

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

JANUARY 9, 2007

**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 (Page 6-25)**

- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 26)**

- 5. PUBLIC HEARINGS - 9:30 A.M. - (Page 27) - None**

- 6. REGULAR AGENDA (Page 28-29)**

- 7. BOARD APPOINTMENTS (Page 30-31)**

- 8. STAFF COMMENTS (Page 32)**

- 9. COMMISSIONER COMMENTS (Page 33)**

- 10. ADJOURNMENT (Page 33)**

JANUARY 9, 2007

TABLE OF CONTENTS

CONSENT AGENDA

A. ADMINISTRATION

Page 6

- 3A-1 Resolutions from municipalities regarding the Municipal Home Rule Power Act
- 3A-2 Resolution from Pasco County regarding insurance rate increases

B. CLERK AND COMPTROLLER

Page 6

- 3B-1 Warrant list
- 3B-2 Minutes
- 3B-3 Contracts and claims settlements list
- 3B-4 Change orders, work task orders, minor contracts and final payments by Departments
- 3B-5 Bond of newly elected Tax Collector, Anne M. Gannon

Page 7

- 3B-6 Report of County Officials Bond

C. ENGINEERING

Page 7

- 3C-1 Blanket approval for FY '07 appraisal and acquisition of lands, rights-of-way and easements
- 3C-2 Contract with J.W. Cheatham for construction of Greenview Shores Blvd.

Page 8

- 3C-3 Deleted
- 3C-4 Joint Participation Agreement with FDOT for Blue Heron Blvd./Congress Ave. intersection
- 3C-5 Bill of Sale to the Town of Jupiter (Water Utility) regarding Loxahatchee River Road
- 3C-6 Amendment to the Annual Pavement Marking contract with Transmark, Inc.

Page 9

- 3C-7 Contract with Charles S. Whiteside, Inc. for annual pathway and minor construction
- 3C-8 Budget Transfer to Schall Circle street improvements
- 3C-9 Renewal of surveying and mapping annual agreements
- 3C-10 Interlocal Agreement with City of West Palm Beach for beautification maintenance along Northlake Blvd.

Page 10

- 3C-11 Amendment with Village of Royal Palm Beach for S.R. 7 improvements
- 3C-12 Budget Transfer/Amendment for streetlight at Cain Blvd. and Park Access Road
- 3C-13 Warranty deed, permanent easement and temporary construction easement for Seminole Pratt Whitney Road

Page 11

- 3C-14 Budget Transfer/Amendment for traffic signal at Highland Beach Fire Station & A-1-A
- 3C-15 Deleted
- 3C-16 Resolution vacating two (2) utility easements within Sunbeam Park
- 3C-17 Budget Transfer to Atlantic Avenue area contribution

D. COUNTY ATTORNEY

Page 11

- 3D-1 Agreements for bond counsel services

E. COMMUNITY SERVICES - None

F. AIRPORTS

Page 12

3F-1 Close-Out Agreement with Centex Construction, regarding security checkpoints

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 12

3G-1 Budget Amendments regarding Biomedical Research Park Infrastructure project

H. FACILITIES DEVELOPMENT & OPERATIONS

Page 13

3H-1 Amendment to Internal MOU with Library for use of gymnasium at Cherry Road facility

3H-2 Resolution pertaining to Public Art Committee

JANUARY 9, 2007

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

Page 13

3H-3 Interlocal Agreement with Town of Lake Park and PBSO for fuel services

3H-4 Contract with Cedars Electro-Mechanical for renovation of Westgate Head Start Center

Page 14

3H-5 Contract with Moss & Associates for construction management services associated with Criminal Justice facilities

3H-6 CSA No. 9 with Stephen Boruff Architects + Planners for Fire Rescue Training facility

3H-7 Sale of surplus property to PBSO

3H-8 Contract with Hellmuth, Obata + Kassabaum for architectural services associated with Jail Expansion program

I. HOUSING & COMMUNITY DEVELOPMENT

Page 15

3I-1 Amendment No. 1 with City of Pahokee regarding Community Development Block Grant (CDBG) funds

3I-2 Amendment No. 1 with City of Lake Worth regarding CDBG funds

3I-3 Amendment No. 2 with City of Lake Worth regarding CDBG funds

3I-4 Amendment No. 3 with City of Lake Worth regarding CDBG funds

J. PLANNING, ZONING & BUILDING - None

K. WATER UTILITIES

Page 16

3K-1 Change Order No. 5 with Garney Companies for Northern Region Utility improvements

3K-2 Deleted

3K-3 Resolution regarding assessment roll for Cheryl Lane Water Main improvement project

Page 17

3K-4 Memorandum of Agreement with Lake Worth Drainage District and South Florida Water Management District addressing diversion and impoundment of water

3K-5 Amendment to the Beeline Community Development District Water & Wastewater Utility acquisition, service and service area agreement

Page 18

3K-6 Change Order No. 1 with John J. Kirilin regarding Northern Region Pumping facility

L. ENVIRONMENTAL RESOURCES MANAGEMENT

Page 18

3L-1 Resolution supporting a successor program to the "Florida Forever Program"

3L-2 Interlocal Agreement with City of Boynton Beach associated with dredging of sand

Page 19

3L-3 Task Order with Applied Technology & Management for coastal engineering design and permitting services

3L-4 Grant Agreement with FDEP for the Singer Island Shore Protection project

3L-5 Interlocal Agreement with SWA regarding sand from Winding Waters Natural Area

M. PARKS & RECREATION

Page 20

3M-1 Second Amendment with School Board for the Woodlands Middle School pavilion project

3M-2 Independent Contractor Agreements

3M-3 Restrictive Covenant for Veterans Park

3M-4 Agreement with Chamber of Commerce of the Palm Beaches for the Kids K and Kids Marathon Mile program

Page 21

3M-5 Agreement with Genesis Community Outreach for 2006 Community Back to School event

3M-6 CCRT Park capital projects for FY 2007

3M-7 Tri-party Agreement with Village of Wellington and Cultural Trust of the Palm Beaches for the Cultural Trust Outdoor Entertainment pavilion

JANUARY 9, 2007

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

M. PARKS & RECREATION (Cont'd)

Page 22

3M-8 Interlocal Agreement with City of Delray Beach for Old School Square parking garage

3M-9 Agreement with Town of South Palm Beach for purchase of a baby grand piano

3M-10 Agreement with Town of South Palm Beach for senior citizen programs

N. LIBRARY

Page 22

3N-1 Cooperative Agreement with Literacy *AmeriCorps for English programs/learning labs

P. COOPERATIVE EXTENSION SERVICE - None

Q. CRIMINAL JUSTICE COMMISSION

Page 23

3Q-1 Budget Transfer/Amendment for the Visual Planning Technology project

R. HUMAN RESOURCES - None

S. FIRE RESCUE

Page 23

3S-1 Four (4) independent contractor agreements for swimming lessons

Page 24

3S-2 Four (4) license agreements for fire rescue training and structure burns

3S-3 Bill of Sale with City of Belle Glade for fire protection and emergency equipment/vehicles

Page 25

3S-4 MOU with Florida Division of State Fire Marshall under Homeland Security Grant Program

T. HEALTH DEPARTMENT - None

U. INFORMATION SYSTEMS SERVICES - None

V. METROPOLITAN PLANNING ORGANIZATION - None

W. PUBLIC AFFAIRS - None

X. PUBLIC SAFETY - None

Y. PURCHASING - None

Z. RISK MANAGEMENT - None

AA. PALM TRAN

Page 25

3AA-1 Service Provider Application with Area Agency on Aging for transportation services

BB. MEDICAL EXAMINER

Page 25

3BB-1 Amendment No. 2 with Wuesthoff Memorial Hospital for laboratory testing

SPECIAL PRESENTATIONS - 9:30 A.M.

Page 26

4A Arbor Day

4B AVVA Life Memberships to Commissioners Marcus and Koons

PUBLIC HEARINGS - 9:30 A.M.

Page 27

None

JANUARY 9, 2007

TABLE OF CONTENTS

REGULAR AGENDA

HOUSING & COMMUNITY DEVELOPMENT

Page 28

6A-1 Community Land Trust of Palm Beach County funding

6A-2 Loan for the purchase of single-family home for Ms. Na'imah Abdul-Rahmaan

RISK MANAGEMENT

Page 29

6B-1 Third Amendment to add Supervisor of Elections as a participant in the self-insured group health benefits program

FACILITIES DEVELOPMENT & OPERATIONS

Page 29

6C-1 Amendment No. 4 to South Florida Science Museum Lease Agreement

BOARD APPOINTMENTS (Page 30-31)

STAFF COMMENTS (Page 32)

COMMISSIONER COMMENTS (Page 33)

ADJOURNMENT (Page 33)

JANUARY 9, 2007

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

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

A) Resolution No. 73-06 from the City Commission of the City of Delray Beach, supporting and endorsing the principles of the Municipal Home Rule Power Act; and

B) Resolution No. 868 from the Town Commission of the Town of Highland Beach supporting and endorsing the principles of the Municipal Home Rule Power Act.

2. **Staff recommends motion to receive and file:** Resolution No. 07-60 by the Board of County Commissioners of Pasco County, Florida regarding the extreme insurance rate increases imposed upon the residents and business owners in Florida and strongly urging the Florida State Legislature to address the issues in the special session called for in January 2007.

B. CLERK AND COMPTROLLER

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Regular	August 15, 2006
Regular	October 17, 2006
Child Care Facilities	October 17, 2006

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during October 2006. Countywide
5. **Staff recommends motion to approve:** the Bond of newly elected Tax Collector, Anne M. Gannon, pursuant to F.S. Chapter 137.02. **SUMMARY:** The Tax Collector of each county shall give bond and present the bond to the Board of County Commissioners for approval and give the bond to the Governor of the State, pursuant to F.S. Chapters 137.02 and 137.09. The Tax Collector is required to give bond in a sum to be fixed by the Board of County Commissioners. The current set Bond is at \$100,000 for the four (4) year term ending January 2009. Payment for the cost of the bond is paid out of the County's General Revenue Fund pursuant to Chapter 113.07(4), F.S. Countywide (PFK)

JANUARY 9, 2007

3. CONSENT AGENDA APPROVAL

B. CLERK AND COMPTROLLER (Cont'd)

6. **Staff recommends motion to review for sufficiency and to receive and file:** Report of County Officials Bonds for the Board's examination as to the sufficiency of the sureties, dated January 2007. **SUMMARY:** Ordinance 98-51 sets the various bond amounts for specified county officers and provides for examination of the sufficiency of all the bonds at the regular meeting of the Board of County Commissioners, in January and June of each year. Countywide (PFK)

C. ENGINEERING & PUBLIC WORKS

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

A) a blanket approval for appraisal and acquisition of the lands, rights-of-way, and easements on all Fiscal Year 2007 projects as identified in the Five-Year Road Program annual update, as adopted on November 13, 2006; and

B) the employment of all experts, including but not limited to real estate appraisers, engineers, certified public accountants, business damage experts, and other experts, deemed necessary to appraise and acquire the before mentioned lands, rights-of-way, and easements.

SUMMARY: On November 13, 2006, the Board of County Commissioners adopted the annual update of the Five-Year Road Program for Fiscal Year 2007 through Fiscal Year 2011. Approval of this item will provide for the acquisition necessary to accomplish the road goals set therein. Countywide (PFK)

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

A) a \$6,599,072.30 Contract with J. W. Cheatham, LLC (JWC), the lowest responsive, responsible bidder, for the construction of Greenview Shores Boulevard from South Shore Boulevard to Wellington Trace (Project);

B) a Budget Transfer of \$3,993,813 in the Transportation Improvement Fund from Road Program Reserves - Fiscal Year 2006 to Greenview Shores Boulevard from South Shore Boulevard to Wellington Trace; and

C) a Budget Amendment of \$348,232 in the Road Impact Fee Fund – Zone 3 to recognize utility reimbursement agreements from BellSouth Telecommunications Company (\$11,670), Comcast Cable Company (\$22,400), Florida Power and Light Company (\$5,825) and Village of Wellington Utilities Department (\$308,337) and appropriate it to Greenview Shores Boulevard from South Shore Boulevard to Wellington Trace.

SUMMARY: This Contract will provide all the work necessary to construct the Project. The Small Business Enterprise (SBE) goal for the Project is 15% overall. The SBE

participation committed for the Project by JWC is 15.04%. District 6 (MRE)

JANUARY 9, 2007

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. DELETED

4. Staff recommends motion to:

A) adopt a Resolution approving a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) for Phase II intersection improvements at Blue Heron Boulevard (S.R. 708) and Congress Avenue; and

B) approve a Budget Amendment of \$400,000 in the Transportation Improvement Fund to recognize reimbursement funding from the Joint Participation Agreement with FDOT and appropriate it to Blue Heron Boulevard (S.R. 708) and Congress Avenue Phase II intersection improvements.

SUMMARY: The FDOT and the County have partnered together to design and construct additional eastbound and westbound left turn lanes, extend existing left turn lanes, construct eastbound and westbound right turn lanes, and reconstruct 6 foot sidewalks with curb and gutter on Blue Heron Boulevard (S.R. 708) at the intersection of Congress Avenue. District 7 (MRE)

5. Staff recommends motion to approve: a Bill of Sale to the Town of Jupiter Water Utility Department for the potable water line facilities constructed within the road right-of-way for Loxahatchee River Road over the C-18 Canal. **SUMMARY:** The potable water line facilities, which were constructed by Palm Beach County within the right-of-way for Loxahatchee River Road, will be released to and maintained by the Town of Jupiter Water Utility Department, following the execution of the Bill of Sale. District 1 (MRE)

6. Staff recommends motion to approve: a Contract Amendment of \$1,019,000 and an 18-month Contract extension to the Annual Pavement Marking Contract (R2005-0848), dated May 3, 2005, with the pavement marking contractor, Transmark, Inc. **SUMMARY:** The Amendment to the Annual Pavement Marking Contract extends the expiration date of the existing Contract retroactively from November 3, 2006 to May 3, 2008. The dollar value of the Contract is to be increased to a not-to-exceed amount of \$3,200,000. The Annual Pavement Marking Contract consists of furnishing and installing pavement

marking material, raised reflectorized pavement markers and traffic paint on County roadways. Small Business Enterprise (SBE) goals were established at 15% of the overall contract amount. The low bidder, Transmark, Inc., achieved 15.8% SBE overall with all of that being Small/Women Business participation. Countywide (MRE)

JANUARY 9, 2007

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

7. Staff recommends motion to approve:

A) a Contract not-to-exceed the total value of \$6,470,000 for task orders which may be issued to Charles S. Whiteside, Inc., the second lowest, responsive, responsible bidder, for the Annual Pathway and Minor Construction Contract; and

B) a Contract Amendment of \$250,000 to the Annual Pathway and Minor Construction Contract for additional funds, as requested by Streetscape Section for projects over the Contract term.

SUMMARY: The Annual Pathway and Minor Construction Contract includes construction and/or resurfacing of pathways, construction of parking areas, speed humps, traffic separators, miscellaneous concrete works and other minor construction projects required by various County Departments on an as needed basis. The Office of Small Business Assistance goals are set at 15% overall. Devland Site Development, Inc., the low bidder, has withdrawn their bid due to bonding difficulties. The SBA participation committed for the project by Charles S. Whiteside, Inc., is 19.58%. Countywide (MRE)

8. Staff recommends motion to approve: a Budget Transfer of \$29,674 in the Transportation Improvement Fund from Road Program Sweep Reserves to Schall Circle street improvements. **SUMMARY:** The Budget Transfer is for the funding of the various quantity differences associated with the final payment to Petro Hydro, Inc., the contractor for the Schall Circle Street improvements project. District 2 (MRE)

9. Staff recommends motion to approve: the renewal of the Surveying and Mapping Annual Agreements with the following firms:

	Original		
Firm Name	Agreement Date	Resolution No.	

Brown & Phillips, Inc. February 1, 2005R2005-0195

SUMMARY: These Agreements are being considered for renewal for required professional services, on a task order basis. Countywide (PFK)

10. **Staff recommends motion to approve:** an Interlocal Agreement with the City of West Palm Beach (City) to provide for maintenance of County installed beautification improvements on Northlake Boulevard from east of State Road 7 extension right-of-way to west of Beeline Highway (project). **SUMMARY:** On August 15, 2006, a Board Item (with a Budget Transfer) in the amount of \$250,000 was approved for the design and future County installation of the project. The design by a County consultant has been completed for this project and the beautification improvements shall be installed by the County in accordance with the approved plans. This Agreement with the City provides for the perpetual maintenance of the beautification improvements for the project by the City. The beautification will not be installed until the Maintenance Agreement with the City is fully executed. District 6 (MRE)

JANUARY 9, 2007

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

11. **Staff recommends motion to approve:** an Amendment to the Financial Assistance Agreement (R2004-1409) with the Village of Royal Palm Beach (Village) for an extension of the completion date for improvements on the Florida Department of Transportation's State Road 7 from the south Village limit (approximately one mile south of Southern Boulevard) to Southern Boulevard. **SUMMARY:** The original agreement provides for a reimbursement, in an amount not-to-exceed \$112,944, to the Village for the planned improvements on the Florida Department of Transportation's State Road 7 from the south Village limit (approximately one mile south of Southern Boulevard) to Southern Boulevard. This Amendment will extend the completion date from September 30, 2006 to September 30, 2007. The completion date of the improvements has been delayed due to the contractual completion date occurring after the agreement deadline. District 6 (MRE)
12. **Staff recommends motion to approve:**
 - A)** a Budget Transfer of \$7,000 in the Transportation Improvement Fund from Reserve for District 5 to Street Lighting Program Design (\$3,000) and to the Street Lighting Maintenance Fund (\$4,000); and
 - B)** a Budget Amendment of \$4,000 in the Street Lighting Maintenance Fund to

recognize the transfer from Reserve for District 5 and appropriate it to Reserves for Street Lighting Maintenance.

SUMMARY: The District 5 Commissioner has authorized funding for 20-year operation and maintenance costs for one (1) isolated streetlight to be installed at the intersection of Cain Boulevard and Park Access Road. The Budget Amendment will appropriate the funding to a reserve account from which maintenance costs will be transferred annually to the street lighting account for 20 years. District 5 (MRE)

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

A) accept a Warranty Deed for Parcel 158, Permanent Easement for Parcel 258, and Temporary Construction Easement for Parcel 358; and

B) approve payment of a counter-offer in the amount of \$67,000 for Parcels 158, 258, and 358.

SUMMARY: This action will accept a Warranty Deed, Permanent Easement, and Temporary Construction Easement needed for the construction widening of Seminole Pratt Whitney Road from south of Okeechobee Boulevard to north of Sycamore Drive and approve a counter-offer in the amount of \$67,000 for the purchase of Parcels 158, 258 and 358. District 6 (PFK)

JANUARY 9, 2007

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

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

A) a Budget Transfer of \$60,000 in the Transportation Improvement Fund from reserves for District 4 to partially fund the traffic signal at Highland Beach Fire Station and Ocean Boulevard/A1A - District 4; and

B) a Budget Amendment of \$40,000 to recognize the participation of the Town of Highland Beach and appropriate it to partially fund the traffic signal for Highland Beach Fire Station and Ocean Boulevard/A1A.

SUMMARY: This action will initiate a Budget Transfer of \$60,000 in the Transportation Improvement Fund from reserves for District 4 and a Budget Amendment of \$40,000 required to recognize the participation of the Town of Highland Beach to fund the traffic signal at Highland Beach Fire Station and Ocean Boulevard/A1A. District 4 (MRE)

15. **DELETED**

16. **Staff recommends motion to adopt:** a Resolution vacating two (2) six (6) foot wide utility easements lying within a portion of Lots 1-8 and Lots 11-18, Block 2, and lying within a portion of Lots 1-8 and Lots 11-18, Block 3, within the plat of Sunbeam Park, as recorded in Plat Book 14, Page 26, Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located on the east side of Jog Road, north of Southern Boulevard. The petitioner is requesting the abandonment to clear the record, allowing the property to be developed as a Class A Conditional Use. District 6 (PFK)
17. **Staff recommends motion to approve:** a Budget Transfer of \$2.5 million in the Transportation Improvement Fund from Reserves - Road Program Sweeps to Atlantic Avenue Area Contribution. **SUMMARY:** The developers of the Atlantic Avenue project were conditioned to provide \$2.5 million in payment for any project we needed in the Atlantic Avenue area. This payment was received on April 7, 2006, and deposited in the project called Atlantic Avenue Area Contribution. However, it was not budgeted at that time since there were no pressing projects and it was planned to be appropriated in the Fiscal Year 2007 budget process. However, this was not done and the collection flowed into the Sweeps account. These funds now need to be appropriated for current projects. Countywide (MRE)

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** agreements for bond counsel services effective January 1, 2007, through December 31, 2008 with the following law firms: District 1 - Nabors, Giblin & Nickerson, P.A.; District 2 - Hogan & Hartson, LLP; District 3 - Ruden, McCloskey, Smith, Schuster & Russell, P.A.; District 4 - Moyle, Flanigan, Katz, Raymond, White & Krasker, P.A.; District 5 - Greenberg Traurig, P.A./Weiss, Handler, Angelos & Cornwell, P.A.; District 6 - Edwards Angell Palmer & Dodge, LLP; and District 7 - Bryant Miller Olive P.A. and Isaac Williams, P.A. **SUMMARY:** The above seven (7) law firms (or teams of firms) will provide bond counsel services to the County. At the December 19, 2006 Board meeting, the Board appointed the above bond counsel firms to act as County bond counsel from January 1, 2007, through December 31, 2008. The form of the Agreement and Fee Schedule have been approved by the Board. Agreements with those law firms for bond counsel services are now ready for approval and execution. Countywide (PFK)

JANUARY 9, 2007

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. **Staff recommends motion to approve:** a Contract Close-Out Agreement with Centex Construction, LLC for the expansion of the Security Checkpoints A/B and C at Palm Beach International Airport (PBIA). **SUMMARY:** The Construction Management (CM) at Risk Contract (R2003-1110) with Centex Construction, LLC was approved on July 15, 2003 for the expansion of the Security Checkpoints A/B and C at PBIA. During the course of the contract, various disputes arose between Centex Construction, LLC and Palm Beach County. This Contract Close-Out Agreement includes a General Release, which if approved, will resolve the disputes of claims relating to project time and as-built drawings. The Palm Beach County Attorney's Office assisted in the preparation of these agreements. Countywide (JCM)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

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

A) Budget Amendment of \$76,137 in the \$5.9 Million Public Improvement Revenue Notes (Biomedical Research Park Infrastructure Project), Series 2004 Capital Fund to record interest and transfer funds to the debt service fund for the payment of principal and interest on the notes;

B) Budget Amendment of \$35,288 in the \$3.3 Million Public Improvement Revenue Notes (Biomedical Research Park Infrastructure Project), Series 2004 Capital Fund to record interest and transfer funds to the debt service fund for the payment of principal and interest on the notes;

C) Budget Amendment of \$86,298 in the \$1.9 Million Taxable Public Improvement Revenue Notes (Biomedical Research Park Infrastructure Project), Series 2004 Capital Fund to record interest and transfer funds to the debt service fund for the payment of principal and interest on the notes;

D) Budget Amendment of \$6,061,098 in the \$5.9 Million Public Improvement Revenue Notes (Biomedical Research Park Infrastructure Project), Series 2004 Debt Service Fund to record a budget transfer from the capital fund, refunding loan proceeds and the payment of principal, interest and cost of issuance on the notes;

E) Budget Amendment of \$3,552,687 in the \$3.3 Million Public Improvement Revenue Notes (Biomedical Research Park Infrastructure Project), Series 2004 Debt Service Fund to record a transfer from the capital fund, refunding loan proceeds and the payment of principal, interest and cost of issuance on the notes; and

F) Budget Amendment of \$2,128,463 in the \$1.9 Million Public Improvement Revenue Notes (Biomedical Research Park Infrastructure Project), Series 2004 Debt Service Fund to record a transfer from the capital fund, refunding loan proceeds and the payment of principal, interest and cost of issuance on the notes.

SUMMARY: On December 12, 2006, the Board authorized the issuance of not to exceed \$11,760,000 Public Improvement Revenue Notes (Biomedical Research Park Infrastructure Project), Series 2006 to refund the Series 2004 Notes that matured on

December 15, 2006. The County used unspent proceeds from the Series 2004 Notes to pay interest on those notes and reduce the amount of principal needed to refund the Series 2004 Notes. The County expects to pay off the Series 2006 Notes in the fall of calendar year 2007 with revenue bonds for the additional funding for the Scripps Facilities at Florida Atlantic University in Jupiter. Countywide (PFK)

JANUARY 9, 2007

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** First Amendment to the Internal Memorandum of Understanding (R2006-0548) between the Facilities Development & Operations Department (FD&O) and the Library Department (Library) that provides for the Library to use and occupy space in the Gymnasium at the Cherry Road Facility. **SUMMARY:** The Library is using space in the Gymnasium at the Cherry Road Facility to store and stage library expansion materials and furniture. Since the Library has no need for the space inside the Gymnasium's locker rooms but does desire the use of the Gymnasium's lobby for access and security purposes, the boundaries of the space being used by the Library is being amended to reflect the subtraction of the locker rooms and the addition of the lobby. (FDO Admin) District 2 (LMB)

2. **Staff recommends motion to adopt:** a Resolution rescinding and replacing Resolution No. R2004-1323 pertaining to the Public Art Committee. **SUMMARY:** Since the inception of this Committee, recommendations for membership have been from the Committee to the BCC by consent item. The Public Art Committee recommends that two Committee seats be created to expand Committee expertise and improve efficiency in artist selection process. The Committee recommends that one of the seats be designated for a Landscape Architect professional to assist the Committee to successfully integrate the landscape and outdoor public art projects. In addition, the Committee recommends that an alternate seat be created for a "Citizen with Significant Visual Art" background. The term for both new Committee members will be through September 2009 (term end date for the other current Committee members.) (FDO Admin) Countywide (MJ)

3. **Staff recommends motion to approve:** An Interlocal Agreement with the Town of Lake Park (Town) and the Palm Beach County Sheriff's Office (Sheriff) for the County to provide fuel services, including maintenance of a fuel control reader and allowing the Sheriff and County to purchase fuel from the Town. **SUMMARY:** This Agreement establishes the terms and conditions by which the County will: 1) provide fuel management services to the Town, including the billing structure and annual notice of the administrative markup, and 2) manage, maintain and repair the fuel pump control

reader purchased and installed by the Town, including the amount and schedule of payment to the County for such services. In addition, the Agreement sets forth the terms under which the Town shall allow Sheriff and County employees access to its fuel pump and invoice for fuel usage monthly. The County does not require any additional staffing and/or equipment to implement this Agreement, and as such, this Agreement will result in increased revenues to Fleet Management. The term of the Agreement is five (5) years with one (1) - five (5) year option. The Agreement may be terminated by either party for any reason upon sixty (60) days notice. Upon termination or expiration of this Agreement, the fuel control reader shall remain the property of the Town. (FD&O Admin) District 1 (JM)

4. **Staff recommends motion to approve:** Contract with Cedars Electro-Mechanical, Inc. for the renovation of the Westgate Head Start Community Center in the amount of \$737,000. **SUMMARY:** This contract will provide for the renovation of the Westgate Head Start Community Center which includes the replacement of the air conditioning system, interior partition repair, restroom renovations to meet ADA requirements and upgrading the security for the Head Start area. The SBE goal for this project is 15%. Cedars Electro-Mechanical Inc's bid includes participation at 100%. The contract time is 90 calendar days to substantial completion. (Capital Improvements Division) District 2 (JM)

JANUARY 9, 2007

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. **Staff recommends motion to approve:** Contract with Moss & Associates, LLC in the amount of \$565,596 for Construction Management Services associated with Criminal Justice facilities. **SUMMARY:** This contract provides for Construction Management (CM) Services associated with Criminal Justice Facilities. This first phase of the contract is for preconstruction services for the Jail Expansion Program II only. When construction documents are completed by the project Architect, Moss & Associates, LLC will prepare a Guaranteed Maximum Price (GMP) for the construction phase. The GMP includes the cost of the work required by the contract documents and the construction manager's fee associated with the project. The SBE requirement for this project is 15%. The initial preconstruction services includes 0% SBE. The construction manager will provide the required SBE participation during the construction phases of this project. (Capital Improvements Division) Countywide (JM)
6. **Staff recommends motion to approve:** Consultant Services Authorization (CSA) No. 9 to the contract (R2003-1204) with Stephen Boruff Architects + Planners to investigate imported fill cost effectiveness to the Fire Rescue Training Facility site for the fixed fee

amount of \$7,500. **SUMMARY:** The services to be provided under this Authorization are to determine whether imported fill from the Palm Beach County property on Sansbury's Way is less costly than enlarging the existing on-site lake which contains rock and other unsuitables. This work was completed prior to approval by the Board. CSA No. 9 must be approved by the Board as it exceeds the cumulative limits of the Department Director and the Contract Review Committee. The SBE goal for the contract is 15% and the Consultant committed to 61.33%. There is 0% SBE participation in this Authorization and when combined with previous Authorizations the overall SBE participation is 62.23%. (Capital Improvements Division) District 6 (JM)

7. **Staff recommends motion to approve:** the Sale of surplus property (1997 New Holland Tractor with Boom Mower, Serial No. 69740; Asset No. 10111020) to the Palm Beach County Sheriff's Office. **SUMMARY:** The Palm Beach County Sheriff's Office is requesting this vehicle which will be used for maintaining the grounds at its training facility at 20 Mile Bend. This tractor is currently in the County's Fleet Management equipment surplus and has an approximate valuation of \$19,000. All costs for repair and maintenance would be borne by the Sheriff's Office. (Fleet Management) District 6 (JM)

8. **Staff recommends motion to approve:** a Contract with Hellmuth, Obata + Kassabaum, Inc. (HOK) for architectural services associated with the Jail Expansion Program in the amount of \$549,027. **SUMMARY:** This Contract will provide for the necessary architectural and engineering services for the Jail Expansion projects. The first phase of HOK's services consists of program planning, site master planning, site surveying, and traffic engineering services for the West County project and site master planning for the Stockade facility. Subsequent Consultant Service Authorizations will address design and construction administration services. A portion of the work has been completed prior to Board consideration of this item. The SBE goal for this project is 15%. This initial authorization includes 11%. This goal will be met once the overall project services are authorized. (Capital Improvements Division) Countywide (JM)

JANUARY 9, 2007

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** Amendment No. 001 to an agreement (R2005-1883) with the City of Pahokee, to extend the expiration date from September 30, 2006 to July 31, 2007, for the expenditure of \$105,395 in Community Development Block Grant (CDBG) funds. **SUMMARY:** The Amendment provides an extension of ten (10) months to the term of the existing Agreement for the construction of sanitary sewer lines in the Canal Point area. The time extension is requested to make up for time lost while evaluating whether to use a low pressure system or a gravity flow system, and while

additional easements were obtained for the project. A low pressure system was selected. **These are Federal funds that require no local match.** District 6 (TKF)

2. **Staff recommends motion to approve:** Amendment No. 001 to an agreement (R2006-0354) with the City of Lake Worth to: a) increase the funding amount from \$170,325 to \$244,035 in Community Development Block Grant (CDBG) funds; and b) extend the expiration date from December 31, 2006 to December 31, 2007. **SUMMARY:** The Amendment provides a one (1) year extension to the term of the existing agreement for the construction of street improvements on Latona Avenue in City of Lake Worth. The work will include installation of bulb outs, speed slowdown crosswalks, streetlights, trees and sidewalks. The start of this project was delayed while a decision was being made to reallocate funds from this project to the City's Howard Park lighting project. The time extension will provide the City one (1) year to complete the engineering design, bid the work, and construct the improvements. This Amendment also reduces the City's FY 2005 - 2006 allocation of \$170,325 for this project by \$123,930 (which is being reallocated to the Howard Park project), and adds the City's FY 2006 - 2007 allocation of \$197,640 for a total project budget of \$244,035. **These are Federal funds that require no local match.** District 7 (TKF)

3. **Staff recommends motion to approve:** Amendment No. 002 to an agreement (R2004-2077) with the City of Lake Worth to extend the expiration date from June 30, 2006 to March 31, 2007, for the expenditure of \$250,902 in Community Development Block Grant (CDBG) funds. **SUMMARY:** The Amendment provides an extension of nine (9) months to the term of the existing agreement for the construction of street improvements on Wingfield Street and Washington Avenue in the City of Lake Worth. The work includes installation of streetscaping, bulb outs, speed humps, traffic circles, street lights and landscaping. This time extension is requested because the project was halted while the City consulted with area residents, and while a change order was negotiated and signed with the contractor. **These are Federal funds that require no local match.** District 7 (TKF)

4. **Staff recommends motion to approve:** Amendment No. 003 to an agreement (R2004-1443) with the City of Lake Worth to: a) extend the expiration date from June 30, 2006 to June 30, 2007; and b) increase the amount funded under the agreement from \$81,070 to \$205,000, in Community Development Block Grant (CDBG) funds. **SUMMARY:** The Amendment provides a one (1) year extension to the term of the existing agreement for upgrading of the electrical service, the replacement of existing lighting, and the provision of additional lighting for the ballfield at Howard Park in the City of Lake Worth. The time extension is requested in order to allow the completion of construction, and to make up for time needed to evaluate the bids and identify a source of funds to fully fund this project. **These are Federal funds that require no local match.** District 7 (TKF)

JANUARY 9, 2007

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** Change Order No. 5 to the contract with Garney Companies, Inc. (R2005-2072) for the Northern Region Utility Improvement Project Phase 2B increasing the contract price by \$28,140.49 and providing a 37-day time extension. **SUMMARY:** On October 18, 2005, the Board approved a contract with Garney Companies, Inc., in the amount of \$13,627,020 for construction of various sizes of water and force mains and related appurtenances along North Road, Okeechobee Boulevard, Southern Boulevard, and Seminole Pratt-Whitney Road. Change Order No. 5 will authorize the Contractor to repair a storm drainage pipe, install temporary construction fencing, and furnish and install the necessary fittings for a future connection at Seminole Pratt-Whitney Road and Duran Boulevard. The Contractor has requested a 37-day time extension to complete work along Mead Hill Road and North Road. The County was required to delay the Notice-to-Proceed for this section of work until the necessary utility easements were obtained. Total change orders to date equal \$117,511.07 (0.85%). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.00% overall. This Change Order includes zero SBE participation. The contractor's cumulative SBE participation, including this Change Order, is 14.82% overall. (WUD Project No. 04-227 B) District 6 (JM)

2. DELETED

3. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, directing the Clerk and Comptroller to record page 1 of the assessment roll adopted by Resolution R2006-1338 for the Cheryl Lane Water Main Improvement Project in the Official Records of Palm Beach County, Florida. **SUMMARY:** On July 11, 2006, the Board approved a Resolution (R2006-1338) confirming the special assessment process for the Cheryl Lane Water Main Improvement Project. While the Board properly imposed the assessment on all properties included in the assessment roll, page 1 of the assessment roll was inadvertently omitted from the document recorded in the Official Records of Palm Beach County, Florida, by the Minutes Department of the Clerk and Comptroller. A total of five (5) properties which appeared on page 1 of the assessment roll were omitted from the recorded document. These properties include: PCN 00-42-44-02-00-000-1370, PCN 00-43-44-02-00-000-1380, PCN 00-42-44-02-00-000-0139, PCN 00-42-44-02-00-000-0140 and PCN 00-42-44-02-00-000-1430. This Resolution directs the Clerk and Comptroller to record page 1 of the assessment roll, so that the assessment, as imposed by the Board, is accurately reflected in the Official Records of Palm Beach County, Florida. (WUD Project No. 05-155) District 6 (MJ)

JANUARY 9, 2007

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. **Staff recommends motion to approve:** a Memorandum of Agreement with Lake Worth

Drainage District and the South Florida Water Management District addressing diversion and impoundment of water in the southwestern Boca Raton area. **SUMMARY:** This Memorandum of Agreement authorizes the Department to divert excess surface water from canals into lakes in southwest Boca. Existing lakes located within several communities bordering the Department's System 9 wellfield have experienced severely low lake levels over the past few years. Working with the South Florida Water Management District and Lake Worth Drainage District, the Department developed a strategy to address the lake levels. Water will be diverted from the Hillsboro Canal via the E-1W South Canal and then stored within the existing lakes. All parties agree the Department's use of this water is consistent with LWDD's Diversion and Impoundment Permit No. 50-00793-W issued by SFWMD. (WUD Project No. 04-218) District 5 (MJ)

5. **Staff recommends motion to approve:** First Amendment to the Palm Beach County/Beeline Community Development District Water and Wastewater Utility Acquisition, Service, and Service Area Agreement. **SUMMARY:** On February 15, 2005, the County entered into an agreement (R2005-0366) with the Beeline Community Development District (District) to acquire the District's exclusive utility service area, utility system assets (exclusive of the District's potable water and wastewater plants which will be decommissioned), customer base, and service area. This agreement established a closing date of September 30, 2006, to allow for the construction of off-site pipelines from the County's Mecca property to the District. Pipeline construction delays resulting from a court-ordered stay of the Florida Department of Environmental Protection permit have necessitated an amendment to extend the closing date to on or before September 30, 2007. In addition, the District's allowance to purchase up to 1,000 additional potable water and/or wastewater Equivalent Residential Connections (ERC's) has been extended to up to 10 years from the closing. The cost to the District of \$3,800,000 for the pro-rata cost to install off-site pipelines has not changed, and remains due at closing. However, due to a revision to the number and sizes of meters required by the District, the District will pay the County the increased amount of \$1,727,290.50 in standard Connection Fees and Guaranteed Revenue Fees to serve existing customers pursuant to the Water Utilities Department's Uniform Policies and Procedures Manual (UPAP). Existing and future County customers in the District service area will pay the standard uniform County utility rates and fees in accordance with the UPAP. District 1 (MJ)

JANUARY 9, 2007

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

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

A) Change Order No. 1 with John J. Kirlin, Inc. Florida Division for the Northern Region Pumping Facility in the deductive amount of \$1,445,412.56, deleting materials for the purpose of sales tax recovery along with cost saving changes and designating John J. Kirlin, Inc. as the County's agent for the inspection and receipt of the materials and equipment; and

B) Purchase Orders with vendors of the materials and equipment for sales tax recovery in the amount of \$1,363,526.

SUMMARY: On November 21, 2006, the Board awarded a contract with the John J. Kirlin, Inc. (R2006-2470) for the Northern Region Pumping Facility in the amount of \$7,917,000. By approving Change Order No. 1 to this contract, and purchasing the

associated materials and equipment directly from the vendors, total sales tax savings of \$81,886.56 can be achieved. John J. Kirlin, Inc. has agreed to serve as the County's agent for the inspection and receipt of the equipment and materials at no additional cost. (WUD Project No. 06-050) District 6 (JM)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to adopt:** a Resolution in support of the Legislature of the State of Florida (the Legislature) creating and permanently funding a similarly-designed successor program to the "Florida Forever Program", which is scheduled to expire in the year 2010. **SUMMARY:** The Florida Forever Program, developed by the State of Florida to continue the acquisition of environmentally sensitive lands initiated in the Preservation 2000 (P-2000) Program, is scheduled to be concluded by 2010. In order to continue the vitally important work of preserving the State's remaining environmentally sensitive lands, the Legislature may consider the establishment of a new land and water conservation program as a successor to Florida Forever Program. Palm Beach County has received over \$61 million in state matching funds from the P-2000 and Florida Forever Programs to assist in its land acquisition efforts, but has received no state funds for the management of these lands. The County anticipates applying for and receiving additional state funds for land acquisition during the remaining years of Florida Forever. Therefore, it is in the best interests of the County and its citizens for the County to support a new land and water conservation program similar to the Florida Forever Program that will include additional dollars to account for the increased land values in the State and will provide management funds for conservation lands currently managed by the County and conservation lands anticipated to be acquired in the future. Countywide (SF)

2. **Staff recommends motion to approve:** an Interlocal Agreement with the City of Boynton Beach (City) for a three (3) year term for the City's reimbursement of all costs associated with the maintenance dredging of sand from the Boynton Beach Boat Club Navigation Access Channel and installation of two (2) channel markers. **SUMMARY:** By entering into this Interlocal Agreement, the County agrees to combine construction, management and post-construction monitoring efforts for the City at the same time as the County performs the next maintenance dredging activities related to the County's South Lake Worth Inlet Interior Sand Trap Maintenance Dredging Project. A Budget Amendment will be submitted when the construction contract is executed and the City's share has been determined. District 4 (SF)

JANUARY 9, 2007

3. **CONSENT AGENDA APPROVAL**

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. **Staff recommends motion to approve:** Task Order No. 0688-02 to a continuing contract (R2006-0688) with Applied Technology & Management, Inc. (ATM) in the amount of \$211,260.57 to provide professional coastal engineering design and permitting services in support of the beach renourishment project for Juno Beach. **SUMMARY:** The BCC approved the Contract with ATM on April 18, 2006. One (1) Task Order totaling \$62,897 has been issued under the Contract. Task Order No. 0688-02 authorizes ATM to design and permit the upcoming Juno Beach renourishment. ATM will also complete the fifth (5th) year post-construction engineering performance analysis and report for the original nourishment as required under Florida Department of Environmental Protection (DEP) permit number 0127642-001-JC. The County is negotiating a new funding agreement with DEP in order to cover these Juno Beach

costs. ATM committed to an overall 20% small business and minority business enterprise (SBE-MBE) participation in the Contract. This Task Order has 12% MBE participation. ATM has achieved 9.3% cumulative SBE-MBE participation on the Contract including this Task Order. District 1 (JM)

4. **Staff recommends motion to:**

A) approve Grant Agreement No. 06PB2 with the Florida Department of Environmental Protection (FDEP) for cost-sharing on the Singer Island Shore Protection Project up to \$270,431 through June 1, 2008;

B) approve Budget Amendment of \$270,431 in the Beach Improvement Fund; and

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

SUMMARY: The Florida Legislature authorized funding through the FDEP to provide assistance to eligible governmental entities for beach erosion control activities under the Florida Beach Management Funding Assistance Program. The County must provide an executed Agreement to FDEP by January 20, 2007 or the funding reverts to the State General Fund. This Agreement authorizes FDEP to reimburse the County up to \$270,431 for design and permitting costs on the Singer Island Shore Protection Project. County matching funds of \$406,577 (60.055%) are required. Reimbursement is retroactive to January 1, 2005. District 1 (SF)

5. **Staff recommends motion to approve:** an Interlocal Agreement (Agreement) with the Solid Waste Authority (SWA) for a pilot project allowing the SWA to excavate and remove approximately 200,000 cubic yards of sand from the County's Winding Waters Natural Area to be trucked to the SWA facility on Jog Road for purposes of landfill cover or other associated activities in return for the SWA creating wetlands and lake contours, designed by the Department of Environmental Resources Management (ERM) for the Winding Waters Natural Area, as part of their excavation work. **SUMMARY:** The Agreement will allow ERM to construct and restore former wetlands at the Winding Waters Natural Area at a much reduced cost. The cost of the excavation work will be borne by the SWA. In return, the SWA will receive needed land cover fill at a reduced cost to the SWA because the trucking charges for the excavated material will be much less than those associated with other sources of material. The Winding Waters Natural Area is located on the east side of the Florida Turnpike immediately opposite the SWA facility. This pilot project is meant to determine the economic and logistical viability of future excavation work to be conducted at the Winding Waters Natural Area. If this project meets or exceeds staff expectations, then deeper lakes and more extensive wetlands could be created on the natural area at a great savings to both the County's Natural Areas Program and to the SWA's landfill-cover material needs. District 7 (SF)

JANUARY 9, 2007

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. **Staff recommends motion to receive and file:** the following original executed Second Amendment to Request for Funding Form for School Board Capital Projects for the Woodlands Middle School Covered Pavilion Project (R2006-0390, R2006-1967) to extend the project completion date from December 31, 2006, to June 30, 2007. **SUMMARY:** This fully executed Amendment to Request for Funding Form is being processed in accordance with the Interlocal Agreement for the Funding of Recreation Assistance Program (RAP) Projects (R2003-1747) approved by the Board on October 21, 2003. District 2 (AH)

2. **Staff recommends motion to receive and file:** the executed Independent Contractor Agreements received during the month of November.
 - A) Lori Alpern, Creative Arts, Lake Lytal Activity Building (ALPERN10327011065204C); and
 - B) Joseph Hamilton, Breathing Workshop, West Jupiter Recreation Center (HAMIL1071081106523300B).

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolution 02-2103, and are now being submitted to the Board to receive and file. Districts 1 & 2 (AH)
3. **Staff recommends motion approve:** Restrictive Covenant for Veterans Park with the State of Florida, Department of State, Division of Cultural Affairs and the Village of Royal Palm Beach. **SUMMARY:** In 2006, the Village of Royal Palm Beach applied for and received a \$250,000 State of Florida, Division of Cultural Affairs, and Cultural Facilities Program Grant to install lighting and sound equipment in the Veterans Park Amphitheater. The grant requires recordation of a restrictive covenant to ensure that the amphitheater will be used as a cultural facility for at least 10 years. District 6 (AH)
4. **Staff recommends motion to approve:** Agreement with the Chamber of Commerce of the Palm Beaches, Inc. for the period January 9, 2007, through April 1, 2007, in an amount not-to-exceed \$15,000 for funding of the Kids K and Kids Marathon Mile program. **SUMMARY:** This funding is to help offset costs for the Kids K and Kids Marathon Mile program held on December 2, 2006, as a part of the third annual Marathon of the Palm Beaches Event held the first weekend in December of 2006. Approximately 1,500 children and youth participated in the two (2) events. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to November 15, 2006. Funding is from the Recreation Assistance Program (RAP). District 2 (AH)

JANUARY 9, 2007

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

5. **Staff recommends motion to approve:** Agreement with Genesis Community Outreach, Inc. for the period January 9, 2007, through January 20, 2007, in an amount not-to-exceed \$5,000 for funding of the 2006 Community Back to School Event. **SUMMARY:** This funding is to offset costs paid by Genesis Community Outreach, Inc. for the 2006 Community Back to School Event held on July 29, 2006, which provided a healthy, happy start for the upcoming school year for 450 children by offering social services, informational materials, and school supplies at a community event. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to July 1, 2006. Funding is from the Recreation Assistance Program (RAP). District 7 (AH)

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

A) the following CCRT Park Capital Projects for FY 2007: 1) Gramercy Park - \$100,000; 2) Caroline Park – \$40,000; 3) Old Trail Park - \$100,000; 4) Watergate Park – 125,000; 5) Limestone Creek Park – \$35,000; and

B) Budget Transfer of \$400,000 within the Park Improvement Fund from Countywide Community Revitalization Team (CCRT) Neighborhood Parks to fund the aforementioned CCRT neighborhood park projects for FY 2007.

SUMMARY: Staff recommends approval of FY 2007 CCRT ad valorem capital improvement funding allocations totaling \$400,000 for the acquisition and/or development of neighborhood parks within unincorporated County CCRT areas. CCRT neighborhood parks are selected based on recommendations by County Commissioners, the CCRT Committee, CCRT area residents, and Parks and Recreation Department staff. Countywide (AH)

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

A) Tri-party Agreement with the Village of Wellington and Cultural Trust of the Palm Beaches, Inc. for the period January 9, 2007, through January 9, 2009, in an amount not-to-exceed \$1,000,000 for funding of the Cultural Trust Outdoor Entertainment Pavilion; and

B) Budget Transfer of \$1,000,000 within the \$25M GO Parks and Cultural Improvements Bond Fund - 2005 to Cultural Trust Outdoor Entertainment Pavilion.

SUMMARY: This Agreement provides funding for construction of the Cultural Trust Outdoor Entertainment Pavilion to Cultural Trust of the Palm Beaches, Inc., which leases property on which the entertainment pavilion will be constructed from the Village of Wellington. Project elements include the construction of an amphitheater with dressing rooms, restrooms, infrastructure for future second story and kitchen expansion, parking, landscaping, and site work. Funding is from the 2002 \$50 Million Recreation and Cultural Facilities Bond referendum. District 6 (PFK)

JANUARY 9, 2007

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

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

A) Interlocal Agreement with the City of Delray Beach for the period January 9, 2007, through January 8, 2010, in an amount not-to-exceed \$1,000,000 for funding of the Old School Square Parking Garage; and

B) Budget Transfer of \$1,000,000 within the \$25M GO Parks and Cultural Improvements Bond Fund - 2005 to Delray Beach Old School Square Parking Garage.

SUMMARY: This Agreement provides funding for construction of a parking garage at the intersection of Northeast 1st Street and Northeast 2nd Avenue in Delray Beach adjacent to the Old School Square Cultural Arts Center. Project elements include the construction of a four-story, five-level parking structure with restrooms. Funding is from the 2002 \$50 Million Recreation and Cultural Facilities Bond referendum. Districts 4 & 7

(PFK)

9. **Staff recommends motion to approve:** Agreement with the Town of South Palm Beach for the period January 9, 2007, through May 1, 2007, in an amount not-to-exceed \$7,000 for the purchase of a baby grand piano. **SUMMARY:** This funding is to help offset cost incurred by the Town of South Palm Beach for the purchase of a baby grand piano for concerts held in the South Palm Beach Town Hall. Approximately 10 concerts are held a year and each concert is attended by approximately 150 people. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to October 1, 2006. Funding is from the Recreation Assistance Program (RAP). District 4 (AH)
10. **Staff recommends motion to approve:** Agreement with the Town of South Palm Beach for the period January 9, 2007, through July 1, 2007, in an amount not-to-exceed \$10,000 for senior citizen programs. **SUMMARY:** This funding is to help offset costs incurred by the Town of South Palm Beach for senior citizen programs, which are anticipated to serve approximately 700 participants. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to October 1, 2006. Funding is from the Recreation Assistance Program (RAP). District 4 (AH)

N. LIBRARY

1. **Staff recommends motion to receive and file:** a Cooperative Agreement with Literacy *AmeriCorps through the Literacy Coalition of Palm Beach County. **SUMMARY:** The application was approved with R2006-1145, which authorized the Chairperson to execute the agreement. This Agreement will provide the County Library with one (1) full-time Literacy*AmeriCorps member for one (1) year. This member will contribute 35 hours per week to offer conversational English programs and oversee the literacy learning computer lab. The Library will pay a service fee of \$3,500 to the Coalition and business-related mileage to the member up to \$2,000. AmeriCorps, with supplemental funds from the Coalition, will cover all other expenses including Workers' Compensation, liability, and health care coverage. Funds will be provided through the Library's FY '07 operating budgets and will have minimal fiscal impact. Countywide (TKF)

JANUARY 9, 2007

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. **Staff recommends motion to approve:**
 - A)** a Budget Transfer of \$250,000 in the Criminal Justice Reserve Fund to transfer funds to the General Fund for the Visual Planning Technology Project; and
 - B)** a Budget Amendment of \$250,000 in the General Fund to recognize the transfer of funds from the Criminal Justice Reserve Fund.

SUMMARY: On November 13, 2006, the Criminal Justice Commission (CJC) approved the use of Criminal Justice Reserve Funds to complete the Visual Planning Technology (VPT) Project to link local law enforcement agencies' data systems for intelligence sharing. Countywide (DW)

S. FIRE RESCUE

1. **Staff recommends motion to receive and file:** four (4) original standard agreements for the Fire Rescue Department:
 - A)** Independent Contractor Agreement for Swimming Lessons with the Young Men's Christian Association of the Palm Beaches, Inc.;
 - B)** Independent Contractor Agreement for Swimming Lessons with the Rehabilitation Center for Children and Adults, Inc.;
 - C)** Interlocal Agreement for Swimming Lessons with the City of Palm Beach Gardens; and
 - D)** Interlocal Agreement for Swimming Lessons with the City of West Palm Beach.

SUMMARY: On September 27, 2005, the Board adopted Resolution No. R2005-1906 authorizing the County Administrator, or his designee (the Fire Rescue Administrator) to execute standard agreements with municipalities and independent contractors to provide swimming lessons to members of the public through the Palm Beach County Drowning Prevention Coalition's Learn to Swim Program. Pursuant to Countywide PPM No. CW-O-051, four (4) standard County agreements that have been executed by the Fire Rescue Administrator are being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (SB)

JANUARY 9, 2007

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE (Cont'd)

2. **Staff recommends motion to receive and file:** four (4) original standard agreements for the Fire Rescue Department:
 - A)** License Agreement relating to Fire Rescue training and structure burn with Gregory L. Kaplan and Susan J. Singer;
 - B)** License Agreement relating to Fire Rescue training and structure burn with John Max Davis and Betty D. Davis.;
 - C)** License Agreement relating to Fire Rescue training and structure burn with Papa Holdings Limited Partnership.; and
 - D)** License Agreement relating to Fire Rescue training and structure burn with Roger L. Simonson, Trustee of the Robert B. Simonson Irrevocable Trust, effective June 5, 1997 f/b/o Roger L. Simonson and Robert David Simonson, Trustee of the Robert B. Simonson Irrevocable Trust effective June 5, 1997 f/b/o Robert David Simonson.

SUMMARY: On October 22, 2002, the Board adopted Resolution No. R2002-1936 authorizing the County Administrator, or his designee (the Fire Rescue Administrator) to execute standard license agreements with property owners relating to Fire Rescue training. Pursuant to Countywide PPM No. CW-O-051, four (4) standard County agreements that have been executed by the Fire Rescue Administrator are being submitted as a receive and file agenda item for the Clerk's Office to note and receive. These Agreements provide for fire-rescue training exercises on a particular parcel of

property. Countywide (SB)

3. **Staff recommends motion to receive and file:** one (1) original Bill of Sale by the City of Belle Glade to Palm Beach County. **SUMMARY:** The Interlocal Agreement for Fire Protection and Emergency Services with the City of Belle Glade (R2005-2442) requires the City to transfer, to the County, all fire-rescue apparatus and related equipment, staff vehicles, reserve equipment, maintenance and support equipment, and appliances/furnishings outlined in Exhibit Two of the Agreement. One (1) original Bill of Sale and Attachment A to the Bill of Sale are being submitted for the Clerk's Office to note and receive said item(s). Countywide (SB)

JANUARY 9, 2007

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE (Cont'd)

4. **Staff recommends motion to:**

A) ratify a Memorandum of Understanding (MOU) with the State of Florida, Department of Financial Services, Division of State Fire Marshall providing grant funding in the amount of \$10,830.62 as extended through August 30, 2006;

B) approve a Modification to 2005-2006 State Homeland Security Grant Program (SHSGP) Memorandum of Understanding; and

C) approve a Budget Amendment in the Fire Rescue MSTU Fund in the amount of \$10,830, which recognizes the receipt of the \$10,830 award and provides budget for the designated purchases.

SUMMARY: The Florida Department of Financial Services, Division of State Fire Marshall (SFM) has received grant funds under the 2005 Homeland Security Grant Program (SHSGP) and is authorized to subgrant these funds to other recipients. There was no formal application required for this grant funding. The original Memorandum of Understanding for the \$10,830.62 award provided for Florida Type II Technical Rescue Resource planning, equipment, training, exercise and management/administrative purchasing activities through August 30, 2006. The State has since extended the term of this program through February 28, 2007 and is requesting the original document be ratified and a new extension agreement be approved by the Board. There is no cost share requirement associated with this agreement. Fire Rescue will use this grant funding to provide training in disciplines related to Urban Search and Rescue. Countywide (SB)

AA. PALM TRAN

1. **Staff recommends motion to approve:** a Service Provider Application in the amount of \$290,472 with the Area Agency on Aging (AAA) for the period January 1, 2007, through December 31, 2007. **SUMMARY:** The Service Provider Application includes information required by the Area Agency on Aging for transportation services to be provided by Palm Tran Connection for senior citizens 60 years of age or older who are clients of DOSS' nutritional programs. The AAA funds in the amount of \$290,472 and the local match of \$1,136,991 have already been budgeted in Palm Tran Connection's approved FY 2007 budget. Countywide (DR)

BB. MEDICAL EXAMINER

1. **Staff recommends motion to approve:** Amendment No. 2 to the contract with

Wuesthoff Memorial Hospital, Inc. d/b/a Wuesthoff Reference Laboratories (R2001-0789 and R2002-1121) to establish a new fee schedule for histology and toxicology laboratory testing effective January 1, 2007, to add the storage of specimens, and to increase the approximate annual cost to \$462,000. **SUMMARY:** On May 15, 2001, the Board of County Commissioners approved the contract with Wuesthoff Reference Laboratories for forensic toxicology laboratory testing, based on an individual test fee schedule. The Medical Examiner's Office (MEO) continues to experience increases in autopsy cases and deaths involving multiple drugs, resulting in increased toxicology testing and anticipates a 20% increase in usage annually. At this time, Wuesthoff Reference Laboratories has submitted a new fee schedule with the costs of some tests changing, including additional tests as determined in the interest of public safety and health. Wuesthoff Reference Laboratories costs include the cost of the pickup, delivery, storage and return and/or destruction of specimens. All other terms and conditions of the Contract remain in full force and effect. These services will be re-bid in 2008. Countywide (DW)

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JANUARY 9, 2007

4. SPECIAL PRESENTATIONS

- A. Proclamation declaring January 19, 2007 as "Arbor Day" in Palm Beach County (Sponsored by Commissioner Greene)

- B. Presentation of AVVA Life Memberships to Commissioners Karen T. Marcus and John F. Koons from Thomas H. Corey/Palm Beach County Chapter No. 25, Vietnam Veterans of America, Inc.

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JANUARY 9, 2007

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

None

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JANUARY 9, 2007

6. REGULAR AGENDA

A. HOUSING & COMMUNITY DEVELOPMENT

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

A) appropriation of \$200,000 annually for two (2) years to fund salaries and benefits to

staff the Community Land Trust of Palm Beach County (CLT of PBC);

B) provision of an in-kind contribution amounting to no more than \$200,000 annually for two (2) years to cover the operation of the CLT of PBC; and

C) a Budget Transfer of \$200,000 from the interest income generated from the Housing Finance Authority grant, program income from the Section 108 Loan Repayment and program income from Boynton Bay multi-family housing project.

SUMMARY: In order to increase and maintain the inventory of attainable housing in Palm Beach County, the Board of County Commissioners, at its November 22, 2006 Workshop, directed staff to coordinate the development of a Countywide Community Land Trust and committed to two (2) years of funding for salaries, office accommodations, furniture, equipment, and other start-up costs. This request is to honor the first of the two (2) year commitment by the BCC to the CLT of PBC. The resources to be provided will facilitate the day- to-day operations of the recently established CLT of PBC. Salaries will be provided for an Executive Director and Administrative Assistant. The in-kind contributions will consist of the following: advertising; audio-visual services; communications; computers; software/access; furniture; Housing & Community Development staff time; indirect costs; ISS services; legal; marketing; miscellaneous; moving expenses; photocopy usage and servicing; professional fees; rent; supplies; and utilities. Countywide (TKF)

2. **Staff recommends motion to approve:** a Loan of \$183,000 for the purchase of a single-family home for a low-income employee of Housing and Community Development. The funding sources and amounts are as follows: a) \$123,000 loan through the Universal Housing Trust Fund (UHTF) repaid over 30 years at 4% interest; b) a \$55,000 loan from the HOME Investment Partnership Program, at zero percent (0%) interest for thirty (30) years, which is due upon the sale of the property with no required monthly payments; and c) a \$5,000 loan from the American Dream Downpayment Initiative Program, which is also due upon the sale of the property, with no monthly payments required. **SUMMARY:** Na'imah Abdul-Rahmaan is a single mother of three (3) dependant children, employed with Palm Beach County since 2002. She is a Fiscal Specialist III working exclusively with the Community Development Block Grant Program (CDBG) funded by the U.S. Department of Housing and Urban Development (HUD). CDBG funds are not a component of this financing. The new home is 1,261 square feet, 3 bedrooms with 2 baths selling for \$180,000. The County loan assistance includes an additional \$3,000 to finance a portion of the closing cost. Ms. Rahmaan will provide \$6,000 needed to close the loan. This home appraised for \$220,000 and was built by the Lake Worth Community Development Corporation. District 7 (TKF)

JANUARY 9, 2007

6. REGULAR AGENDA

B. RISK MANAGEMENT

- 1, **Staff recommends motion to approve:** a Third Amendment to the Interlocal Agreement with Solid Waste Authority and Palm Tran, Inc. (R2002-2287) adding the Supervisor of Elections as a party to the Agreement assuming all the rights and responsibilities as a participant in the self-insured group health benefits program established through Interlocal Agreement R2002- 2287. **SUMMARY:** Employees of the Supervisor of Elections have been paid through the Palm Beach County payroll system until December 31, 2006, and have been included as employees under the Palm Beach County benefit programs until that time. The Supervisor of Elections has determined that it will become independent from the Palm Beach County payroll system as of January 1, 2007, but would like to maintain the same health insurance benefits for the 49 full-time

Supervisor of Elections' employees. It is, therefore, necessary to amend the Interlocal Agreement to add the Supervisor of Elections as a party. Countywide (TKF)

C. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** Amendment No. 4 to the Lease Agreement (R2002-1978) with the South Florida Science Museum, Inc. located adjacent to Lake Lytal Park. **SUMMARY:** On November 12, 2002, the Board approved a lease agreement with the South Florida Science Museum for the lease of approximately 11 acres of undeveloped property on the west side of Lake Lytal Park for the construction of a new science museum. The agreement has been amended three (3) previous times. In March 2005, the Board approved Amendment No. 1 to the lease agreement to modify the final fund raising milestone to December 21, 2007. In January 2006, the Board approved Amendment No. 3 to modify the interim fund raising milestones. Earlier this month, staff received a request to: 1) again modify the interim fund raising milestones for 2006 and 2007; 2) extend the final fund raising milestone to December 31, 2009; 3) increase the final fund raising total to \$54,800,000; and 4) change the date construction is required to commence from November 2007 to April 2008. This request is the first time the Museum has asked to delay the start of construction. Failing to start construction by November 2007 would constitute a default on the current lease, so changing the start date requires a change to default provision of the lease. Based on these revisions, the Museum would open in April 2010. To date, the Museum has raised \$21,655,144. The Museum has hired a fund-raising consultant and a public relations firm to assist with the fund-raising campaign. (FDO Admin) Countywide/District 2 (HJF)

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JANUARY 9, 2007

7. BOARD APPOINTMENTS

**A. ENVIRONMENTAL RESOURCES MANAGEMENT
(Artificial Reef and Estuarine Enhancement Committee)**

1. **Staff recommends motion to approve:** three (3) reappointments of at-large members to the Artificial Reef and Estuarine Enhancement Committee (AREEC) to three (3) year terms:

<u>Reappoint:</u>	<u>Representing:</u>	<u>Seat No.:</u>	<u>Nominated By:</u>
Gail Nelson	Local Government Entity	2	Commissioner Newell Commissioner Marcus Commissioner Koons Commissioner McCarty Commissioner Aaronson
Tom Twyford	Recreational Fishing	7	Commissioner Newell Commissioner Marcus Commissioner Koons Commissioner McCarty Commissioner Aaronson
John Hargis	Recreational Diving	8	Commissioner Newell Commissioner Marcus Commissioner Koons Commissioner Aaronson

SUMMARY: A Memorandum dated October 24, 2006 was sent to the Board advising that the term of Seats 2 and 7 expired on October 15, 2006 and that Seat 8 expired on

November 3, 2006. Commissioners Newell, Marcus, Koons, McCarty and Aaronson submitted nominations for re-appointment of Gail Nelson and Tom Twyford. Commissioners Newell, Marcus, Koons and Aaronson nominated John Hargis for reappointment. All appointments are for a three (3) year term expiring December 19, 2009. The nominees meet their respective seat requirements and wish to serve on the AREEC. Countywide (HF)

**B. PLANNING, ZONING & BUILDING
(Construction Industry Licensing Board)**

1. **Staff recommends motion to approve:** appointment/reappointment of the following individuals to the Construction Industry Licensing Board (CILB):

A) one (1) member to complete a term from January 9, 2007 to September 30, 2008:

<u>Appoint:</u>	<u>Seat No.:</u>	<u>Requirement:</u>
Mary Hinton	15	Consumer Member

B) one (1) member for the term January 9, 2007 to September 30, 2009:

<u>Reappoint:</u>	<u>Seat No.:</u>	<u>Requirement:</u>
Rebecca A. Ascoli	9	Engineer

SUMMARY: Ms. Mary Hinton has been recommended as a new appointee to replace Ms. Lori Vinikoor Seat No. 15 who has resigned from the CILB. The Palm Beach County Construction Industry Management Council recommends the following individual: Ms. Rebecca Ascoli for a second term and she has indicated a willingness to continue for another term. The nominations represent seats for an Engineer and a Consumer Member as so cited in the Special Act establishing the Construction Industry Licensing Board. Countywide (GB)

JANUARY 9, 2007

7. BOARD APPOINTMENTS

**C. ADMINISTRATION
(Workforce Alliance, Inc.)**

1. **Staff recommends motion to approve:** appointment of Eduardo Gruvman for a three (3) year term, effective February 1, 2007 to January 31, 2010 as follows:

Nominee/

New Appointment: Seat No.: Term: Area of Representation: Position/Employer: Nominated By:

Mr. Eduardo Gruvman	25	2/1/07- 1/31/10	Private Sector	CEO, Nutrition S'Mart	Nutrition S'Mart
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SUMMARY: The membership of Workforce Alliance, Inc. (Alliance) conforms to the requirements of the Workforce Investment Act (WIA) of 1998, and the Workforce Innovation Act of 2000. The Workforce Investment Act of 1998 requires that an emphasis be placed on CEO's or highest level of management positions for both community and business sector appointments. Countywide (TKF)

**D. CRIMINAL JUSTICE COMMISSION
(Criminal Justice Commission)**

1. Staff recommends motion to approve: reappointment of three (3) private sector nominees to the Criminal Justice Commission, effective January 9, 2007 through December 31, 2009:

<u>Nominees</u>	<u>Seat No.</u>	<u>Term to expire</u>
Ms. Wendy Sartory Link	29	12/31/09
Mr. Gerald Richman	28	12/31/09
Mr. Randy Johnson, Sr.	31	12/31/09

SUMMARY: The Criminal Justice Commission (CJC) is comprised of 33 members including elected officials and representatives from private and public sectors. The twelve (12) private sector members are nominated for three (3) year terms by the Economic Council of Palm Beach County, Inc., and appointed by the Board of County Commissioners. The Council has nominated Ms. Wendy Sartory Link, Mr. Gerald Richman and Mr. Randy Johnson for reappointment effective January 9, 2007. Countywide (DW)

E. COMMISSION DISTRICT APPOINTMENTS

JANUARY 9, 2007

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

JANUARY 9, 2007

9. COMMISSIONER COMMENTS

A.District 1 - COMMISSIONER KAREN T. MARCUS

B.District 2 - COMMISSIONER JEFF KOONS, VICE CHAIR

C.District 3 - COMMISSIONER WARREN H. NEWELL

D.District 4 - COMMISSIONER MARY MCCARTY

E.District 5 - COMMISSIONER BURT AARONSON

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

Proclamation declaring January 13, 2007 as "State Football Championship Day" in Palm Beach County for Pahokee High School (Sponsored by Commissioner Santamaria)

Proclamation declaring January 13, 2007 as "State Football Championship Day" in Palm Beach County for Glades Central High School (Sponsored by Commissioner Santamaria)

Proclamation declaring January 13, 2007 as "State Football Championship Day" in Palm Beach County for Glades Day High School (Sponsored by Commissioner Santamaria)

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

10. ADJOURNMENT

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

January 9, 2007 - 9:30a.m.

Final

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

JANUARY 9, 2007

<u>PAGE</u>	<u>ITEM</u>	
8	3C-6*	DELETED: Staff recommends motion to approve: a Contract Amendment of \$1,019,000 and an 18-month Contract extension to the Annual Pavement Marking Contract (R2005-0848), dated May 3, 2005, with the pavement marking contractor, Transmark, Inc. (Further staff review) (Engineering)
10	3C-11	DELETED: Staff recommends motion to approve: an Amendment to the Financial Assistance Agreement (R2004-1409) with the Village of Royal Palm Beach (Village) for an extension of the completion date for improvements on the Florida Department of Transportation's State Road 7... (Further Staff Review) (Engineering)
19	3L-5	DELETED: Staff recommends motion to approve: an Interlocal Agreement (Agreement) with the Solid Waste Authority (SWA) for a pilot project allowing the SWA to excavate and remove approximately 200,000 cubic yards of sand from the County's Winding Waters Natural Area... (Further staff review) (ERM)
22	3M-8	DELETED: Staff recommends motion to approve: A) Interlocal Agreement with the City of Delray Beach for the period January 9, 2007, through January 8, 2010, in an amount not-to-exceed \$1,000,000 for funding of the Old School Square Parking Garage; and ... (Further staff review) (Parks & Recreation)
29	6C-2	ADD-ON: Staff recommends motion to approve: a First Amendment to Property Exchange Agreement with Yamato Court LLC. SUMMARY: In 2005, the Board approved a Property Exchange Agreement with Yamato Court LLC (R2005-0371), whereby the County agreed to sell/exchange approximately 20 acres of surplus property located at the southeast corner of Yamato Road and State Road 7/U.S. 441 for \$4,750,000 and purchase/exchange a drainage easement located along Okeechobee Boulevard in West Palm Beach for \$250,000 in cash. Yamato Court conveyed the drainage easement to the County on June 15, 2005. Completion of the exchange of the County's property was contingent on Yamato Court obtaining land use and zoning approvals for its proposed mixed use planned development (MUPD). On June 22, 2006, the Board approved Yamato Court's Site Plan with a condition that the County retain an additional 2.85 acres for continued operation of a 6.10 acre community park. This First Amendment: a) reduces the acreage to be conveyed by 2.85 acres to 17.01 acres; b) provides for deletion of the requirement that the Solomon Schechter Day School be included within Yamato Court's planned development, but requiring that a similar non-profit organization be included in the development in the future (currently negotiating with Temple Beth El); c) extends the closing date to occur within sixty (60) days after approval of this First Amendment; and d) allows Yamato Court to assign its rights under the contract as to a 1.79- acre portion of the property to JARC. The legal description of the property and the form of the County Deed are also revised to correct technical errors, reflect the reduction in acreage and to provide for the County's reservation of drainage, access and utility easements to service the 1.8 acre parcel being retained by WUD for continued operation of its wastewater pumping facility. All other terms and conditions of the Exchange Agreement, including cash payable to the County, remain unchanged. (PREM) <u>District 5</u> (HJF) (Facilities Development & Operations)
29	6D-1	ADD-ON: Staff recommends motion to approve: the grant of a utility easement within County-owned right-of-way from Palm Beach County to the Florida Power and Light Company (FPL) enlarging a segment of a current FPL easement on Central Boulevard. SUMMARY: This action will approve a grant of utility easement rights within County-owned right-of-way on Central Boulevard to enlarge a utility easement currently held by FPL. This action is necessary to accommodate the construction of a Scripps Research Institute (Scripps) structure on the Florida Atlantic University (FAU) north campus. <u>District 1</u> (PFK) (Engineering)
33	9F	DELETED: Proclamation declaring January 13, 2007 as "State Football

Championship Day” in Palm Beach County for Pahokee High School (Sponsored by Commissioner Santamaria)

33 9F _____ **DELETED:** Proclamation declaring January 13, 2007 as “State Football Championship Day” in Palm Beach County for Glades Central High School (Sponsored by Commissioner Santamaria)

33 9F _____ **DELETED:** Proclamation declaring January 13, 2007 as “State Football Championship Day” in Palm Beach County for Glades Day High School (Sponsored by Commissioner Santamaria)

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 (*).

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