Buffer – District 4.  
  
**SUMMARY:** Approval of the Agreement and Budget Transfer will provide funds to help pay for landscaping and irrigation along Jog Road from Lake Worth Drainage District Canal L-41 to Northwest 64<sup>th</sup> Avenue. District 4 (MRE)
  
5. **DELETED**
  
6. **Staff recommends motion to approve:** an Agreement with Michael B. Schorah & Associates, Inc. to provide the necessary professional services for civil engineering on a task order basis for Countywide projects, as required. **SUMMARY:** Approval of this Agreement will provide the necessary professional services for civil engineering throughout Palm Beach County (County) for all user departments. At the option of the County, this Agreement can be renewed annually for a period of one (1) year, with a maximum of two (2) renewals. The consultant is a County company. Countywide (PFK)



3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

7. Staff recommends motion to approve: a Budget Transfer of \$7,472 in the Municipal Services Taxing Unit Improvement Fund from Reserves to Coconut Road/L-13 Canal to Lake Worth Road street improvement project for supplemental design costs. **SUMMARY:** Approval of this Budget Transfer will allow the annual consultant to revise the initial design and direct the drainage for positive outfall away from private property. The cost of these changes and reimbursable expenses are estimated at \$7,471.89. District 3 (MRE)

8. Staff recommends motion to:

**A) adopt** a Resolution to enter into a Local Agency Program (LAP) Agreement (FPN 420356-1-58-01) with the Florida Department of Transportation for the construction of a mast arm signal at the intersection of South County Government Complex and South Congress Avenue. The scope of work includes necessary roadway modifications, signing and pavement markings; and

**B) approve** a Budget Amendment of \$395,000 in the Transportation Improvement Fund.

**SUMMARY:** Approval of this LAP Agreement will allow Palm Beach County to receive \$395,000 in Federal funds to construct a mast arm signal with roadway modifications, signing and pavement markings. District 7 (MRE)

9. Staff recommends motion to:

**A) adopt** a Resolution to enter into a Local Agency Program Agreement (LAP) with the Florida Department of Transportation (FDOT) to add auxiliary turning lanes in both directions and signal modifications on Okeechobee Boulevard from Australian Avenue to Tamarind Avenue (FPN 229755-1-58-02); and

**B) approve** a Budget Amendment of \$2,400,000 in the Transportation Improvement Fund to recognize reimbursement funding from the LAP with FDOT and appropriate it to Okeechobee Boulevard and Tamarind Avenue Improvements.

**SUMMARY:** Approval of this LAP Agreement will allow Palm Beach County to receive \$2,400,000 in Federal and State funds to construct auxiliary turning lanes in both directions and signal modifications on Okeechobee Boulevard from Australian Avenue to Tamarind Avenue. District 7 (MRE)

10. Staff recommends motion to approve:

**A) an Agreement for Sale and Purchase (Agreement) with the School District of Palm Beach County (School Board); and**

**B) a County Deed in favor of the School Board to be held in escrow until closing.**

**SUMMARY:** Approval of this item will allow an Agreement for the sale of certain Palm Beach County (County) owned property near 45<sup>th</sup> Street and Military Trail at the Palm Beach Lakes High School, reserving drainage easement and maintenance rights. Approval of this item will also allow a County Deed, in favor of the School Board, to be held in escrow until closing. The agreed purchase price is \$25,869.83. The monies will be applied to the balance owed by the County to the School Board as per the terms outlined in Resolution R93-1188D. District 7 (PK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

11. Staff recommends motion to:

**A) adopt** a Resolution to enter into a Local Agency Program (LAP) Agreement (FPN 417062-2-58-01) with the Florida Department of Transportation to construct auxiliary turning lanes on the west and east approaches and construct a mast arm signal at the intersection of Blue Heron Boulevard and Congress Avenue; and

**B) approve** a Budget Amendment of \$4,968,000 in the Road Impact Fee Fund – Zone 1 to recognize reimbursement funding from the LAP with FDOT and appropriate it to Blue Heron Boulevard and Congress Avenue Phase II Intersection Improvements.

**SUMMARY:** Approval of this LAP Agreement will allow Palm Beach County to receive \$4,968,000 in Federal funds to construct auxiliary turning lanes on the west and east approaches and construct a mast arm signal at the intersection of Blue Heron Boulevard and Congress Avenue. District 7 (MRE)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: Use of Facility Agreement with Payne Chapel African Methodist Episcopal Church effective May 5, 2010, with no fixed expiration date, to utilize facility for operating a congregate meal site for the elderly. **SUMMARY:** This Agreement will enable the Division of Senior Services (DOSS) to operate a congregate dining site for the elderly in West Palm Beach at Payne Chapel A.M.E. Church located at 801 Ninth Street. Payne Chapel A.M.E. Church will donate the space and utilities and will recruit volunteers to operate the site. All meals and necessary food related services, supplies, utensils, paper products, etc., shall be furnished by the County or through its designated food service vendor, subject to the availability of funds. DOSS shall provide training for volunteers recruited to work at the meal site in site management, sanitation, food portioning, and required paperwork. The volunteers shall distribute the meals to participants. Funding to operate this congregate dining site is through the American Recovery and Reinvestment Act (ARRA) allocated by the State of Florida Department of Elder Affairs and the Area Agency on Aging, Palm Beach/Treasure Coast, Inc. (R2009-1479). A required 10% County match of \$31,272 was obligated in the funding Agreement and is included in FY 2010 budget. (DOSS) District 7 (TKF)

2. Staff recommends motion to approve: Amendment No. 002 to the Head Start Delegate Agency Agreement with the School Board of Palm Beach County (Delray Full Service Center) (R2009-1246), for the period of July 1, 2009, through September 30, 2010, to increase the amount by \$37,753, for a new total not-to-exceed \$1,162,115, to recognize a Cost of Living Adjustment from the Department of Health and Human Services Administration for Children and Families. **SUMMARY:** Head Start/Early Head Start was awarded a cost-of-living adjustment increase. This is a permanent increase to their base funding. No County funding is being requested. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to receive and file: Amendment No. 1 to the Contract for Provision of Financial Assistance with Adopt-A-Family of the Palm Beaches, Inc. (R2009-0799), for the period of October 1, 2009, through September 30, 2012, allowing for an acceleration of the expenditure of funds. **SUMMARY:** On February 10, 2010, Housing & Urban Development (HUD) Miami Field Office via teleconference, provided instruction to expend Recovery Act funds as quickly as possible and not use deadlines identified in Notices and Agreements to dictate the rate of expenditure. As a result of HUD's instructions, this amendment removes the requirement to sustain the program for a three (3) year period. Ongoing case management services may be necessary for the full three (3) years, but financial assistance can be expended prior to the full three (3) year contract period. The contract amount of \$1,826,200 remains unchanged by this Amendment. **These are Federal funds that require no local match.** (Human Services) Countywide (TKF)

4. Staff recommends motion to:

**A) receive and file** grant award letter from Department of Health & Human Services for the budget period of October 1, 2009, through September 30, 2010, in the amount of \$14,781,706; and

**B) approve** upward Budget Amendment of \$450,665 in the Head Start Fund to reconcile the budget to the actual grant award.

**SUMMARY:** The Head Start/Early Head Start FY 2010 Refunding Application submitted to the Region IV Office of Head Start was approved by the Board of County Commissioners June 16, 2009 (R2009-0964). Head Start has received the Financial Assistance Award letter. An upward Budget Amendment is needed to reconcile the budget to the actual grant award. (Head Start) Countywide (TKF)

F. AIRPORTS

1. Staff recommends motion to adopt: a Resolution establishing General Aviation Minimum Standards for the Palm Beach County Park Airport ("Lantana Airport"), and becoming effective upon adoption. **SUMMARY:** This Resolution provides for the adoption of General Aviation Minimum Standards for the Lantana Airport. General Aviation Minimum Standards ("Minimum Standards") provide the minimum requirements to be met by operators engaging in commercial general aviation activities and non-commercial self-service fueling. The Minimum Standards include requirements for facility size, insurance coverage, required services and hours of operation. The standard provisions and terminology are similar to the General Aviation Minimum Standards adopted for the Palm Beach International Airport, the Palm Beach County Glades Airport and the North County General Aviation Airport. The Aviation and Airports Advisory Board unanimously approved the Minimum Standards at its March 10, 2010 meeting. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. **Staff recommends motion to adopt:** a Resolution establishing a standard form Hotel-Motel Courtesy Shuttle Operator Permit (Permit); authorizing the County Administrator or his designee to execute the standard form Permit; providing for adjustment of fees and charges; and becoming effective upon adoption. **SUMMARY:** The Resolution establishes a new standard form Permit for use with hotel and motel courtesy shuttles ("Shuttle Vehicles") at the Palm Beach International Airport (PBIA), and authorizes the County Administrator or his designee to execute the standard form Permit on behalf of the Board. Shuttle Vehicles currently transport customers to and from PBIA without any form of permit or registration. The Permit authorizes Shuttle Vehicles to transport customers to and from designated locations at PBIA at no direct cost to the customer. The Permit establishes an initial Permit fee of \$100 per year, an application fee of \$250 and a decal fee of \$10 per vehicle. Prior to the Board meeting, staff met with members of the Palm Beach County Hotel and Lodging Association regarding the Permit and provided copies of the Permit to its membership. The Aviation and Airports Advisory Board unanimously approved the Permit fee schedule at its September 23, 2009 Board meeting. Countywide (AH)
  
3. **Staff recommends motion to adopt:** a Resolution establishing a standard form General Aeronautical Services Permit (Permit); authorizing the County Administrator or his designee to execute the standard form Permit; repealing, in part, Resolution 93-801; providing for adjustment of fees and charges; and becoming effective upon adoption. **SUMMARY:** The Resolution establishes a new standard form Permit for use with providers of certain general aeronautical support services to air carriers, or to other tenants (Service Providers) at the Palm Beach International Airport (PBIA), and authorizes the County Administrator or his designee to execute the standard form Permit on behalf of the Board. The new standard form replaces the standard form General Aeronautical Services Agreement (GASA) established by Resolution 93-801. Countywide (AH)
  
4. **Staff recommends motion to receive and file:** five (5) original Agreements for the Department of Airports:
  - A) Hangar Lease Agreement with Robert Bentz, Unit 3, Building 11240, at North County General Aviation Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on February 15, 2010; terminating Hangar Lease Agreement with Keith Ragon (R2004-1960) for Unit 3, Building 11240 at North County General Aviation Airport, same date;
  
  - B) North County General Aviation Airport Hangar Lease Agreement with HGP Leasing, LLC, Unit 1, Building 11750 for one (1) year, automatically renewed at one (1) year intervals, commencing on March 26, 2010;
  
  - C) Fourth Amendment to Airline Operating and Lease Agreement with Air Canada (R2009-0081) replacing Exhibit "B", effective April 30, 2010;
  
  - D) Federal Aviation Administration Grant Agreement Number 3-12-0085-052-2010 for "Conduct Wildlife Hazard Assessment" at Palm Beach International Airport; and
  
  - E) Federal Aviation Administration Grant Agreement Number 3-12-0086-010-2010 for "Stormwater Master Plan and Conceptual Environmental Resource Permit Application" at Palm Beach County Park Airport.**SUMMARY:** Delegation of authority for execution of the standard County agreements above was approved by the BCC in R2006-2086, R2007-1968 and R2008-1845. Countywide (AH)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve:

A) a Budget Amendment of \$11,598,107 in the \$11,598,107 Taxable Public Improvement Revenue Bonds, Series 2010 (Convention Center Hotel Project) Debt Service Fund to record the bond proceeds, issue cost and the transfer to the \$11,543,892 Taxable Public Improvement Revenue Bond Anticipation Notes, (Convention Center Hotel Project), Series 2007 debt service fund for the payment of the principal of the 2007 BANS; and

B) a Budget Amendment of \$11,543,892 in the \$11,543,892 Taxable Public Improvement Revenue Bond Anticipation Notes, (Convention Center Hotel Project), Series 2007 Debt Service Fund to record budget transfer from the Series 2010 Bonds debt service fund for the payment of principal on the Series 2007 BANS.

**SUMMARY:** On April 20, 2010, the Board authorized the issuance of the Taxable Public Improvement Revenue Bonds (Convention Center Hotel Project) in an amount not to exceed \$11,604,000 for the purpose of paying, together with other legally available funds of the County, the principal of \$11,543,892 of the Series 2007 BANS and the cost of issuance of the Series 2010 Bonds. The budget amendment and transfer set up the sale of the Series 2010 Bonds and the payment of principal on the Series 2007 BANS. Countywide (PFK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: JOC Work Order No. 10-087 with Robling Architecture Construction, Inc. in the amount of \$293,986.64 to provide removal and replacement of the existing roofing system at Mid-Western Service Center in Royal Palm Beach. **SUMMARY:** The existing roofing system has deteriorated with weathering and time, requiring inordinate amount of expenses to maintain the system. The new roofing system will have a longer life cycle and be hurricane resistant rated. This activity is a scheduled, budgeted maintenance replacement item. The work consists of demolition of the existing metal roofing system, and construction of a new roofing system that meets all current wind load requirements. The Small Business Enterprise (SBE) goal is 15%. The SBE participation in this work order is 100%. The total construction duration is 90 days. This work will comply with all applicable local, state, and federal codes and regulations. (FDO Admin) Countywide/District 6 (JM)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2010-0258) with the City of Greenacres, to amend the project scope of work. **SUMMARY:** This Amendment will add street improvements on Jennings and Walker Avenues to the existing scope of work covering Fleming Avenue. The proposed work on Jennings and Walker Avenues will extend from 10<sup>th</sup> Avenue North to the L-10 Canal in the City of Greenacres. The original Agreement (R2010-0258) amount of \$99,006 remains unchanged. The roadway will be re-graded and paved in order to improve storm drainage. **These are Federal Community Development Block Grant funds that require no local match.** District 2 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to approve: an Agreement with the Oakwood Center of the Palm Beaches, Inc., in the amount of \$198,179.40, for the period of May 4, 2010, through February 28, 2011. **SUMMARY:** This Agreement provides funding for the continuation of a project that has commenced under Agreement (R2007-1329) which has expired. The \$200,000 funded through the expired Agreement, less funds expended on the project to date, is being recommitted to the project through this Agreement. Under this Agreement, Oakwood Center of the Palm Beaches, Inc. (Oakwood), will receive the remaining \$198,179.40 for the renovation of the heating, ventilation, and air conditioning system at their facility located at 1041 45th Street in the City of West Palm Beach. They have received bids and awarded a construction contract for this work. Approval of this Agreement will allow the work to proceed. The project has been delayed due to extensive engineering changes to address the aged equipment and the entire electrical distribution system, as well as due to changes to the asbestos abatement work plan. While the expired Agreement was in effect, Oakwood received bids for work on the entire building; however, funding constraints prevented the entire project from proceeding. A phased approach has been put in place that addresses the priorities. Phase 1 of the work which was bid and awarded separately will be implemented through this Agreement. Other phases will be addressed at a later date as funds become available. **These are Federal Community Development Block Grant funds that require no local match.** District 7 (TKF)

K. WATER UTILITIES

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

**A)** Amendment No. 1 to extend the piggyback contract with Aquifer Maintenance and Performance Systems (AMPS) for rehabilitation of surficial aquifer wells for a period of 12 months in the amount of \$750,000; and

**B)** Amendment No. 2 to the contract to incorporate the requirements of the Inspector General Ordinance and the associated fee to the contract.

**SUMMARY:** On December 1, 2009, the Board approved the piggyback contract (R2009-2074) with AMPS in the amount of \$450,000. The piggyback contract is from the Town of Jupiter (Contract No. JW 09-03). The extension of the piggyback contract is contingent upon the Town of Jupiter's renewal of the AMPS contract scheduled on or before April 30, 2010 for a period of 12 months. Amendment No. 1 is a one (1) year renewal in an amount not to exceed \$750,000. Amendment No. 2 adds the requirements of the Inspector General Ordinance and the associated fee to the contract. The piggyback contract has been used for wellfield rehabilitation to maintain adequate raw water supply to all of the Water Utilities Department's (WUD) Water Treatment Plants. Amendment No. 1 includes a 15% Small Business Enterprise (SBE) participation goal in accordance with SBE Ordinance (R2002-064) as a part of the contract extension. AMPS is a local Palm Beach County company. (WUD Project No. 09-069) Districts 2, 5 & 6 (MJ)

2. Staff recommends motion to approve: a "Utility Work by Highway Contractor" Agreement with Florida's Department of Transportation (FDOT) in the amount of \$11,742.50. **SUMMARY:** Florida's Department of Transportation (FDOT) is proposing improvements to State Road 802 (Lake Worth Road) from State Road 7 (SR 7) to Florida's Turnpike. These improvements will necessitate the adjustment of 37 Palm Beach County Water Utilities Department (PBCWUD) water/wastewater valve boxes and one (1) Air Release Valve (ARV) manhole that need to be protected and adjusted to the new grade. In order to include the adjustment of the valve boxes and ARV manhole within the road improvement project, FDOT requires PBCWUD to enter into a "Utility Work by Highway Contractor" Agreement to reimburse FDOT for the valve box and ARV manhole adjustments in the amount of \$11,742.50 (lump sum). (WUD Project No. 10-010E) District 6 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. **Staff recommends motion to approve:** a Grant Agreement with the Environmental Protection Agency (EPA) for construction costs of the Lake Region Water Treatment Plant (LRWTP) in the amount of \$1,253,300. **SUMMARY:** This Grant is being provided by the Environmental Protection Agency with funding originating from the Consolidated Appropriations Acts of 2004 (PL 108-199), 2005 (PL 108-447) in the amount of \$192,900, and Consolidated Appropriations Act of 2006 in the amount of \$575,400, and the Omnibus Appropriations Act of 2009 (PL 111-8) in the amount of \$485,000 for a total amount of \$1,253,300. This Grant requires a 48.47% local match in the amount of \$1,332,364. The match will be obtained through funds previously committed by the Board of County Commissioners for the construction of the LRWTP. These Grant funds will be utilized to reduce the remaining balance for the construction of the LRWTP in the amount of \$26,000,000. Repayment of this amount is the obligation of the newly formed Glades Utility Authority. (WUD Project No. 03-169) District 6 (MJ)
  
4. **Staff recommends motion to approve:** a "Financial Assistance Award" with the U.S. Department of Commerce, Economic Development Administration (EDA) in the amount of \$3,990,000 for the design and construction of wastewater infrastructure owned by the Glades Utility Authority (GUA), within their utility service area. **SUMMARY:** On January 12, 2010, the Board of County Commissioners (BCC) ratified the signature of the County Administrator on an application for Federal Assistance (SF-424) as "Co-Applicant" with the GUA for Federal Grant funding from the Department of Commerce, Economic Development Administration (R2010-0139). On April 8, 2010, Palm Beach County was notified that the Grant was approved. A local match requirement of \$1,330,000 will be obtained from previously awarded state and local grants. The Grant Award includes \$20,000 for grants administration by the Treasure Coast Regional Planning Council (TCRPC). A separate Agreement with the TCRPC for these funds will be required. Staff will bring this Agreement to the BCC as a separate item. District 6 (MJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to:**
  - A) ratify** Amendment No. 7 to Grant Agreement No. 99PB1 (R2000-0082) with the Florida Department of Environmental Protection (FDEP) for the South Lake Worth Inlet Management Plan to extend the Agreement until December 31, 2010; and
  - B) authorize** the County Administrator, or his designee, to sign all future time extensions, task assignments, certifications and other forms associated with this document, and necessary minor amendments that do not change the scope of work or terms and conditions of the document.

**SUMMARY:** Amendment No. 7 to Agreement No. 99PB1 (R2000-0082) extends the term of the Agreement to December 31, 2010 with no fiscal impact. The Amendment also requires prior written approval from FDEP for changes in project task costs, an executed notice of completion for disbursement of retainage, written notice of changes in contact information, completion of a new audit form, submission of bid form for successful bidder and solicitation documents, and specifies the handling of minor modifications. District 4 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to approve: Contract with Rio-Bak Corporation in the amount of \$250,950 for the construction of Delaware Scrub Natural Area Public Use Facilities, Project No. 2009ERM07. **SUMMARY:** The Project will provide parking facilities, walking trail, wooden boardwalk, observation platform and other amenities at this natural area, which is co-owned by the County and the Town of Jupiter. Thirteen (13) eligible bids were received for this Project. Rio-Bak Corporation, a Palm Beach County company, was the lowest responsive, responsible bidder that was responsive to the 15% Small Business Enterprise (SBE) goal with 67.51% participation. The Contract is funded with a Loxahatchee River Preservation Initiative (LRPI) Grant administered by the South Florida Water Management District. ERM's match for the LRPI Grant, provided by the Natural Areas Fund has been established in the Environmental Resources Capital Projects Fund. All funding is non-ad-valorem. District 1 (JM)

M. PARKS & RECREATION

1. DELETED

2. Staff recommends motion to:

**A) ratify** the signature of the Chair on a Waterways Assistance Program Grant Application submitted to Florida Inland Navigation District (FIND) on March 26, 2010, requesting \$100,000 for the Waterway Park Design and Permitting project;

**B) adopt** Resolution for assistance under the FIND Waterways Assistance Program for grant funding for Waterway Park design and permitting in the amount of \$100,000;

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

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

**SUMMARY:** This grant application requests up to \$100,000 from the FIND Waterways Assistance Program to fund a portion of the cost of the design and permitting for Waterway Park. Total cost of the project is \$428,711. If the grant is awarded, the County will provide a 77% match of the total cost of the project using funds from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue. FIND's time frame for this application did not allow for prior approval by the Board of County Commissioners. Commissioner Burt Aaronson, Chair, signed the application on behalf of the Board on March 24, 2010, as authorized by PPM CW-F-003 (Policy B.3). The PPM requires the grant be presented to the Board of County Commissioners for approval at the next available Board meeting after signature by the Chair. District 1 (AH)



3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. Staff recommends motion to:

**A) ratify** the signature of the Chair on a Waterways Assistance Program Grant Application submitted to Florida Inland Navigation District (FIND) on March 26, 2010, requesting \$150,000 for the extension of the staging dock on the west side of Burt Reynolds Park;

**B) adopt** Resolution for assistance under the FIND Waterways Assistance Program for grant funding for Burt Reynolds Park staging dock extension in the amount of \$150,000;

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

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

**SUMMARY:** This grant application requests up to \$150,000 from the FIND Waterways Assistance Program to extend the existing 110' staging dock on the west side of Burt Reynolds Park by 179 linear feet. The grant project cost is estimated at \$300,000, while the total cost of the Burt Reynolds Park project is \$475,000. If the grant is awarded, the County will provide a 50% match of the total cost of the project using funds from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue. FIND's time frame for this application did not allow for prior approval by the Board of County Commissioners. Commissioner Burt Aaronson, Chair, signed the application on behalf of the Board on March 24, 2010, as authorized by PPM CW-F-003 (Policy B.3). The PPM requires the grant be presented to the Board of County Commissioners for approval at the next available Board meeting after signature by the Chair. District 1 (AH)

4. Staff recommends motion to approve: Budget Transfer of \$175,000 within the \$50M GO '05 Waterfront Access Bond reserve to Burt Reynolds Park improvements. **SUMMARY:** This transfer will provide necessary funding for additional boat trailer parking spaces, design and permitting of staging docks extension and other boater-related enhancements that will complement and support planned improvements to U.S. 1 and launching facilities on the west side of Burt Reynolds Park. Total estimated cost of the project is \$475,000. Funding is from the 2004 \$50 Million GO Waterfront Access Bond referendum and a pending Florida Inland Navigation District grant. District 1 (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve:

**A)** an Interlocal Agreement for \$75,000 with the Palm Beach County Sheriff's Office (PBSO) as a partner to support the law enforcement component of the Youth Violence Prevention Project (YVPP) for the period of October 1, 2009, to September 30, 2010;

**B)** a Budget Transfer of \$75,000 in the American Recovery and Reinvestment Act – Justice Assistance Grant (ARRA JAG) Fund to increase budget for PBSO; and

**C)** a Budget Amendment for \$75,000 in the Sheriff's Grant Fund to recognize the transfer from the ARRA JAG Fund.

**SUMMARY:** Palm Beach County has received a direct award of \$1,246,822 as part of the FY2009 American Recovery and Reinvestment Act - Justice Assistance Grant (JAG): Local Solicitation. This award was received and filed by the Board of County Commissioners on October 6, 2009 as R2009-1700. The Law Enforcement Planning Council, representing the Law Enforcement component of the Youth Violence Prevention Project, has approved \$75,000 to allocate overtime for members of the Violent Crimes Task Force to conduct strategic operations. There is no requirement for match with the JAG funds. Countywide (DW)

BB. SHERIFF

1. Staff recommends motion to:

**A) accept** on behalf of the Palm Beach County Sheriff's Office, a High Intensity Drug Trafficking Area (HIDTA) Program grant in the amount of \$143,269, for the Palm Beach County Multi-Agency Diversion Task Force, for the period of January 1, 2009, through December 31, 2010; and

**B) approve** a Budget Amendment of \$143,269 in the Sheriff's Grant Fund.

**SUMMARY:** On March 15, 2010, the Palm Beach County Sheriff's Office received an award from the Office of National Drug Control Policy. The funds will be used for overtime reimbursement and other expenses associated with the Palm Beach County Multi-Agency Diversion Task Force. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

2. Staff recommends motion to:

**A) accept** on behalf of the Palm Beach County Sheriff's Office, a FY '09 State Homeland Security grant in the amount of \$504,428, for the period of October 1, 2009, through April 30, 2012; and

**B) approve** a Budget Amendment of \$504,428 in the Sheriff's Grant Fund.

**SUMMARY:** On October 30, 2009, the Palm Beach County Sheriff's Office received an award from the State of Florida, Division of Emergency Management. These funds and related equipment will be used for direct Homeland Security Initiatives. There is no match associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

CC. TOURIST DEVELOPMENT COUNCIL

1. **Staff recommends motion to receive and file:** Tourism Stimulus Marketing Campaign Report on the expenditure of Tourist Development (“bed tax”) revenues to support the marketing stimulus plans for the Convention Visitors Bureau (CVB) including Eco-Tourism, Cultural Council, Film and Television Commission and the Sports Commission. **SUMMARY:** On May 19, 2009, the Board approved the reallocation of \$3 million of bed tax revenues to a TDC multi-agency tourism stimulus strategy to market Palm Beach County to fly and drive market travelers. The \$3 million was allocated in the following areas: the CVB/Eco-Tourism 74.89% for \$2,246,700, the Cultural Council 15.78% for \$473,500, the Sports Commission 4.91% for \$147,300 and the Film & TV 4.42% for \$132,500. The performance measures Palm Beach County experienced as of November 2009 through February 2010 were positive gains in occupancy levels year over year for each month. Attached (to the Agenda Item) is a summary of the Smith Travel Research report of our monthly performance statistics compared to the previous year. Countywide (MC)

\* \* \* \* \*

4. SPECIAL PRESENTATIONS

**TIME CERTAIN 9:30 A.M.**

- A. [Employee Service Awards](#)

**TIME CERTAIN 10:00 A.M. – All Proclamations/Certificates**

- B. Certificate of Commendation to Scott Lewis and the Eagles Wings Foundation in recognition of the Eagles Wings Pathfinder’s Team’s tireless efforts to assist the citizens of Haiti in their time of need. (Sponsored by Commissioner Koons)
- C. Proclamation declaring May 20, 2010 as “Public Affairs/TV Channel 20 Day” in Palm Beach County. (Sponsored by Commissioner Abrams)
- D. Proclamation declaring May 2010 as “Workforce Development Professionals Month” in Palm Beach County. (Sponsored by Commissioner Taylor)
- E. Proclamation declaring May 2010 as “Drug Court Month” in Palm Beach County. (Sponsored by Commissioner Aaronson)
- F. Proclamation declaring May 3 – 9, 2010 as “National Goodwill Week” in Palm Beach County. (Sponsored by Commissioner Abrams)
- G. Proclamation declaring May 2010 as “Haitian Heritage Month” in Palm Beach County. (Sponsored by Commissioner Vana)
- H. Proclamation declaring May 22 – 28, 2010 as “Safe Boating Week” in Palm Beach County. (Sponsored by Commissioner Marcus)
- I. Proclamation declaring May 25, 2010 as “National Missing Children’s Day” in Palm Beach County. (Sponsored by Commissioner Aaronson)
- J. Proclamation declaring May 2010 as “Lupus Awareness Month” and May 10, 2010 as “World Lupus Day” in Palm Beach County. (Sponsored by Commissioner Taylor)
- K. Proclamation declaring May 6 – 12, 2010 as “Nurses Week” in Palm Beach County. (Sponsored by Commissioner Koons)
- L. Proclamation declaring May 2010 as “Mental Health Month” in Palm Beach County. (Sponsored by Commissioner Santamaria)
- M. Proclamation declaring May 17, 2010 as “Wild and Scenic Loxahatchee River Day” in Palm Beach County. (Sponsored by Commissioner Marcus)
- N. Proclamation declaring May 2 – 8, 2010 as “Correctional Officers Week” in Palm Beach County. (Sponsored by Commissioner Vana)
- O. Proclamation declaring May 16 – 22, 2010 as “EMS Week” in Palm Beach County. (Sponsored by Commissioner Santamaria)

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5. REGULAR AGENDA

A. PARKS & RECREATION

1. Staff requests Board direction: on the reallocation of Recreation Assistance Program (RAP) funding from West Boca Basketball, Inc. for funding of basketball camps/clinics to the Parks and Recreation Department in an amount not-to-exceed \$4,500 for Veteran's Park Veterans' Day and Memorial Day events. **SUMMARY:** This reallocation has been requested by the District 5 Commissioner. Previous Board direction requires the sweeping of unused RAP funds unless specific approval to reallocate the funds is provided. The requested reallocation would provide \$4,500 for the annual Memorial Day and Veterans' Day events held at Veteran's Park in Boca Raton. These events are held in cooperation with the West Boca Veteran's Coalition for an expected audience of 250 people. The funding Agreement with West Boca Basketball, Inc. for basketball camps/clinics held in 2008 and 2009 expired on September 30, 2009. Funding is from RAP District 5 Funds. District 5 (AH)

\* \* \* \* \*

MAY 4, 2010

6. BOARD APPOINTMENTS

A. None

B. COMMISSION DISTRICT APPOINTMENTS

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**MAY 4, 2010**

**7. MATTERS BY THE PUBLIC – 2:00 P.M.**

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**MAY 4, 2010**

**8. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**



**9. COMMISSIONER COMMENTS**

**A. District 1 - COMMISSIONER KAREN T. MARCUS, VICE CHAIR**

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

**C. District 3 - COMMISSIONER SHELLEY VANA**

Request approval to present at a later date, a Proclamation declaring June 2, 2010 as "Traffic Safety Distinguished Citizens Day" in Palm Beach County

**D. District 4 – COMMISSIONER STEVEN L. ABRAMS**

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

**F. District 6 - COMMISSIONER JESS R. SANTAMARIA**

**G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR**

**10. ADJOURNMENT**

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

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**MAY 4, 2010**

<u>PAGE</u>	<u>ITEM</u>	
14	3K-1	<b><u>DELETED:</u> Staff recommends motion to approve: A) Amendment No. 1 to extend the piggyback contract with Aquifer Maintenance and Performance Systems (AMPS) for rehabilitation of surficial aquifer wells...; (WUD) (Moved to May 18, 2010 BCC Meeting)</b>
15	3K-3	<b><u>REVISED SUMMARY:</u> Staff recommends motion to approve: a Grant Agreement with the Environmental Protection Agency (EPA) for construction costs of the Lake Region Water Treatment Plant (LRWTP) in the amount of \$1,253,300. <u>SUMMARY:</u> This Grant is being provided by the Environmental Protection Agency with funding originating from the Consolidated Appropriations Acts of 2004 (PL 108-199), 2005 (PL 108-447) in the amount of \$192,900, and Consolidated Appropriations Act of 2006 in the amount of \$575,400, and the Omnibus Appropriations Act of 2009 (PL 111-8) in the amount of \$485,000 for a total amount of \$1,253,300. This Grant requires a <del>48.47%</del> <u>52%</u> local match in the amount of \$1,332,364. The match will be obtained through funds previously committed by the Board of County Commissions for the construction of the LRWTP. These Grant funds will be utilized to reduce the remaining balance for the construction of the LRWTP in the amount of \$26,000,000. Repayment of this amount is the obligation of the newly formed Glades Utility Authority. (WUD Project No. 03-169) <u>District 6</u> (MJ) (WUD)</b>
17	3M-3	<b><u>REVISED SUMMARY:</u> This grant application requests up to \$150,000 from the FIND Waterways Assistance Program to extend the existing 110' staging dock on the west side of Burt Reynolds Park by 179 linear feet. The grant project cost is estimated at \$300,000, while the total cost of the Burt Reynolds Park project is \$475,000. If the grant is awarded, the County will provide a <del>50%</del> <u>68%</u> match of the total cost of the project using funds from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue. FIND's time frame for this application did not allow for prior approval by the Board of County Commissioners. Commissioner Burt Aaronson, Chair, signed the application on behalf of the Board on March 24, 2010, as authorized by PPM CW-F-003 (Policy B.3). The PPM requires the grant be presented to the Board of County Commissioners for approval at the next available Board meeting after signature by the Chair. <u>District 1</u> (AH) (Parks)</b>
18	3Q-1	<b><u>DELETED:</u> Staff recommends motion to approve: A) an Interlocal Agreement for \$75,000 with the Palm Beach County Sheriff's Office (PBSO) as a partner to support the law enforcement component of the Youth Violence Prevention Project (YVPP) for the period of October 1, 2009, to September 30, 2010;...(CJC) (Moved to May 18, 2010 BCC Meeting)</b>
19	3CC-1	<b><u>MOVED TO REGULAR AGENDA (5B-1):</u> Staff recommends motion to receive and file: Tourism Stimulus Marketing Campaign Report on the expenditure of Tourist Development ("bed tax") revenues to support the marketing stimulus plans for the Convention Visitors Bureau (CVB) including Eco-Tourism, Cultural Council, Film and Television Commission and the Sports Commission. <u>SUMMARY:</u> On May 19, 2009, the Board approved the reallocation of \$3 million of bed tax revenues to a TDC multi-agency tourism stimulus strategy to market Palm Beach County to fly and drive market travelers. The \$3 million was allocated in the following areas: the CVB/Eco-Tourism 74.89% for \$2,246,700, the Cultural Council 15.78% for \$473,500, the Sports Commission 4.91% for \$147,300 and the Film &amp; TV 4.42% for \$132,500. The performance measures Palm Beach County experienced as of November 2009 through February 2010 were positive gains in occupancy levels year over year for each month. Attached (to the Agenda Item) is a summary of the Smith Travel Research report of our monthly performance statistics compared to the previous year. <u>Countywide</u> (MC) (TDC)</b>

**ADD-ON: Staff:**

**A) requests board direction** regarding the recommendation of the Tourist Development Council (TDC) to reduce the number of Board of County Commissioners appointments to the Palm Beach County Sports Commission Board of Directors from two (2) to one (1) appointee per Commissioner for a total of seven (7) BCC appointees; and

**B) authorize** an Amendment to the Amended and Restated Agreement (R2009-1594) dated September 22, 2009 with Palm Beach County Sports Commission, Inc. whose Federal I.D. number is 65-0263296, (hereinafter referred to as "PBCSC") to reflect BCC appointments and residency requirements.

**SUMMARY:** Due to concerns regarding the governance and size of the PBCSC Board of Directors (BOD), the BOD reviewed the structure and size of their Board by evaluating the restructuring process the Convention and Visitors Bureau (CVB) Board of Directors undertook in 2008. That process reduced the overall number of members to the CVB's BOD to 17 (not including 2 ex-officio members) which included one (1) appointment by each County Commissioner, other elected members and term limits. At the April 8, 2010 TDC meeting, the Council voted unanimously (Burke and Moss absent) to recommend the BCC reduce each of their appointments by one (1) to the PBCSC BOD. Furthermore, staff recommends the BCC require all appointees to the PBCSC be residents of Palm Beach County. Currently, there are four (4) members of the PBCSC BOD that are not residents of Palm Beach County. If these positions are eliminated and the Board appoints only one (1) appointee per Commissioner the PBCSC BOD will stand at 17. At this level, the PBCSC BOD will be equivalent to the CVB's BOD. Staff believes these changes would enhance the governance of the PBCSC BOD. However, the PBCSC established an ad-hoc committee to review their by-laws and it's recommending the BCC appointees would remain at 14 (as per the contract between the PBCSC and the BCC), with appointees equally divided among the BCC. Their plan would reduce their board from 28 to 21 by FY 2012 including the resident requirement. Countywide (MC) (TDC)

**ADD-ON:** Request approval to present at a later date, a Proclamation declaring May 2010 as "Juror Appreciation Month" in Palm Beach County. (Sponsored by Commissioner Abrams)

**NOTE:** Items that were revised, added, deleted, or backup submitted and were not listed on the preliminary addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (\*).