

**MEETING: BOARD OF COUNTY COMMISSIONERS, REGULAR**

1. **CALL TO ORDER:** April 17, 2001, at 9:34 a.m., in the Palm Beach County Governmental Center, West Palm Beach, Florida.

1.A. **ROLL CALL**

MEMBERS AND OFFICERS PRESENT:

Chair Warren H. Newell  
Vice-Chair Carol A. Roberts  
Commissioner Burt Aaronson  
Commissioner Addie L. Greene  
Commissioner Mary McCarty  
Commissioner Karen T. Marcus  
Commissioner Tony Masilotti  
County Administrator Robert Weisman  
County Attorney Denise Dytrych  
Deputy Clerk Carl Zettelmeier

1.B. **INVOCATION** - Commissioner Greene

1.C. **PLEDGE OF ALLEGIANCE**

2. **AGENDA APPROVAL**

2.A. **ADDITIONS, DELETIONS, SUBSTITUTIONS**

County Administrator Weisman noted the agenda changes as follows:

<u>PAGE</u>	<u>ITEM</u>	
6	3A-2	<b><u>REVISED TITLE: A)</u></b> a \$50,000 Grant from USDA Rural Development for an areawide Glades Strategic Business Development Initiative; <u>and</u>  <b><u>B) Budget Amendment of \$50,000 in the Economic Development Fund (014) to appropriate the grant. (Admin)</u></b>
8	3C-9	<b><u>REVISED SUMMARY:</u></b> The Annual Pathway and Minor Construction Contract consists ... <u>A protest was lodged by Wynn and Sons Environmental Construction, Inc. Pursuant to Section 2-54, Palm Beach County Code, said protest was heard by a special master on April 6, 2001. The special master denied the protest, recommending to proceed with the posted award to Charles S. Whiteside, Inc. By approval of this contract, the Board accepts the recommendation of the special master, as required by §2-54(d)(3)(e)(1)(j). (Eng)</u>
9	3C-15	<b><u>REVISED TITLE &amp; SUMMARY:</u></b> <u>Amendment No. 1 to extend the term of an agreement with Frederic R. Harris, Inc. (R99-130D), to no later than December 31, 2002, to be consistent with the term of the Local Agency Program (L.A.P.) Agreement with the Florida Department of Transportation (FDOT) for Traffic Signal System Group 5,</u>

(R98-515D). **SUMMARY:** The intent of the Harris Agreement, under R99-130D, was to provide professional services and the expertise necessary for the implementation of the L.A.P. Agreement with the FDOT for Traffic Signal System Group 5,

2.A. - CONTINUED

approved under R98-515D. The period for issuing authorizations under the Agreement expired February 2, 2001. This extension will allow new authorizations to be issued. The purpose of this extension is to extend the Agreement so that the termination date would be consistent with the termination date in the L.A.P. Agreement.  
Countywide (ME) (Eng)

16 3H-9 **DELETED:** a Sixth Amendment to Tower Site Lease and Joint Use Agreement with the City of Boynton Beach and AT&T Wireless Services. (FD&O)(Further staff review)

17 3H-12 **REVISED SUMMARY:** On October 31, 2000, the Board approved a lease agreement with the School Board for the old Lake Shore Middle School Gym and immediately surrounding property. Renovations to the Gym are required to bring the building up to code, install infrastructure to allow the Gym to function as stand-alone facility and to modify the space to better accommodate the program requirements of the Boys & Girls Club and the Sheriff's PAL Programs, which are intended to be conducted in the facility. Staff is in the process of reducing the scope ~~The Agreement with the State does not contain a repayment provision. The scope of the renovations have been reduced so that the renovations can be completed within the \$610,000 (\$450,000 PBC Parks and Cultural Facilities Bond Issue, \$160,000 from the State) now available for the project. It was previously estimated that \$700,000 was required for this project. The JOC Work Order for the renovation work, the lease with the Boys & Girls Club and operating agreement with PBSO for the PAL Program are in the final stages of negotiation and should be presented to the Board within the next 30-45 days. The funding agreement requires that the County seek reimbursement by 1/31/02 and contains no re-payment provisions. (FD&O Admin)  
District 6 (JM) (FD&O)~~

24 4C **DELETED:** Budget Amendment of \$367,880 in the General Fund (001) to appropriate proceeds from the auction of PBSO vehicles. (Sheriff) (Further staff review)

28 4K **ADD-ON: Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Housing Finance Authority Section of the Palm Beach County Code, Chapter 2, Article 5, Division 3; providing for annual nomination and approval of the chairperson; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code; and providing for an

effective date. **SUMMARY:** This amendment will require the Housing Finance Authority members nominate a chairperson every year, subject to the approval of the Board of County Commissioners. (TKF) (Co Atty)

**2.A. - CONTINUED**

30 5C-1

**REVISED TITLE & SUMMARY:**

**A)** a Contract with Florida Atlantic University (FAU) to prepare proposed Commission district boundary maps, based on the 2000 Census; and

**B)** Budget Transfer of \$95,376 ~~\$95,077~~ from the General Fund Contingency to fund the FAU contract.

**SUMMARY:** The consultant, Florida Atlantic University, will prepare a Commission District boundary map for review and consideration by the BCC for a fixed price of \$47,376 ~~\$35,106~~. The contract outlines key tasks necessary to complete redistricting within the statutory time frame. The contract also provides for a minimum of three (3) interviews with individual BCC members and for outside legal review by the Reapportionment Group 2000, LCC, to assure conformance with the 1965 Voters Rights Act, as amended, for an amount not-to-exceed \$48,000 ~~a fee of \$53,600~~. Countywide (MJ) (PZ&B)

30 5D-1

**REVISED TITLE:**

**A)** settlement in the maximum amount of \$564,398  
.....

**B)** Budget Transfer of \$314,398 from the General Fund Contingency; and

**C)** Budget Amendment of \$314,398 in the Regulation of Towing Business Fund, including a \$250,000 transfer from Reserve for Towing Business Regulation. (OFMB)

31 5E-1

**REVISED TITLE & SUMMARY:**

**A) accept** the assignment from The Conservation Fund (TCF) of an Option Agreement for Sale and Purchase, as amended, for approximately 261.70 acres of land in two parcels in the Agricultural Reserve from Bedner Farm, Inc., a Florida corporation, Arthur C. Bedner and Henrietta E. Bedner, his wife, Bedner Bros. Farms, Inc., a Florida corporation ~~Charles Bedner, Bruce Bedner, Stephen W. Bedner, and Marie Youngblood Bedner,~~ as sellers for a total purchase price of \$9,827,079, subject to satisfactory results of pre-closing due diligence. The Option Agreement for Sale and Purchase, as amended, is contingent

upon the execution of a lease back to Bedner Farm, Inc. to be signed at closing with a term through May 31, 2001 and an option to renew the term of the lease for ten successive periods of one year each.

**B) authorize** exercising the option to purchase the Bedner properties;

**C) approve** the expenditure of \$9,827,079 from County Conservation Land Acquisition bond funds for the purchase of the properties upon

**2.A. - CONTINUED**

the terms and conditions set forth in the Option Agreements for Sale and Purchase, as amended;

**D) approve** TCF's fee of \$98,271 for the acquisition of the properties, pursuant to TCF's agreement with the County;

**E) approve** Budget Transfer of \$9,945,350 within the \$75M General Obligation Conservation Land 2001 CTF Fund (308) from Reserves (9900) to the Agricultural Reserve Project Account 308-381-E500-6101 which includes the expenditure of \$20,000 for site preparation work, fencing, initial signage, and staff time to administer the program relating to these properties.

**SUMMARY:** The properties owned by Bedner Farm, Inc. a Florida Corporation, Arthur C. and Henrietta E. Bedner, his wife, Bedner Bros. Farms, Inc., a Florida corporation ~~Charles Bedner, Bruce Bedner, Stephen W. Bedner, and Marie Youngblood Bedner,~~ as sellers, (collectively referred to as the Bedner properties) form the fifth land acquisition in the Agricultural Reserve with funds from the March 1999 Conservation Lands bond referendum... (ERM)

35

5J-1

**ADD-ON: Staff recommends motion to adopt:** a Resolution authorizing the issuance of Public Improvement Revenue Bonds (Convention Center Project) in the initial aggregate principal amount of not exceeding \$90,000,000 for the purpose of financing the costs of acquiring, constructing and equipping the first phase of a new Palm Beach County Convention Center and all other costs necessary or incidental thereto; providing for the terms and payment of such bonds; providing for the rights, security and remedies of the holders thereof; making certain covenants and agreements in connection therewith; authorizing the proper officials of Palm Beach County to do all other things deemed necessary or advisable in connection with the issuance of such bonds; providing for the undertaking by the County required by Rule 15C2-12 of the Securities and Exchange Commission; providing for certain

other matters in connection therewith; and providing for an effective date. **SUMMARY:** On May 1, 2001, the Board is approving the award of the construction contract for the Convention Center. This resolution authorizes the issuance of non-ad valorem revenue bonds to fund all costs related to acquiring, constructing and equipping the Convention Center. The debt service on the Bonds will be paid by collections of 4<sup>th</sup> Cent Bed Tax revenues. The Bonds will be sold on Monday, April 30 and the Bond Purchase Agreement will be presented to the Board for approval on May 1. (OFMB)

35 5K-1

**ADD-ON: Staff recommends motion to approve: A)** Agreement with the Western Communities Football League, Inc., in an amount not to exceed \$15,000 for the funding of uniforms and equipment for youth football and

**2.A. - CONTINUED**

cheerleading programs for the period of October 1, 2000 through September 30, 2001; and

**B)** Budget Transfer of \$15,000 within the Park Improvement Fund from Reserves for District 6 to Western Communities Football League/uniforms and equipment.

**SUMMARY:** This Agreement provides \$15,000 from District 6 Recreation Assistance Program reserves for the funding of uniforms and equipment for youth football and cheerleader programs provided by the Western Communities Football League, Inc. District 6 (GB-R) (Parks) (Requested by Commissioner Masilotti)

39 8E

**ADD-ON:** Proclamation declaring the month of April, 2001 as "Appreciation of French Cinema Month" in Palm Beach County.

**2.B. ADOPTION**

**MOTION to adopt the agenda as amended. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Marcus absent.**

3. **CONSENT AGENDA** - See page 20 for approval.
4. **PUBLIC HEARINGS - 9:30 A.M.** - See pages 20-26.
5. **REGULAR AGENDA** - See pages 20 and 27-32.
6. **BOARD APPOINTMENTS** - See pages 32-33.
7. **STAFF COMMENTS** - See page 36.
8. **COMMISSIONER COMMENTS** - See pages 36-39.

9. ADJOURNMENT - See page 39.

\*\*\*\*\* CONSENT AGENDA APPROVAL \*\*\*\*\*

INFORMATION: Items pulled from the consent agenda for individual discussion at the request of members of the board were numbers 3.C.9., 3.D.1., 3.D.2., 3.D.3., 3.H.5., and 3.H.5. For discussion of these items, see pages 33-35.

3. ADMINISTRATION

3.A.1.

a. DOCUMENT R-2001-0523

RECEIVE AND FILE STANDARD DEVELOPER AGREEMENT 05-001030-000 FOR THE WATER UTILITIES DEPARTMENT WITH WESTBROOKE COMPANIES, INC. APPROVED 4-17-2001

b. DOCUMENT R-2001-0524

RECEIVE AND FILE STANDARD DEVELOPER AGREEMENT 05-010029-000 FOR THE WATER UTILITIES DEPARTMENT WITH PUBLIX SUPERMARKETS, INC. APPROVED 4-17-2001

CONSENT AGENDA - CONTINUED

3.A.2.

a. DOCUMENT R-2001-0524.1

U.S. DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT GRANT FOR \$50,000 FOR AN AREA-WIDE GLADES STRATEGIC BUSINESS DEVELOPMENT INITIATIVE. APPROVED 4-17-2001

b. BUDGET AMENDMENT 2001-0721

BUDGET AMENDMENT OF \$50,000 IN THE ECONOMIC DEVELOPMENT FUND TO APPROPRIATE THE USDA RURAL DEVELOPMENT GRANT. (SEE R-2001-0524.1) APPROVED 4-17-2001

3.B. CLERK

3.B.1.

WARRANT LIST DATED APRIL 13, 2001. APPROVED 4-17-2001

COMPUTER CHECKS	\$23,835,128.14
WIRE TRANSFERS	36,554,641.19
MANUAL CHECKS	327,795.60
EFT TRANSFER	<u>3,033,986.01</u>
	\$63,751,550.94

3.B.2.

MINUTES OF THE JOINT MEETING WITH SOUTH FLORIDA WATER MANAGEMENT DISTRICT OF OCTOBER 11, 2000; BCC FINAL MEETING OF NOVEMBER 21, 2000; BCC REORGANIZATION MEETING OF NOVEMBER 21, 2000; BCC REGULAR

MEETING OF NOVEMBER 21, 2000; BCC REGULAR MEETING OF DECEMBER 5, 2000; COMPREHENSIVE PLAN MEETING OF DECEMBER 6, 2000; BCC ZONING MEETING OF JANUARY 25, 2001; VISIONING MEETING OF FEBRUARY 13, 2001; AND BCC WORKSHOP MEETING OF FEBRUARY 20, 2001. APPROVED 4-17-2001

**3.B.3.**

CONTRACTS ON THE CONTRACT LIST AND CLAIMS SETTLEMENTS EXECUTED BY THE PURCHASING DIRECTOR OR RISK MANAGEMENT DIRECTOR:

**a.**

RENEWAL OF TERM CONTRACT WITH EBSCO SUBSCRIPTIONS FOR \$770,000 FOR SUBSCRIPTIONS AND STANDING ORDER TITLES FROM JUNE 1, 2001, THROUGH MAY 31, 2002, PER BID 97-015/MF. APPROVED 4-17-2001

**b.**

RENEWAL OF TERM CONTRACT WITH FISHER SCIENTIFIC FOR \$135,000 FOR LABORATORY SUPPLIES FROM APRIL 17, 2001, THROUGH APRIL 14, 2002, PER STATE CONTRACT 490-000-96-1. APPROVED 4-17-2001

**c.**

RENEWAL OF TERM CONTRACT WITH THE GALE GROUP FOR \$200,000 FOR LIBRARY BOOKS/PUBLICATIONS, SUBSCRIPTIONS/STANDING ORDER TITLES PURCHASED FROM APRIL 18, 2001, THROUGH APRIL 17, 2002, PER STATE CONTRACT 715-001-01-1. APPROVED 4-17-2001

**d.**

TERM CONTRACT WITH FREIGHTLINER TRUCKS AND FLORIDA DETROIT DIESEL-ALLISON FOR \$519,000 TO SUPPLY OEM PARTS AND SUPPLIES FROM APRIL 21 THROUGH OCTOBER 20, 2001. APPROVED 4-17-2001

**CONSENT AGENDA - CONTINUED**

**3.B.3. - CONTINUED**

**e.**

TERM CONTRACT WITH MERRITT VETERINARY AND SCHERING PLOUGH ANIMAL HEALTH FOR \$120,000 FOR VETERINARY PHARMACEUTICALS AND SUPPLIES FROM APRIL 5, 2001, THROUGH APRIL 4, 2002, PER BID 01-058KM. APPROVED 4-17-2001

**f.**

**DOCUMENT R-2001-0525**

PURCHASE AGREEMENT WITH COMMAND CORPORATION FOR \$213,580 FOR MASTER CONTROL AUTOMATION SYSTEM COMPRISING BOTH SEA CHANGE AND DIGITAL CORPORATION EQUIPMENT PER SOLE SOURCE PURCHASE ORDER 016MF000008. APPROVED 4-17-2001

**g.**

**DOCUMENT R-2001-0526**

PURCHASE AGREEMENT WITH VIDEO CENTRAL FOR \$117,007 FOR COMPLETE TURNKEY AVID MEDIA COMPOSER SYSTEM FOR CHANNEL 20 AS PER SOLE SOURCE PURCHASE ORDER 016MF000007. APPROVED 4-17-2001

**h.**

TERM CONTRACT WITH RED WING SHOE STORE FOR \$110,000 FOR THE PURCHASE OF SAFETY FOOTWEAR FOR COUNTY EMPLOYEES AS APPROVED BY RISK MANAGEMENT FROM MAY 1, 2001, THROUGH APRIL 30, 2002, PER BID 01-078/KM. APPROVED 4-17-2001

**i.**

WORKERS COMPENSATION SETTLEMENT WITH HENRY WHITTINGTON FOR \$100,000 TO SETTLE PAST AND PRESENT INDEMNITY AND MEDICAL CLAIMS RELATED TO A TOTAL KNEE REPLACEMENT WITH FAILED RESULTS THAT RESULTED IN TOTAL DISABILITY. APPROVED 4-17-2001

**3.C. ENGINEERING AND PUBLIC WORKS**

**3.C.1. RESOLUTION R-2001-0527**

RESOLUTION DECLARING THE PROPERTIES DESIGNATED AS PARCELS 5, 6, 8, 11 AND 12 AS FEE SIMPLE RIGHTS-OF-WAY AND PARCELS 3E, 5E, AND 6E AS EMBANKMENT EASEMENTS NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENTS FOR THE JOG ROAD/ROEBUCK ROAD PROJECT FROM MONTCLAIR LAKES TO HAVERHILL ROAD. THIS ACTION INITIATES EMINENT DOMAIN PROCEEDINGS AGAINST EIGHT PARCELS WITH A TOTAL APPRAISED VALUE OF \$187,000. ADOPTED 4-17-2001

**3.C.2.**

**a.**

ACCEPT A WARRANTY DEED FROM JOSE YAMIR AND W. YANET HERNANDEZ CONVEYING PARCEL 107 IN SECTION 19, TOWNSHIP 45 SOUTH, RANGE 43 EAST FOR A PAYMENT OF \$9,600. APPROVED 4-17-2001

**b.**

PAYMENT OF \$9,600 TO JOSE YAMIR AND W. YANET HERNANDEZ FOR PARCEL 107 IN SECTION 19, TOWNSHIP 45 SOUTH, RANGE 43 EAST. APPROVED 4-17-2001

**CONSENT AGENDA - CONTINUED**

**3.C.3. BUDGET AMENDMENT 2001-0623**

BUDGET AMENDMENT OF \$69,369 IN THE COUNTY TRANSPORTATION TRUST FUND INCREASING REVENUE FROM OUTSIDE SOURCES FOR CONSTRUCTION AND MODIFICATION OF TRAFFIC SIGNALS. APPROVED 4-17-2001

**3.C.4. BUDGET TRANSFER 2001-0628**

BUDGET TRANSFER OF \$18,157 IN THE TRANSPORTATION IMPROVEMENT FUND FROM RESERVE FOR DISTRICT 6 IMPROVEMENTS TO THE H. L. JOHNSON ELEMENTARY SCHOOL PROJECT. APPROVED 4-17-2001

**3.C.5. RESOLUTION R-2001-0528**

RESOLUTION VACATING A 12-FOOT-WIDE UTILITY EASEMENT AND A 20-

FOOT-WIDE UTILITY EASEMENT WITHIN PLAT 3 OF LAKE CRYSTAL, LOCATED SOUTH OF OKEECHOBEE BOULEVARD, WEST OF BENOIST FARMS ROAD, ON THE NORTH SIDE OF WINDORAH WAY. THIS SITE NEEDS TO BE VACATED BECAUSE THE EASEMENTS ARE NOT COMPATIBLE WITH THE FUTURE CONSTRUCTION OF AN ELEMENTARY SCHOOL. ADOPTED 4-17-2001

**3.C.6.**

**DOCUMENT R-2001-0529**

CONTRACT WITH DOUGLAS N. HIGGINS, INC., FOR \$484,845, FOR CONSTRUCTION OF THE LIMESTONE CREEK PHASE II - A, WATER MAIN IMPROVEMENTS. APPROVED 4-17-2001

**3.C.7.**

**BUDGET TRANSFER 2001-0622**

BUDGET TRANSFER OF \$5,000 IN THE TRANSPORTATION IMPROVEMENT FUND FROM RESERVES FOR DISTRICT 2 TO SEMINOLE COLONY DRAINAGE IMPROVEMENTS TO PAY FOR INVESTIGATION OF THE ENVIRONMENTAL CONCERNS RELATED TO THE USE OF A PARCEL OF LAND WITHIN THE SEMINOLE COLONY DRAINAGE IMPROVEMENT AREA FOR RETENTION PURPOSES. APPROVED 4-17-2001

**3.C.8.**

READING INTO THE RECORD AS REQUIRED BY FLORIDA STATUTE 287.055 (PUBLIC ANNOUNCEMENT IN A UNIFORM AND CONSISTENT MANNER) A NOTICE OF REQUEST FOR PROFESSIONAL SERVICES INVOLVING "ALL NATURAL AREAS PLANNING AND ENVIRONMENTAL CONSULTING SERVICES REQUIRED FOR THE PREPARATION OF NATURAL AREA MASTER PLANS, NATURAL AREA MANAGEMENT PLANS AND ASSOCIATED ENVIRONMENTAL STUDIES." APPROVED 4-17-2001

**3.C.9.** See page 34.

**3.C.10.**

**BUDGET TRANSFER 2001-0680**

BUDGET TRANSFER OF \$7,700 IN THE TRANSPORTATION IMPROVEMENT FUND FROM RESERVES FOR DISTRICT 4 TO THE LINTON BOULEVARD TREE REMOVAL PROJECT FOR REMOVAL OF AUSTRALIAN PINE TREES ADJACENT TO LINTON BOULEVARD IN DISTRICT 4. APPROVED 4-17-2001

**CONSENT AGENDA - CONTINUED**

**3.C.11.**

**BUDGET TRANSFER 2001-0629**

BUDGET TRANSFER OF \$50,285 IN THE TRANSPORTATION IMPROVEMENT FUND FROM RESERVES FOR DISTRICT 4 TO MAURICE DRIVE DRAINAGE - DRAINAGE IMPROVEMENT PROJECT 4. THE BUDGET TRANSFER WILL FUND RIGHT-OF-WAY ACQUISITION COSTS OF \$7,100, ENGINEERING STAFF COSTS OF \$3,600, AND CONSTRUCTION COSTS OF \$39,585 INVOLVED IN THE COUNTY'S CONSTRUCTION OF A DRAINAGE OUTFALL FROM MAURICE DRIVE TO LAKE WORTH DRAINAGE DISTRICT CANAL 33. APPROVED 4-17-2001

**3.C.12.**

**RESOLUTION R-2001-0530**

RESOLUTION TO EXECUTE A TRIPARTITE AGREEMENT WITH CSX TRANSPORTATION, INC., AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE SYNCHRONIZATION OF PROTECTIVE DEVICES AT THE INTERSECTION OF MILITARY TRAIL AND THE CSX RAILROAD CROSSING, MILE POST S.X. 964.04. ALL WORK WILL BE PERFORMED BY CSX RAILROAD AT THE EXPENSE OF THE DEPARTMENT OF TRANSPORTATION. THE COUNTY AGREES TO MAINTAIN THE HIGHWAY TRAFFIC DEVICES AFTER INSTALLATION. ADOPTED 4-17-2001

**3.C.13.**

**DOCUMENT R-2001-0531**

SUBORDINATION OF UTILITY INTERESTS RECEIVED FROM BELL SOUTH TELECOMMUNICATIONS UNDERLYING THE RIGHT-OF-WAY REQUESTED BY THE COUNTY FROM LION COUNTRY SAFARI, INC., DURING THE REVIEW OF ITS OFFICIAL ZONING MAP AMENDMENTS AS SET FORTH IN RESOLUTION R-99-963, PETITION 98-50, CONDITION E.2. APPROVED 4-17-2001

**3.C.14.**

**DOCUMENT R-2001-0532**

INTERLOCAL AGREEMENT WITH THE CITY OF BOCA RATON TO FUND 50 PERCENT OR NO MORE THAN \$34,000 FOR THE CONSTRUCTION OF A PATHWAY ALONG THE WEST SIDE OF OLD DIXIE HIGHWAY FROM GLADES ROAD TO NORTHWEST 2ND STREET. APPROVED 4-17-2001

**3.C.15.**

**DOCUMENT R-2001-0533**

EXTENSION OF THE TERM OF A CONSULTANT PROFESSIONAL SERVICES AGREEMENT TO MAKE IT CONSISTENT WITH THE TERM OF THE LOCAL AGENCY PROGRAM (L.A.P.) AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR TRAFFIC SIGNAL SYSTEM GROUP 5. THE CONSULTANT PROFESSIONAL SERVICES AGREEMENT EXPIRED FEBRUARY 2, 2001, AND THIS EXTENSION WOULD ALLOW NEW AUTHORIZATIONS TO BE ISSUED. THIS EXTENSION WOULD EXTEND THE CONSULTANT PROFESSIONAL SERVICES AGREEMENT SO THAT ITS TERMINATION DATE COINCIDES WITH THE TERMINATION DATE OF THE L.A.P. AGREEMENT. IF THE L.A.P. IS MODIFIED IN THE FUTURE (EXTENDED BY THE BOARD), THIS CONTRACT TERMINATION DATE IS ALSO AUTOMATICALLY MODIFIED. (AMENDS R-99-130-D) APPROVED 4-17-2001

**CONSENT AGENDA - CONTINUED**

**3.C.16.**

**DOCUMENT R-2001-0534**

FOURTEEN TASK AUTHORIZATIONS THAT WERE ISSUED TO FREDERICK R. HARRIS, INC., UNDER A CONSULTANT PROFESSIONAL SERVICES AGREEMENT

FOR A TOTAL OF \$651,348, OF WHICH \$351,649.66 HAS BEEN PAID. THESE TASKS WERE NOT ISSUED IN ACCORDANCE WITH PPM CW-F-050 (CHANGE ORDER AND CONSULTANT SERVICES AUTHORIZATION AUTHORITY FOR CONSTRUCTION, ENGINEERING, AND ARCHITECTURAL CONTRACTS) THROUGH AN OVERSIGHT BY THE TRAFFIC DIVISION. IT IS UNDERSTOOD THAT ALL FUTURE AUTHORIZATIONS REQUIRED TO OBTAIN BOARD APPROVAL WILL OCCUR BEFORE THE CONSULTANT PROCEEDS WITH THE WORK. (AMENDS R-99-130-D) APPROVED 4-17-2001

**3.D. COUNTY ATTORNEY**

3.D.1. See pages 34-35.

3.D.2. See pages 34-35.

3.D.3. See pages 34-35.

**3.F. AIRPORTS**

**3.F.1.**

**a. DOCUMENT R-2001-0535**

CONTRACT WITH COMMUNITY ASPHALT CORPORATION IN THE AMOUNT OF \$2,406,535.50 FOR THE REHABILITATION OF TAXIWAYS C, D, F, G, H, AND M, HOLDPAD A, AND APRONS D AND E AT PALM BEACH INTERNATIONAL AIRPORT. APPROVED 4-17-2001

**b. BUDGET TRANSFER 2001-0620**

BUDGET AMENDMENT IN THE AIRPORTS IMPROVEMENT AND DEVELOPMENT FUND TO ESTABLISH BUDGET FOR THE RECEIPT OF \$690,159 IN GRANT FUNDING AND INCREASE THE CURRENT TAXIWAY REHABILITATION BUDGET BY \$331,963. (SEE R-2001-0535) APPROVED 4-17-2001

**3.F.2.**

**a. DOCUMENT R-2001-0536**

AGREEMENT TO PURCHASE THE PROPERTY DESIGNATED AS PARCEL W-157, LOCATED AT 167 PINE ROAD, WEST PALM BEACH, FROM CESAR G. RAMOS, VILMARIE CARTAGENA, GAMALIER RAMOS, AND DORIS A. DIAZ AT A SALES PRICE OF \$73,000 AND A REPLACEMENT HOUSING COST OF \$15,907 FOR THE PART 150 NOISE COMPATIBILITY STUDY. THE PARCEL IS LOCATED WEST OF RUNWAY 9L AT PALM BEACH INTERNATIONAL AIRPORT. APPROVED 4-17-2001

**b. DOCUMENT R-2001-0537**

AGREEMENT TO PURCHASE THE PROPERTY DESIGNATED AS PARCEL W-278, LOCATED AT 218 LINDY LANE, WEST PALM BEACH, FROM ALFRED A. METZ AND DOROTHY JEAN METZ AT A SALES PRICE OF \$314,000 AND NO REPLACEMENT HOUSING COST FOR THE PART 150 NOISE COMPATIBILITY STUDY. THE PARCEL IS LOCATED WEST OF RUNWAY 9L AT PALM BEACH INTERNATIONAL AIRPORT. APPROVED 4-17-2001

**CONSENT AGENDA - CONTINUED**

**3.F.2. - CONTINUED**

**c. DOCUMENT R-2001-0538**

AGREEMENT TO PURCHASE THE PROPERTY DESIGNATED AS PARCEL W-218, LOCATED AT 4854 WALLIS ROAD, WEST PALM BEACH, FROM ALEJANDRO RESENDIZ AND SHEILA P. RESENDIZ AT A SALES PRICE OF \$73,000 AND A REPLACEMENT HOUSING COST OF \$16,917 FOR THE PART 150 NOISE COMPATIBILITY STUDY. THE PARCEL IS LOCATED WEST OF RUNWAY 9L AT PALM BEACH INTERNATIONAL AIRPORT. APPROVED 4-17-2001

**3.F.3.**

**a. DOCUMENT R-2001-0539**

TERMINATION OF THE DEVELOPMENT SITE LEASE AGREEMENT WITH CRESCENT AEROSPACE CORPORATION DATED APRIL 6, 1999, BECAUSE OF VARIOUS DEFAULTS, AND AUTHORIZATION FOR THE DIRECTOR OF AIRPORTS TO SEND A NOTICE OF TERMINATION EFFECTIVE UPON APPROVAL BY THE BOARD. (TERMINATES R-99-560-D) APPROVED 4-17-2001

**b.**

AUTHORIZATION TO WRITE OFF ACCOUNTS RECEIVABLE DUE FROM CRESCENT AEROSPACE CORPORATION IN THE AMOUNT OF \$63,201.38, INCLUDING RENT AND LATE CHARGES. (SEE R-2001-0539) APPROVED 4-17-2001

**3.F.4.**

**DOCUMENT R-2001-0540**

CONSENT TO SUBLEASE GRANTING APPROVAL OF THE SUBLEASE AGREEMENT BETWEEN NATIONAL CAR RENTAL SYSTEM, INC., AND SOUTH FLORIDA TRANSPORT, INC., DBA THRIFTY CAR RENTAL FOR THE SUBLEASING OF NATIONAL'S FORMER RENTAL CAR FACILITY AND GROUND AREAS, EFFECTIVE UPON BOARD APPROVAL. NATIONAL CAR RENTAL SYSTEM LEASES A PARCEL OF LAND AND AN AIRPORT-OWNED FACILITY AT 2125 BELVEDERE ROAD. NATIONAL NOW WISHES TO SUBLEASE THE FACILITY AND THE MAJORITY OF THE ASSOCIATED GROUND AREA TO SOUTH FLORIDA TRANSPORT TO BE OPERATED AS A THRIFTY CAR RENTAL FRANCHISE. THE SUBLEASE WILL BE EFFECTIVE THROUGH SEPTEMBER 30, 2003, WHICH IS THE TERMINATION DATE OF THE INITIAL TERM OF NATIONAL'S AGREEMENTS WITH THE COUNTY. (AMENDS R-93-1586-D; SEE R-93-1587-D) APPROVED 4-17-2001

**3.F.5.**

**DOCUMENT R-2001-0541**

AMENDMENT 1 TO THE AIRPORT BUILDING LEASE AGREEMENT WITH SMARTE CARTE, INC., EFFECTIVE NOVEMBER 1, 2000. SMARTE CARTE, THE AIRPORT'S RENTAL BAGGAGE CART CONCESSIONAIRE, LEASES AN OFFICE IN THE TERMINAL BUILDING AND HAS AGREED TO RELOCATE ITS OFFICE TO ACCOMMODATE THE CONSTRUCTION OF SOUTHWEST AIRLINES' TICKET OFFICES. THE FIRST AMENDMENT PROVIDES FOR SMARTE CARTE'S RELOCATED LEASED OFFICE SPACE. (AMENDS R-97-314-D) APPROVED 4-17-2001

**CONSENT AGENDA - CONTINUED**

**3.F.6.**

**DOCUMENT R-2001-0542**

AMENDMENT 1 TO THE THREE-YEAR CONTRACT FOR PROFESSIONAL CONSULTING SERVICES WITH AKIN, GUMP, STRAUSS, HAUER & FELD, FKA CUTLER & STANFIELD, L.L.P., FOR CONSULTING SERVICES RELATED TO AIRPORT NOISE ABATEMENT. THIS AMENDMENT INCREASES THE CONTRACT FROM \$50,000 TO \$97,286 FOR THE YEAR DECEMBER 7, 1999, THROUGH DECEMBER 6, 2000, AND TERMINATES THE CONTRACT DECEMBER 6, 2001. THE FIRST YEAR OF THE CONTRACT IS BEING INCREASED BY \$47,286 FOR EXPENDITURES RELATED TO PALM BEACH COUNTY PARK AIRPORT (LANTANA) ISSUES. DUE TO THE NATURE OF LEGAL WORK PERFORMED UNDER THIS CONTRACT, THE COUNTY ATTORNEY'S OFFICE HAS REQUESTED THE CONTRACT BE TERMINATED EFFECTIVE DECEMBER 6, 2001. A NEW CONTRACT WITH THE FIRM WILL BE PRESENTED TO THE BOARD BY THE COUNTY ATTORNEY'S OFFICE IN THE FUTURE TO CONTINUE THE RELATIONSHIP WITH AKIN, GUMP, STRAUSS, HAUER & FELD. (AMENDS R-99-2301-D) APPROVED 4-17-2001

**3.F.7.**

**DOCUMENT R-2001-0543**

IN-FLIGHT CATERING PERMIT WITH GATE GOURMET, INC., EFFECTIVE FOR FIVE YEARS COMMENCING FEBRUARY 14, 2001. ON FEBRUARY 13, 2001, GATE GOURMET PURCHASED THE ASSETS OF JERRY'S OF PALM BEACH, INC. THE PURCHASE INCLUDED THE IN-FLIGHT CATERING CONTRACTS HELD BY JERRY'S WITH CERTAIN AIRLINES OPERATING AT THE AIRPORT. GATE GOURMET BEGAN PROVIDING THE IN-FLIGHT CATERING SERVICES TO THE AIRLINES ON FEBRUARY 14, 2001. THE IN-FLIGHT CATERING PERMIT PROVIDES FOR GATE GOURMET TO PAY TO THE COUNTY 7 PERCENT OF ALL GROSS REVENUES DERIVED FROM ITS AIRPORT OPERATIONS. APPROVED 4-17-2001

**3.G. OFFICE OF FINANCIAL MANAGEMENT AND BUDGET - None**

**3.H. FACILITIES DEVELOPMENT AND OPERATIONS**

**3.H.1.**

**DOCUMENT R-2001-0544**

AMENDMENT 1 TO AGREEMENT WITH HOLT CONTRACTORS, INC., TO IMPLEMENT THE FIRST RENEWAL OF JOB ORDER CONTRACT (JOC)-NORTH (BONDED) WITH A MAXIMUM VALUE OF \$1,000,000. THE TOTAL AMOUNT OF WORK ORDERS ISSUED UNDER THIS CONTRACT TO DATE IS \$971,030.74. STAFF IS BRINGING FORWARD THE AMENDMENT AT THIS TIME BECAUSE OF PENDING WORK THAT WOULD EXCEED THE MAXIMUM VALUE. THE CONTRACTOR WILL CONTINUE TO PERFORM AS AN ANNUAL GENERAL CONTRACTOR FOR IMPLEMENTATION OF MAINTENANCE AND CAPITAL PROJECTS. THIS JOC IS AN INDEFINITE-QUANTITY CONTRACT, AND THIS RENEWAL HAS A MAXIMUM VALUE OF \$1,000,000. THE RENEWAL TERM IS 12 MONTHS OR UNTIL \$1,000,000 IN WORK ORDERS ARE ISSUED. ALL TERMS OF THE ORIGINAL CONTRACT REMAIN IN EFFECT. THIS IS THE FIRST OF TWO EXTENSIONS ALLOWED BY THE CONTRACT. (AMENDS R-2000-0940) APPROVED 4-17-2001

**3.H.2.**

**DOCUMENT R-2001-0545**

JOB ORDER CONTRACT WORK ORDER 2001-089 WITH HOLT CONTRACTORS, INC., IN THE AMOUNT OF \$130,149.22 TO PROVIDE HEATING, VENTILATING, AND AIR-CONDITIONING (HVAC) RENOVATIONS AT THE N.E. HEALTH CENTER, RIVIERA BEACH. THE WORK CONSISTS OF HVAC EQUIPMENT REPLACEMENT AND UPGRADES, INCLUDING THE REPLACEMENT OF DUCTS, VAV'S, AND THERMOSTATS. THIS WORK IS NECESSARY TO REPLACE FAILED OR FAILING EQUIPMENT, WHILE AT THE SAME TIME UPGRADING FOR EXPANDED USE OF THE FACILITY AND COMPLIANCE WITH CURRENT HVAC REQUIREMENTS FOR CLINICS. (AMENDS R-2000-0940) APPROVED 4-17-2001

**CONSENT AGENDA - CONTINUED**

**3.H.3. DOCUMENT R-2001-0546**

AMENDMENT 2 TO THE ANNUAL ARCHITECTURAL/PROFESSIONAL SERVICES AGREEMENT WITH MPA ARCHITECTS, INC. MPA ARCHITECTS WAS SELECTED TO PROVIDE PROFESSIONAL ARCHITECTURAL SERVICES ON PROJECTS WITH CONSTRUCTION COSTS OF LESS THAN \$500,000 UNDER AN AGREEMENT THAT PROVIDES FOR AN INITIAL ONE-YEAR TERM WITH THREE ONE-YEAR RENEWALS. (AMENDS R-99-744-D) APPROVED 4-17-2001

**3.H.4.** See page 35.

**3.H.5.** See page 35.

**3.H.6.**

**a. DOCUMENT R-2001-0547**

AMENDMENT 10 TO THE CONTRACT WITH STH ARCHITECTURAL GROUP, INC., AND THOMPSON, VENTULETT, STAINBACK & ASSOCIATES, INC., ARCHITECTS (STH/TVS) FOR \$111,162. THIS AMENDMENT WILL PROVIDE PAYMENT FOR DESIGN SERVICES NECESSARY TO REVISE THE EXTERIOR ELEVATIONS OF THE CONVENTION CENTER THAT WERE PERFORMED IN OCTOBER AND NOVEMBER OF 2000. THE TASK ALSO INVOLVED MECHANICAL, ELECTRICAL, STRUCTURAL, AND OTHER ENGINEERING SERVICES. (AMENDS R-97-1071-D) APPROVED 4-17-2001

**b. DOCUMENT R-2001-0548**

AMENDMENT 11 TO THE CONTRACT WITH STH ARCHITECTURAL GROUP, INC., AND THOMPSON, VENTULETT, STAINBACK & ASSOCIATES, INC., ARCHITECTS (STH/TVS) FOR A REDUCTION IN THE AMOUNT OF \$128,300 FOR ESTIMATING SERVICES ON THE CONVENTION CENTER THAT ARE NO LONGER REQUIRED. INSTEAD, A CONTRACTOR WILL BE UNDER CONTRACT WITH A LUMP SUM COST TO COMPLETE THE CONSTRUCTION OF THE FACILITY. (AMENDS R-97-1071-D) APPROVED 4-17-2001

**3.H.7.**

**a. RESOLUTION R-2001-0549**

RESOLUTION AUTHORIZING THE CONVEYANCE TO THE CITY OF DELRAY BEACH WITHOUT CHARGE AND WITHOUT RESERVATION OF MINERAL RIGHTS THE COUNTY'S INTEREST IN 12 TAX DEED PROPERTIES CONSISTING OF 1.53 ACRES OF VACANT LAND LOCATED WITHIN THE CITY'S MUNICIPAL BOUNDARIES. ADOPTED 4-17-2001

**b.**

COUNTY DEEDS (12) IN FAVOR OF THE CITY OF DELRAY BEACH:

**(1)**

COUNTY DEED CONVEYING TO THE CITY OF DELRAY BEACH 0.10 ACRE AT 501 NORTHWEST 2ND STREET IN THE TOWN OF DELRAY SUBDIVISION, PARCEL CONTROL NUMBER 12-43-46-16-01-018-0110, VALUED AT \$3,203, FOR THE SUM OF \$10 PAID BY THE CITY, OF WHICH RECEIPT IS ACKNOWLEDGED. APPROVED 4-17-2001

**CONSENT AGENDA - CONTINUED**

**3.H.7.b. - CONTINUED**

**(2)**

COUNTY DEED CONVEYING TO THE CITY OF DELRAY BEACH 0.07 ACRE AT R-115 NORTHWEST 6TH AVENUE IN THE TOWN OF DELRAY SUBDIVISION, PARCEL CONTROL NUMBER 12-43-46-16-01-019-0170, VALUED AT \$4,617, FOR THE SUM OF \$10 PAID BY THE CITY, OF WHICH RECEIPT IS ACKNOWLEDGED. APPROVED 4-17-2001

**(3)**

COUNTY DEED CONVEYING TO THE CITY OF DELRAY BEACH 0.02 ACRE AT R-524 WEST ATLANTIC AVENUE IN THE TOWN OF DELRAY SUBDIVISION, PARCEL CONTROL NUMBER 12-43-46-16-01-021-0020, VALUED AT \$1,000, FOR THE SUM OF \$10 PAID BY THE CITY, OF WHICH RECEIPT IS ACKNOWLEDGED. APPROVED 4-17-2001

**(4)**

COUNTY DEED CONVEYING TO THE CITY OF DELRAY BEACH 0.02 ACRE AT 132 SOUTHWEST 5TH AVENUE IN THE TOWN OF DELRAY SUBDIVISION, PARCEL CONTROL NUMBER 12-43-46-16-01-022-0131, VALUED AT \$601, FOR THE SUM OF \$10 PAID BY THE CITY, OF WHICH RECEIPT IS ACKNOWLEDGED. APPROVED 4-17-2001

**(5)**

COUNTY DEED CONVEYING TO THE CITY OF DELRAY BEACH 0.14 ACRE AT 507 SOUTHWEST 3RD STREET IN THE TOWN OF DELRAY SUBDIVISION, PARCEL CONTROL NUMBER 12-43-46-16-01-023-0111, VALUED AT \$4,302, FOR THE SUM OF \$10 PAID BY THE CITY, OF WHICH RECEIPT IS ACKNOWLEDGED. APPROVED 4-17-2001

**(6)**

COUNTY DEED CONVEYING TO THE CITY OF DELRAY BEACH 0.15 ACRE AT 221 SOUTHWEST 6TH AVENUE IN THE TOWN OF DELRAY SUBDIVISION, PARCEL CONTROL NUMBER 12-43-46-16-01-023-0180, VALUED AT \$4,512, FOR THE SUM OF \$10 PAID BY THE CITY, OF WHICH RECEIPT IS ACKNOWLEDGED.

APPROVED 4-17-2001

(7)

COUNTY DEED CONVEYING TO THE CITY OF DELRAY BEACH 0.12 ACRE AT 218 SOUTHWEST 4TH AVENUE IN THE TOWN OF DELRAY SUBDIVISION, PARCEL CONTROL NUMBER 12-43-46-16-01-031-0090, VALUED AT \$3,610, FOR THE SUM OF \$10 PAID BY THE CITY, OF WHICH RECEIPT IS ACKNOWLEDGED. APPROVED 4-17-2001

(8)

COUNTY DEED CONVEYING TO THE CITY OF DELRAY BEACH 0.12 ACRE AT 1501 SOUTHWEST 2ND AVENUE IN THE SUBDIVISION OF 17-46-43, PARCEL CONTROL NUMBER 12-43-46-17-42-005-0040, VALUED AT \$3,737, FOR THE SUM OF \$10 PAID BY THE CITY, OF WHICH RECEIPT IS ACKNOWLEDGED. APPROVED 4-17-2001

(9)

COUNTY DEED CONVEYING TO THE CITY OF DELRAY BEACH 0.06 ACRE LOCATED ON ABANDONED CENTRAL AVENUE IN THE SOUTHRIDGE SUBDIVISION, PARCEL CONTROL NUMBER 12-43-46-20-13-013-0140, VALUED AT \$5,000, FOR THE SUM OF \$10, OF WHICH RECEIPT IS ACKNOWLEDGED. APPROVED 4-17-2001

**CONSENT AGENDA - CONTINUED**

**3.H.7.b. - CONTINUED**

(10)

COUNTY DEED CONVEYING TO THE CITY OF DELRAY BEACH 0.12 ACRE LOCATED AT 1025 MANGO DRIVE IN THE SUNSET PARK DELRAY SUBDIVISION, PARCEL CONTROL NUMBER 12-43-46-20-16-000-0540, VALUED AT \$4,000, FOR THE SUM OF \$10, OF WHICH RECEIPT IS ACKNOWLEDGED. APPROVED 4-17-2001

(11)

COUNTY DEED CONVEYING TO THE CITY OF DELRAY BEACH 0.12 ACRE LOCATED AT 1027 MANGO DRIVE IN THE SUNSET PARK DELRAY SUBDIVISION, PARCEL CONTROL NUMBER 12-43-46-20-16-000-0550, VALUED AT \$4,000, FOR THE SUM OF \$10, OF WHICH RECEIPT IS ACKNOWLEDGED. APPROVED 4-17-2001

(12)

COUNTY DEED CONVEYING TO THE CITY OF DELRAY BEACH .49 ACRE LOCATED AT R-917 FERN DRIVE IN THE TROPIC BAY SUBDIVISION, PARCEL CONTROL NUMBER 12-43-46-28-31-001-0011, VALUED AT \$300, FOR THE SUM OF \$10, OF WHICH RECEIPT IS ACKNOWLEDGED. APPROVED 4-17-2001

**3.H.8.**

**DOCUMENT R-2001-0550**

AGREEMENT TO PURCHASE A 0.51-ACRE PARCEL OF LAND FOR \$35,000 FOR THE ROYAL PALM BEACH LINEAR PARK. THIS PARCEL IS ONE OF THE 13 PARCELS IDENTIFIED AS THE ROYAL PALM BEACH PARK ACQUISITION PROJECT UNDER THE \$25 MILLION RECREATIONAL AND CULTURAL GENERAL

OBLIGATION BOND. THE PROPERTIES ARE ON THE NORTHEAST CORNER OF ROYAL PALM BEACH BOULEVARD AND SPARROW DRIVE. THIS PARCEL IS BEING ACQUIRED AT ITS APPRAISED VALUE OF \$35,000. ONCE ACQUIRED, THIS PROPERTY AS WELL AS THE OTHERS WILL BE LEASED TO THE CITY OF ROYAL PALM BEACH FOR USE AS A CITY-OPERATED AND -MAINTAINED TOWN SQUARE PARK. APPROVED 4-17-2001

**3.H.9.** DELETED

**3.H.10.**

**a.** **DOCUMENT R-2001-0551**

CONTRACT FOR THE SALE OF 0.34 ACRE OF SURPLUS LAND TO KAREN PADYJASEK FOR \$500. THE PARCEL IS A PORTION OF LOTS 71 AND 35 IN THE VICTOR L. GEIGER SUBDIVISION, SECOND ADDITION, ADJACENT TO THE GLADES AIRPORT IN PAHOKEE, AND HAS BEEN DECLARED SURPLUS PROPERTY. (SEE R-2001-0552) APPROVED 4-17-2001

**b.** **DOCUMENT R-2001-0552**

COUNTY DEED CONVEYING A 0.34 ACRE OF SURPLUS LAND TO KAREN PADYJASEK FOR \$500. WITHOUT RESERVATION OF MINERAL RIGHTS. THE PARCEL IS A PORTION OF LOTS 71 AND 35 IN THE VICTOR L. GEIGER SUBDIVISION, SECOND ADDITION, ADJACENT TO THE GLADES AIRPORT IN PAHOKEE. (SEE R-2001-0551) APPROVED 4-17-2001

**3.H.11.** DELETED

**CONSENT AGENDA - CONTINUED**

**3.H.12.**

**a.** **DOCUMENT R-2001-0553**

AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF JUVENILE JUSTICE PROVIDING FOR THE REIMBURSEMENT OF UP TO \$160,000 IN EXPENSES ASSOCIATED WITH THE RENOVATION OF THE OLD LAKE SHORE MIDDLE SCHOOL GYM. APPROVED 4-17-2001

**b.** **BUDGET AMENDMENT 2001-0710**

BUDGET AMENDMENT OF \$160,000 IN THE PUBLIC BUILDING IMPROVEMENT FUND RECOGNIZING REVENUE TO BE RECEIVED FROM THE STATE AND ESTABLISHING A BUDGET LINE FOR THE OLD LAKE SHORE MIDDLE SCHOOL GYM RENOVATION PROJECT. (SEE R-2001-0553) APPROVED 4-17-2001

**3.H.13.**

**a.** **BUDGET TRANSFER 2001-0693**

BUDGET TRANSFER OF \$130,000 FROM AIRPORT CENTER ACQUISITION FUND RESERVES TO BUILDINGS REPAIR AND MAINTENANCE TO ESTABLISH A PROJECT BUDGET LINE. APPROVED 4-17-2001

**b.**

AUTHORIZATION FOR THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO EXECUTE THE WORK ORDER/CONTRACT FOR THE WORK IN THE EVENT THAT IT EXCEEDS \$100,000. APPROVED 4-17-2001

**3.H.14.**

**DOCUMENT R-2001-0554**

COUNTY DEED CONVEYING A 10-ACRE PORTION OF SECTION 32, TOWNSHIP 47 SOUTH, RANGE 42 EAST, DECLARED AS SURPLUS PROPERTY AND LOCATED NEAR BOCA RIO ROAD NORTH OF SOUTHWEST 18TH STREET IN THE CITY OF BOCA RATON, TO CENTEX HOMES FOR \$480,000. THE DEED CONTAINS A RESTRICTION LIMITING DEVELOPMENT OF THE SITE TO 40 "HOUSING- FOR- OLDER-PERSONS" TOWNHOUSE UNITS. THE COUNTY WAIVES ALL OIL, PHOSPHATE, AND MINERAL RIGHTS IN CONNECTION WITH THIS SALE. (RESCINDS R-98-296-D; SEE R-1998-1780-D) APPROVED 4-17-2001

**3.I. HOUSING AND COMMUNITY DEVELOPMENT**

**3.I.1.**

**DOCUMENT R-2001-0555**

AGREEMENT WITH LIMESTONE CREEK COMMUNITY DEVELOPMENT CORPORATION (LCCDC) TO DEVELOP 21 SINGLE-FAMILY AFFORDABLE HOMES FROM APRIL 17, 2001, THROUGH JUNE 30, 2003. THE AGREEMENT ESTABLISHES THE PROCEDURES AND REQUIREMENTS FOR THE LCCDC TO DEVELOP THESE HOUSES ON 21 LOTS PREVIOUSLY PURCHASED FOR THE LCCDC BY THE COUNTY. THE AGREEMENT WILL ALSO ENSURE THAT THE ACQUISITION COST EXPENDED BY THE COUNTY IS SECURED BY A MORTGAGE TO BE RECORDED AGAINST EACH LOT. THESE ARE FEDERAL FUNDS AND REQUIRE NO LOCAL MATCH. (SEE R-96-1317) APPROVED 4-17-2001

**CONSENT AGENDA - CONTINUED**

**3.I.2.**

**DOCUMENT R-2001-0556**

LOAN AGREEMENT WITH FLORIDA HOUSING CORPORATION PROVIDING \$134,911 IN STATE HOUSING INITIATIVE PARTNERSHIP (SHIP) PROGRAM FUNDS TO ASSIST IN THE REHABILITATION AND IMPROVEMENT OF A 140-UNIT AFFORDABLE ASSISTED HOUSING PROJECT KNOWN AS PALM BEACH ASSISTED LIVING FACILITY. THESE FUNDS WILL ASSIST IN THE REHABILITATION OF THIS FACILITY'S EXTERIOR, FLOORING, PLUMBING, HEATING, AND COOLING SYSTEM, AS WELL AS PROVIDE AN AUTOMATIC SECURITY GATE. THE SHIP PER-UNIT ASSISTANCE IS \$964. THIS LOAN IS CASH-FLOW DEPENDENT WITH ACTUAL REPAYMENT BEING SCHEDULED ACCORDING TO THE PROJECT'S CASH FLOW BEGINNING DECEMBER 31, 2002, THROUGH APRIL 30, 2015. APPROVED 4-17-2001

**3.I.3.**

**DOCUMENT R-2001-0557**

SATISFACTION OF ENCUMBRANCE FOR ALFREDA HOGGS OF RIVIERA BEACH IN THE AMOUNT OF \$37,623. FEDERAL FUNDS WERE UTILIZED UNDER THE

RELOCATION PROGRAM TO CONSTRUCT A HOUSE FOR MS. HOGGS TO REPLACE THE DETERIORATED HOUSE SHE LIVED IN AT THE TIME. LOCAL POLICY REQUIRES ISSUANCE OF A SATISFACTION OF ENCUMBRANCE UPON COMPLIANCE WITH THE ENCUMBRANCE EXECUTED BY THE INDIVIDUAL IN EXCHANGE FOR FUNDS RECEIVED. ALL FUNDS ARE FEDERAL AND REQUIRE NO LOCAL MATCH. APPROVED 4-17-2001

**3.J. PLANNING, ZONING AND BUILDING - None**

**3.K. WATER UTILITIES**

**3.K.1. DOCUMENT R-2001-0558**

SUBORDINATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE UTILITY EASEMENT ON PARCEL 109.2R (PARCEL CONTROL NUMBER 72-42-43-27-05-008-0152 AND 72-42-43-27-05-008-0162) ON THE NORTH SIDE OF SOUTHERN BOULEVARD BETWEEN THE FLORIDA TURNPIKE AND STATE ROAD 7. THE FDOT IS CURRENTLY DESIGNING A ROAD-WIDENING PROJECT FOR SOUTHERN BOULEVARD BETWEEN THE FLORIDA TURNPIKE AND STATE ROAD 7 THAT REQUIRES ADDITIONAL RIGHT-OF-WAY, A PORTION OF WHICH WILL AFFECT THIS UTILITY EASEMENT. AS PART OF THIS AGREEMENT, THE FDOT HAS AGREED TO PAY FOR ANY UTILITY RELOCATION WORK NECESSARY WITHIN THE EASEMENT AREA. APPROVED 4-17-2001

**3.K.2. DOCUMENT R-2001-0559**

CHANGE ORDER 10 TO THE CONTRACT WITH THE POOLE AND KENT COMPANY FOR THE WATER TREATMENT PLANT 9 MEMBRANE SOFTENING FACILITY, INCREASING THE CONTRACT PRICE BY \$79,178 AND PROVIDING FOR A 60-DAY TIME EXTENSION. CHANGE ORDER 10 AUTHORIZES THE CONTRACTOR TO UPGRADE THE FIRE ALARM AND PROTECTION SYSTEMS AS REQUIRED BY THE COUNTY FIRE MARSHALL AND ADD ADDITIONAL 36-INCH RAW WATER PIPING AND MISCELLANEOUS ELECTRICAL WIRING. (AMENDS R-99-278-D) APPROVED 4-17-2001

**3.K.3. DOCUMENT R-2001-0560**

SUPPLEMENT 3 TO CONSULTANT SERVICES AUTHORIZATION 2 TO THE CONTRACT WITH HAZEN AND SAWYER, P.C., FOR DESIGN, PERMITTING, AND BIDDING SERVICES FOR A NEW ADMINISTRATION AND ENGINEERING (A/E) BUILDING IN THE AMOUNT OF \$526,945. THE BUILDING WILL BE CONSTRUCTED IN CONJUNCTION WITH THE DEPARTMENT'S NEW NORTHERN REGION OPERATIONS CENTER ON THE SITE OF THE FORMER WASTEWATER TREATMENT PLANT 2 (LOCATED ON THE EAST SIDE OF THE FLORIDA TURNPIKE, SOUTH OF FOREST HILL BOULEVARD). (AMENDS R-99-833-D) APPROVED 4-17-2001

**CONSENT AGENDA - CONTINUED**

**3.L. ENVIRONMENTAL RESOURCES MANAGEMENT - None**

**3.M. PARKS AND RECREATION**

**3.M.1.**

**a. DOCUMENT R-2001-0561**

AGREEMENT WITH THE SCHOOL BOARD AND THE VILLAGE OF NORTH PALM

BEACH IN AN AMOUNT NOT TO EXCEED \$15,000 FOR NORTH PALM BEACH ELEMENTARY SCHOOL BALLFIELD IMPROVEMENTS FROM JULY 1, 2000, TO OCTOBER 16, 2002. APPROVED 4-17-2001

**b. BUDGET TRANSFER 2001-0616**

BUDGET TRANSFER OF \$15,000 WITHIN THE PARK IMPROVEMENT FUND FROM RESERVES FOR DISTRICT 1 TO SCHOOL BOARD AND NORTH PALM BEACH/NPB ELEMENTARY SCHOOL BALLFIELD IMPROVEMENTS. (SEE R-2001-0561) APPROVED 4-17-2001

**3.M.2.**

**a. DOCUMENT R-2001-0562**

AGREEMENT WITH TOGETHER AGAINST GANGS, INC., FOR THE FUNDING OF PARENT HANDBOOKS FROM JUNE 1, 2000, TO JULY 16, 2001. APPROVED 4-17-2001

**b. BUDGET TRANSFER 2001-0615**

BUDGET TRANSFER OF \$5,000 WITHIN THE PARK IMPROVEMENT FUND FROM RESERVES FOR DISTRICT 5 TO TOGETHER AGAINST GANGS/PARENT HANDBOOKS. (SEE R-2001-0562) APPROVED 4-17-2001

**3.N. LIBRARY - None**

**3.P. COOPERATIVE EXTENSION SERVICE - None**

**3.Q. CRIMINAL JUSTICE COMMISSION - None**

**3.R. EMPLOYEE RELATIONS AND PERSONNEL - None**

**3.S. FIRE-RESCUE**

**3.S.1. DOCUMENT R-2001-0563**

AGREEMENT WITH COLUMBIA HOSPITAL, HCA FOR CONTROLLED CLINICAL EXPERIENCES IN ENDOTRACHEAL INTUBATION AND AIRWAY MANAGEMENT FOR THE EMERGENCY MEDICAL TECHNICIANS AND PARAMEDICS EMPLOYED BY FIRE-RESCUE. THE AGREEMENT IS EFFECTIVE UPON APPROVAL AND EXTENDS FOR FIVE YEARS. APPROVED 4-17-2001

**3.S.2. DOCUMENT R-2001-0564**

MEMORANDUM OF AGREEMENT WITH THE CHILDREN'S SERVICES COUNCIL OF PALM BEACH COUNTY TO FUND UP TO \$50,000 FOR THE DROWNING PREVENTION INITIATIVE (COALITION) FROM OCTOBER 1, 2000, TO SEPTEMBER 30, 2001. APPROVED 4-17-2001

**3.T. HEALTH DEPARTMENT - None**

**CONSENT AGENDA - CONTINUED**

**3.U. INFORMATION SYSTEMS SERVICES**

**3.U.1. DOCUMENT R-2001-0565**

RECEIVE AND FILE AMENDMENT 7 TO THE COOPERATIVE AGREEMENT WITH THE PROPERTY APPRAISER'S OFFICE FOR MUNICIPALITY MAPPING PARTNERSHIPS IN THE AMOUNT OF \$37,309. (AMENDS R-96-223-D) APPROVED 4-17-2001

**3.U.2.**

**a. DOCUMENT R-2001-0566**

INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD FOR GEOGRAPHIC DATA SHARING AT NO ADDITIONAL COST TO THE COUNTY FOR A PERIOD OF FIVE YEARS FROM THE DATE OF EXECUTION. APPROVED 4-17-2001

**b. DOCUMENT R-2001-0567**

INTERLOCAL AGREEMENT WITH THE TOWN OF LAKE PARK FOR GEOGRAPHIC DATA SHARING AT NO ADDITIONAL COST TO THE COUNTY FOR A PERIOD OF FIVE YEARS FROM THE DATE OF EXECUTION. APPROVED 4-17-2001

**c. DOCUMENT R-2001-0568**

INTERLOCAL AGREEMENT WITH THE CITY OF BOCA RATON FOR GEOGRAPHIC DATA SHARING AT NO ADDITIONAL COST TO THE COUNTY FOR A PERIOD OF FIVE YEARS FROM THE DATE OF EXECUTION. APPROVED 4-17-2001

**d. DOCUMENT R-2001-0569**

INTERLOCAL AGREEMENT WITH THE TOWN OF GULF STREAM FOR GEOGRAPHIC DATA SHARING AT NO ADDITIONAL COST TO THE COUNTY FOR A PERIOD OF FIVE YEARS FROM THE DATE OF EXECUTION. APPROVED 4-17-2001

**e. DOCUMENT R-2001-0570**

INTERLOCAL AGREEMENT WITH THE CITY OF PALM BEACH GARDENS FOR GEOGRAPHIC DATA SHARING AT NO ADDITIONAL COST TO THE COUNTY FOR A PERIOD OF FIVE YEARS FROM THE DATE OF EXECUTION. APPROVED 4-17-2001

**f. DOCUMENT R-2001-0571**

INTERLOCAL AGREEMENT WITH THE TOWN OF LANTANA FOR GEOGRAPHIC DATA SHARING AT NO ADDITIONAL COST TO THE COUNTY FOR A PERIOD OF FIVE YEARS FROM THE DATE OF EXECUTION. APPROVED 4-17-2001

**g. DOCUMENT R-2001-0572**

INTERLOCAL AGREEMENT WITH THE CITY OF LAKE WORTH FOR GEOGRAPHIC DATA SHARING AT NO ADDITIONAL COST TO THE COUNTY FOR A PERIOD OF FIVE YEARS FROM THE DATE OF EXECUTION. APPROVED 4-17-2001

**3.U.3. DOCUMENT R-2001-0573**

SUPPLEMENT TO THE IBM CORPORATION CUSTOMER AGREEMENT (IBM MASTER ICA) FOR THE PROVISION OF IBM SOFTWAREXCEL TECHNICAL SUPPORT SERVICES FOR MAINFRAME COMPUTER OPERATIONS, FROM APRIL 17, 2001, THROUGH JUNE 30, 2003, AT A COST NOT TO EXCEED \$117,720. (AMENDS

**CONSENT AGENDA - CONTINUED**

**3.U.4. DOCUMENT R-2001-0574**

CONSULTING SERVICE CONTRACT WITH JEROME S. CURRY IN AN AMOUNT NOT-TO-EXCEED \$36,000, TO PROVIDE PRODUCTION SUPPORT AND SYSTEM DEVELOPMENT TO MAINTAIN APPLICATIONS ON VARIOUS DISTRIBUTED COMPUTERS FOR THE PERIOD MAY 1, 2001, THROUGH OCTOBER 31, 2002. APPROVED 4-17-2001

**3.V. METROPOLITAN PLANNING ORGANIZATION - None**

**3.W. PUBLIC AFFAIRS - None**

**3.X. PUBLIC SAFETY - None**

**3.Y. PURCHASING - None**

**3.Z. RISK MANAGEMENT - None**

**3.AA. PALM TRAN**

**3.AA.1. BUDGET AMENDMENT 2001-0630**

BUDGET AMENDMENT OF \$1,097,324 IN THE MASS TRANSIT FUND TO ESTABLISH ACTUAL GRANT PROJECT CARRY-FORWARD BALANCES IN FY 2001. APPROVED 4-17-2001

**3.AA.2. BUDGET TRANSFER 2001-0685**

BUDGET TRANSFER OF \$330,000 WITHIN THE TRANSPORTATION AUTHORITY FUND FROM RESERVES TO OPERATING FOR MAINTENANCE, MARKETING, AND GENERAL ADMINISTRATION. APPROVED 4-17-2001

**MOTION to approve the consent agenda as amended. Motion by Commissioner Masilotti, seconded by Commissioner Greene, and carried 6-0. Commissioner Marcus absent.**

**\*\*\*\*\*THIS CONCLUDES THE CONSENT AGENDA\*\*\*\*\***

**REORDER THE AGENDA**

**MOTION to reorder the agenda to consider item 5.A.1. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Marcus absent.**

(CLERK'S NOTE: Commissioner Marcus joined the meeting.)

**5.A. ADMINISTRATION**

**5.A.1. DOCUMENT R-2001-0575**

INTERLOCAL AGREEMENT WITH THE PORT OF PALM BEACH AND THE CITY OF RIVIERA BEACH ADDRESSING FUNDING AND CONSTRUCTION OF PUBLIC ROAD IMPROVEMENTS NECESSARY TO ACCOMMODATE THE PORT'S ONSITE

IMPROVEMENTS WITH A CONTRIBUTION FROM THE COUNTY NOT TO EXCEED \$4.2 MILLION, WHICH WAS RECEIVED FROM A STATE OF FLORIDA FAST TRACK GRANT. APPROVED 4-17-2001

**MOTION to approve the agreement. Motion by Commissioner Masilotti, seconded by Commissioner Greene, and carried 7-0.**

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

PROOF OF PUBLICATION. APPROVED 4-17-2001

**MOTION to receive and file proofs of publication 306373, 306824, 306871, 306896, 306897, 306898, and 319807. Motion by Commissioner Roberts, seconded by Commissioner Masilotti, and carried 7-0.**

**4.A.**

FIRST READING AND ADVERTISE FOR SECOND HEARING ON MAY 15, 2001, AT 9:30 A.M., AN ORDINANCE AMENDING ORDINANCE 92-20, KNOWN AS THE UNIFIED LAND DEVELOPMENT CODE OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS: ARTICLE 3, RULES OF CONSTRUCTION AND DEFINITIONS, TO AMEND AND ADD DEFINITIONS; ARTICLE 6, ZONING DISTRICTS, TO REVISE ZONING DISTRICT PURPOSES AND USES, USE REGULATIONS AND DEFINITIONS, PROPERTY DEVELOPMENT STANDARDS, AND SUPPLEMENTARY REGULATIONS; AND ARTICLE 7, SITE DEVELOPMENT STANDARDS, TO REVISE PARKING, AND LANDSCAPING STANDARDS. (P.O.P. 306824) APPROVED WITH DIRECTION 4-17-2001

**MOTION to approve the first reading and advertise for second hearing on May 15, 2001, at 9:30 a.m. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 7-0.**

Staff asked the board's permission to continue study on the issue of grooms' quarters. Commissioner Aaronson said a loophole in the language on that issue would permit the building of as many as 500 grooms' quarters. Commissioner Masilotti agreed, saying a restriction was necessary that would forbid turning grooms' quarters into rental units. Commissioner Marcus directed staff to return with examples of how this issue was addressed in other counties.

**PUBLIC COMMENT:**

Jim Brindell said hours of operation needed to be changed to allow horse owners to exercise their animals as early as 5:30 a.m. in the Agricultural Reserve. Wayne Legum requested restudy of the prohibition against operation of heavy equipment, including farm tractors, from 5:00 p.m. to 8:00 a.m. Beril Kruger pointed out what he considered the unfairness of the regulation prohibiting the siting of a nursery packinghouse within 2,500 feet of a residence, particularly when the packinghouse was in place before the residence.

Linda Wirtz, executive director of the Palm Beach County Equestrian Commission, agreed that a change of hours was necessary and volunteered to help in the study of that issue, along with the issue of grooms' quarters.

Assistant County Attorney Robert P. Banks noted that state and water management district regulations preempt county regulations on such matters as hours of operation. In the absence of a state regulation, the county can regulate hours.

Commissioner Aaronson recommended treating agricultural operations at least as fairly as golf courses, which can perform their maintenance operations earlier than 8:00 a.m. Commissioner Masilotti suggested dawn-to-dusk hours of operation, and Commissioner Newell recommended using one-half hour before sunrise to one-half hour after sunset.

#### **PUBLIC HEARINGS - CONTINUED**

##### **4.A. - CONTINUED**

Commissioner Newell requested Director of Code Enforcement Terry Verner to update the board on the status of the DuBois Farms' packinghouse at the intersection of Jog Road and Boynton Beach Boulevard. Mr. Verner reported that in this instance, the packinghouse was the sole use of the property (there was no nursery involved), and, as a result, the owner could be cited for violations of noise regulations. Commissioner Newell pointed out that the packinghouse itself was not the source of the noise but rather the trucks that arrived during the night and waited for loads with their engines idling. Commissioner Aaronson suggested creating a separate off-site staging area in which the trucks could wait.

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

##### **4.B. RESOLUTION R-2001-0576**

RESOLUTION ABANDONING THE UNIMPROVED PORTION OF ARCAND STREET LOCATED BETWEEN 2ND AVENUE AND LAKE WORTH ROAD, WEST OF INTERSTATE-95. THE COUNTY ENGINEER IS REQUESTING THE ABANDONMENT AS A RESULT OF RIGHT-OF-WAY ACQUISITION NEGOTIATIONS FOR OBTAINING ADDITIONAL RIGHT-OF-WAY FOR BOUTWELL ROAD IMPROVEMENTS. (P.O.P. 306871) ADOPTED 4-17-2001

PUBLIC COMMENT: None

**MOTION to adopt the resolution. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 7-0.**

##### **4.C. DELETED**

(CLERK'S NOTE: Commissioner Roberts left the meeting.)

##### **4.D.**

**a. BUDGET AMENDMENT 2001-0651**

BUDGET AMENDMENT OF \$3,045,182 IN THE GENERAL FUND TO ADJUST THE BALANCE BROUGHT FORWARD FROM THE PREVIOUS FISCAL YEAR AND TO INCREASE THE SHERIFF'S FISCAL YEAR 2001 BUDGET. (P.O.P. 319807) APPROVED 4-17-2001

**b. BUDGET TRANSFER 2001-0652**

BUDGET TRANSFER OF \$1,500,000 FROM RESERVES FOR PBSO--EXCESS FEES--TO THE SHERIFF'S FY 2001 BUDGET. (P.O.P. 319807) APPROVED 4-17-2001

PUBLIC COMMENT: None

**MOTION to approve the budget amendment and transfer. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Roberts absent.**

**PUBLIC HEARINGS - CONTINUED**

**4.E. ORDINANCE 2001-014**

ORDINANCE AMENDING ORDINANCE 86-32, AS CODIFIED IN THE COUNTY CODE, SECTIONS 13-101 THROUGH 13-106, INCREASING MEMBERSHIP ON THE CHILDREN'S SERVICES COUNCIL FROM NINE TO TEN MEMBERS; INCREASING LIMIT ON THE MAXIMUM MILLAGE RATE THAT MAY BE LEVIED BY THE COUNCIL FROM 0.5 TO 1.0 MIL. (P.O.P. 306373) ADOPTED 4-17-2001

PUBLIC COMMENT: None

**MOTION to adopt the ordinance. Motion by Commissioner Masilotti, seconded by Commissioner Greene, and carried 6-0. Commissioner Roberts absent.**

**4.F.**

**a.**

APPLICATION OF THE BENJAMIN PRIVATE SCHOOL, INC., FOR THE ISSUANCE OF UP TO \$25,000,000 OF VARIABLE RATE DEMAND REVENUE BONDS (THE BENJAMIN PRIVATE SCHOOL, INC., PROJECT), SERIES 2001. BOND PROCEEDS WILL BE USED TO ACQUIRE, CONSTRUCT, AND EQUIP A NEW HIGH SCHOOL TO BE LOCATED IN PALM BEACH GARDENS, AND A PORTION MAY BE USED TO REFINANCE THE COUNTY'S VARIABLE RATE DEMAND REVENUE BONDS (THE BENJAMIN PRIVATE SCHOOL, INC., PROJECT) SERIES 1998. THE BONDS WILL BE PAYABLE SOLELY FROM REVENUES DERIVED FROM THE COMPANY, AND NEITHER THE TAXING POWER NOR THE FAITH AND CREDIT OF THE COUNTY NOR ANY COUNTY FUNDS ARE PLEDGED TO PAY THE BONDS. (P.O.P. 306896) APPROVED 4-17-2001

**b.**

AUTHORIZATION TO CONDUCT A TAX EQUITY AND FISCAL RESPONSIBILITY ACT (TEFRA) PUBLIC HEARING CONCERNING THE ISSUANCE OF UP TO \$25,000,000 OF VARIABLE RATE DEMAND REVENUE BONDS (THE BENJAMIN PRIVATE SCHOOL, INC., PROJECT), SERIES 2001. (P.O.P. 306896) APPROVED 4-17-2001

PUBLIC COMMENT: None

**MOTION to approve the application and authorize the TEFRA hearing. Motion by Commissioner Masilotti, seconded by Commissioner Marcus, and carried 6-0. Commissioner Roberts absent.**

**4.G.**

**a.**

APPLICATION OF GULFSTREAM GOODWILL INDUSTRIES, INC., FOR THE ISSUANCE OF UP TO \$3,200,000 OF VARIABLE RATE DEMAND REVENUE BONDS (GULFSTREAM GOODWILL INDUSTRIES, INC. PROJECT), SERIES 2001. A PORTION OF THE BOND PROCEEDS WILL BE USED TO ACQUIRE, CONSTRUCT, AND EQUIP A NEW STORE TO BE LOCATED IN JUPITER, AND A PORTION WILL BE USED TO REFINANCE CERTAIN EXISTING DEBT OF THE COMPANY INCURRED IN BUILDING ITS HEADQUARTERS IN THE TOWN OF MANGONIA PARK. THE BONDS WILL BE PAYABLE SOLELY FROM REVENUES DERIVED FROM THE COMPANY, AND NEITHER THE TAXING POWER NOR THE FAITH AND CREDIT OF THE COUNTY NOR ANY COUNTY FUNDS ARE PLEDGED TO PAY THE BONDS. (P.O.P. 306897) APPROVED 4-17-2001

**PUBLIC HEARINGS - CONTINUED**

**4.G. - CONTINUED**

**b.**

AUTHORIZATION TO CONDUCT A TAX EQUITY AND FISCAL RESPONSIBILITY ACT (TEFRA) PUBLIC HEARING CONCERNING THE ISSUANCE OF UP TO \$3,200,000 OF VARIABLE RATE DEMAND REVENUE BONDS (GULFSTREAM GOODWILL INDUSTRIES, INC. PROJECT), SERIES 2001. (P.O.P. 306897) APPROVED 4-17-2001

PUBLIC COMMENT: None

(CLERK'S NOTE: Commissioner Roberts rejoined the meeting.)

**MOTION to approve the application and authorize the TEFRA hearing. Motion by Commissioner Masilotti, seconded by Commissioner Greene, and carried 7-0.**

**4.H.**

**a.**

APPLICATION OF THE ZOOLOGICAL SOCIETY OF THE PALM BEACHES, INC., FOR THE ISSUANCE OF UP TO \$22,000,000 OF VARIABLE RATE DEMAND REVENUE BONDS (THE ZOOLOGICAL SOCIETY OF THE PALM BEACHES, INC.

PROJECT), SERIES 2001. BOND PROCEEDS WILL BE USED TO ACQUIRE, CONSTRUCT, AND EQUIP CAPITAL IMPROVEMENTS TO THE PALM BEACH ZOO AT DREHER PARK IN THE CITY OF WEST PALM BEACH. BONDS WILL BE PAYABLE SOLELY FROM REVENUES DERIVED FROM THE COMPANY, AND NEITHER THE TAXING POWER NOR THE FAITH AND CREDIT OF THE COUNTY NOR ANY COUNTY FUNDS ARE PLEDGED TO PAY THE BONDS. (P.O.P. 306898) APPROVED 4-17-2001

**b.**

AUTHORIZATION TO CONDUCT A TAX EQUITY AND FISCAL RESPONSIBILITY ACT (TEFRA) HEARING ON THE ISSUANCE OF UP TO \$22,000,000 IN VARIABLE RATE DEMAND REVENUE BONDS (THE ZOOLOGICAL SOCIETY OF THE PALM BEACHES, INC., PROJECT), SERIES 2001. (P.O.P. 306898) APPROVED 4-17-2001

PUBLIC COMMENT: None

**MOTION to approve the application and authorize the TEFRA hearing. Motion by Commissioner Masilotti, seconded by Commissioner Greene, and carried 7-0.**

**4.I.**

**a. ORDINANCE 2001-015**

ORDINANCE AMENDING CHAPTER 19, ARTICLE IX OF THE COUNTY CODE, RELATING TO TAXICABS AND OTHER VEHICLES FOR HIRE, TO BE KNOWN AS THE VEHICLE FOR HIRE ORDINANCE; PROVIDING FOR DEFINITIONS, COMPLIANCE, ADVERTISING, RECIPROCITY, BUSINESS PERMITS, VEHICLE SAFETY REQUIREMENTS, AND OPERATIONAL REQUIREMENTS FOR PARATRANSIT, WHEELCHAIR, AND STRETCHER TRANSPORTATION SERVICE COMPANIES; PROVIDING FOR INSURANCE, DRIVER REQUIREMENTS AND FAILURE TO COMPLY, HEARING TO DETERMINE NON-COMPLIANCE, REVOCATIONS, AND SUSPENSION OF PERMITS/IDENTIFICATION BADGES AND ADMINISTRATIVE APPEALS. (AMENDS ORDINANCE 1999-012) (P.O.P. 306373) ADOPTED 4-17-2001

**PUBLIC HEARINGS - CONTINUED**

**4.I. - CONTINUED**

**b. RESOLUTION R-2001-0577**

RESOLUTION ESTABLISHING REQUIRED FEES AND A SCHEDULE OF CIVIL FINES FOR VIOLATING THE VEHICLE FOR HIRE ORDINANCE. (SEE ORDINANCE 2001-015) (P.O.P. 306373) ADOPTED 4-17-2001

**c. BUDGET TRANSFER 2001-0607**

BUDGET TRANSFER OF \$16,600 FROM RESERVES-VEHICLE FOR HIRE IN THE VEHICLE FOR HIRE FUND FOR IMPLEMENTING DRIVER IDENTIFICATION. (SEE ORDINANCE 2001-015 AND R-2001-0577) (P.O.P. 306373) APPROVED 4-17-2001

**MOTION to adopt the ordinance and resolution and approve the budget transfer. Motion by Commissioner Masilotti and seconded by**

**Commissioner Greene.**

**PUBLIC COMMENT:**

Edward Frederick, owner of Gold Coast Limousines, supported the amended ordinance, as did James Barr, president of Palm Beach Transportation.

**MOTION WITHDRAWN.**

Explaining the withdrawal of his motion, Commissioner Masilotti characterized the fees for non-exempt businesses as a new tax, which he said he could not support.

**MOTION to adopt the ordinance and resolution and approve the budget transfer. Motion by Commissioner Roberts and seconded by Commissioner Marcus.**

Commissioner Newell directed staff to study the possibility of using the identification (ID) photo equipment at the Emergency Operations Center for the purpose of taking driver ID pictures.

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

**4.J.**

**a.**

AUTHORIZATION TO CONDUCT A TAX EQUITY AND FISCAL RESPONSIBILITY ACT (TEFRA) HEARING ON THE TERMINATION OF THE SWAP CONFIRMATIONS INVOLVING THE WEEKLY ADJUSTABLE/FIXED RATE AIRPORT SYSTEM REVENUE REFUNDING BONDS, SERIES 2001 AND 2002. (SEE R-2001-0578) (P.O.P. 306836) APPROVED 4-17-2001

**PUBLIC HEARINGS - CONTINUED**

**4.J. - CONTINUED**

**b.**

**RESOLUTION R-2001-0578**

RESOLUTION SUPPLEMENTING THE PALM BEACH COUNTY AIRPORT SYSTEM REVENUE BOND RESOLUTION; PROVIDING FOR THE ISSUANCE OF NOT-TO-EXCEED \$88,000,000 AGGREGATE PRINCIPAL AMOUNT OF AIRPORT SYSTEM REVENUE REFUNDING BONDS, SERIES 2001, FOR THE PURPOSE OF REFUNDING AIRPORT SYSTEM REVENUE REFUNDING BONDS, SERIES 1991, TO BE

REDEEMED ON OCTOBER 1, 2001; PROVIDING FOR THE ISSUANCE OF NOT-TO-EXCEED \$67,000,000 AGGREGATE PRINCIPAL AMOUNT OF AIRPORT SYSTEM REVENUE REFUNDING BONDS, SERIES 2002, FOR THE PURPOSE OF REFUNDING THE OUTSTANDING AIRPORT SYSTEM REVENUE REFUNDING BONDS, SERIES 1992, TO BE REDEEMED ON OCTOBER 1, 2002; DELEGATING THE DETERMINATION OF THE PRINCIPAL AMOUNTS, INTEREST RATES, MATURITY DATES, REDEMPTION PROVISIONS, SINKING FUND PROVISION AND OTHER DETAILS OF SAID SERIES 2001 BONDS AND SERIES 2002 BONDS; PROVIDING FOR A NEGOTIATED SALE OF SAID SERIES 2001 AND SERIES 2002 BONDS; DESIGNATING A BOND REGISTRAR AND PAYING AGENT FOR SAID SERIES 2001 AND SERIES 2002 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF ESCROW DEPOSIT AGREEMENTS; REPEALING THE TENTH SUPPLEMENTAL AIRPORT SYSTEM REVENUE BOND RESOLUTION R-98-286 ADOPTED ON FEBRUARY 24, 1998, SUBJECT TO MEETING THE CONDITIONS SET FORTH IN THIS RESOLUTION; APPROVING THE ISSUANCE OF THE SERIES 2001 BONDS WITHIN THE MEANING OF SECTION 147(F) OF THE INTERNAL REVENUE CODE, AS AMENDED; AND MAKING CERTAIN OTHER PROVISIONS WITH RESPECT TO THE FOREGOING. (REPEALS R-98-286; AMENDS R-84-427) (P.O.P. 306836) ADOPTED 4-17-2001

**MOTION to authorize the TEFRA hearing and adopt the resolution. Motion by Commissioner Masilotti and seconded by Commissioner Roberts.**

PUBLIC COMMENT: None

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

**4.K.**

**ORDINANCE 2001-016**

ORDINANCE AMENDING THE HOUSING FINANCE AUTHORITY SECTION OF THE COUNTY CODE, CHAPTER 2, ARTICLE 5, DIVISION 3; PROVIDING FOR ANNUAL NOMINATION AND APPROVAL OF THE CHAIRPERSON. (AMENDS ORDINANCE 79-3) (P.O.P. 306344) ADOPTED 4-17-2001

**MOTION to adopt the ordinance. Motion by Commissioner Marcus and seconded by Commissioner Masilotti.**

PUBLIC COMMENT: None

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

**5. REGULAR AGENDA**

**5.A. ADMINISTRATION**

**5.A.1. See page 20.**

**5.A.2.**

**DOCUMENT R-2001-0579**

GRANT AGREEMENT FOR \$57,000 WITH THE BUSINESS LOAN FUND OF THE PALM BEACHES, INC. (BLF) TO BE UTILIZED TOWARD BLF'S TECHNICAL ASSISTANCE AND EXPANSION IN THE GLADES AREA FROM APRIL 17, 2001, THROUGH APRIL 16, 2002. APPROVED 4-17-2001

**5.B. COOPERATIVE EXTENSION SERVICE**

**5.B.1.**

**a.**

**DOCUMENT R-2001-0580**

GRANT AGREEMENT WITH THE BROWARD COUNTY SOIL AND WATER CONSERVATION DISTRICT ON BEHALF OF THE SOUTH FLORIDA COMMUNITY-URBAN RESOURCES PARTNERSHIP THAT PROVIDES FOR THE PALM BEACH COUNTY EXTENSION 4-H YOUTH DEVELOPMENT PROGRAM TO RECEIVE \$20,000 AS A REIMBURSABLE GRANT, WITH A COUNTY IN-KIND MATCH OF \$20,000, FOR THE CREATION AND SUPPORT OF FIVE COMMUNITY VEGETABLE GARDENS IN THE URBAN AREAS OF EASTERN PALM BEACH COUNTY. APPROVED 4-17-2001

**b.**

**BUDGET AMENDMENT 2001-0612**

BUDGET AMENDMENT OF \$20,000 TO APPROPRIATE THE GRANT AGREEMENT WITH THE BROWARD COUNTY SOIL AND WATER CONSERVATION DISTRICT. (SEE R-2001-0580) APPROVED 4-17-2001

Commissioner Newell directed County Administrator Weisman to look into the vacancy created on the board of the South Florida Community-Urban Resources Partnership by former Commissioner Lee's defeat in the November 2000 election.

**MOTION to approve the grant agreement and the budget amendment. Motion by Commissioner Masilotti, seconded by Commissioner Greene, and carried 7-0.**

**5.C. PLANNING, ZONING AND BUILDING**

**5.C.1.**

**a.**

**DOCUMENT R-2001-0581**

CONTRACT WITH FLORIDA ATLANTIC UNIVERSITY FOR \$95,376 TO PREPARE PROPOSED COMMISSION DISTRICT BOUNDARY MAPS BASED ON THE 2000 CENSUS. APPROVED 4-17-2001

**b.**

**BUDGET TRANSFER 2001-0683**

BUDGET TRANSFER OF \$95,376 FROM THE GENERAL FUND CONTINGENCY TO FUND THE CONTRACT WITH FLORIDA ATLANTIC UNIVERSITY FOR PREPARATION OF COMMISSION DISTRICT BOUNDARY MAPS. (SEE R-2001-0581) APPROVED 4-17-2001

Commissioner Marcus asked Dominic Sims, executive director of Planning, Zoning and Building, whether he had considered retaining the Florida Association of Counties (FLACO), which does offer the service, to draft new commission district maps.

**REGULAR AGENDA - CONTINUED**

**5.C.1. - CONTINUED**

Mr. Sims replied that he had considered retaining FLACO but found the contract with Florida Atlantic University more in the county's interest. He also said staff would meet with the School Board on May 30, 2001, to discuss the issue of district boundaries. The School Board was still studying the question of whether to follow the county's lead on the issue of district mapping, he concluded.

**MOTION to approve the contract and the budget transfer. Motion by Commissioner Masilotti, seconded by Commissioner McCarty, and carried 7-0.**

**5.D. COUNTY ATTORNEY**

**5.D.1.**

**a.**

SETTLEMENT IN THE MAXIMUM AMOUNT OF \$564,398 INCLUSIVE OF ATTORNEY FEES AND COSTS, IN THE FEDERAL CLASS ACTION, ORR'S TOWING V. THE COUNTY, CASE 00-8965-CIV-HURLEY/LYNCH. APPROVED 4-17-2001

**b. BUDGET TRANSFER 2001-0697**

BUDGET TRANSFER OF \$314,398 FROM THE GENERAL FUND CONTINGENCY TO THE REGULATION OF TOWING BUSINESS FUND. APPROVED 4-17-2001

**c. BUDGET AMENDMENT 2001-0696**

BUDGET AMENDMENT TO INCREASE THE REGULATION OF TOWING BUSINESS FUND BY \$314,398, WHICH INCLUDES A BUDGET TRANSFER OF \$250,000 FROM THE REGULATION OF TOWING BUSINESS RESERVE TO THE REGULATION OF TOWING BUSINESS FUND. APPROVED WITH DIRECTION 4-17-2001

**MOTION to approve the settlement and the budget transfer and amendment. Motion by Commissioner Roberts and seconded by Commissioner Aaronson.**

Commissioner Aaronson objected to the terms of the settlement and recommended that the county go into the towing business as a means of protecting the consumer. Commissioner McCarty said she had no interest in having the county enter the towing business and recommended instead that the board take the "home-rule tack" with federal legislators as a means of redress.

As an alternative, Commissioner Aaronson suggested that the county rate towing companies in terms of reputation and publish these ratings.

The chair summarized direction to staff as follows:

- Consult the Sheriff's Office on the rotation schedule it uses in dispatching towing companies.
- Study the possibility of having the county operate its own

towing company.

- Study the possibility of developing standards that could be applied to towing companies in the form of a published rating.

**REGULAR AGENDA - CONTINUED**

**5.D.1. - CONTINUED**

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

**UPON CALL FOR A VOTE, the motion carried 6-0. Commissioner Marcus absent.**

Staff noted that Congressman James Moran of Virginia was sponsoring federal legislation that would return control of towing companies to local government. Commissioner Roberts then suggested adding this issue to the federal agenda and having the chair contact all the federal legislators from Florida, along with Congressman Moran, requesting their support.

**MOTION to add local regulation of towing companies to the federal agenda and to have the chair contact all federal legislators from Florida, along with Congressman Moran of Virginia. Motion by Commissioner Roberts, seconded by Commissioner Masilotti, and carried 6-0. Commissioner Marcus absent.**

**5.E. ENVIRONMENTAL RESOURCES MANAGEMENT**

**5.E.1.**

**a. DOCUMENT R-2001-0582**

ACCEPT ASSIGNMENT FROM THE CONSERVATION FUND (TCF) OF AN OPTION AGREEMENT FOR SALE AND PURCHASE, AS AMENDED, FOR APPROXIMATELY 261.70 ACRES OF LAND IN TWO PARCELS IN THE AGRICULTURAL RESERVE FROM BEDNER FARM, INC., ARTHUR C. BEDNER, AND HENRIETTA E. BEDNER, AS SELLERS FOR A TOTAL PURCHASE PRICE OF \$9,827,079, SUBJECT TO SATISFACTORY RESULTS OF PRE-CLOSING DUE DILIGENCE. THE OPTION AGREEMENT FOR SALE AND PURCHASE, AS AMENDED, IS CONTINGENT UPON THE EXECUTION OF A LEASE-BACK TO BEDNER FARM, INC. TO BE SIGNED AT CLOSING WITH A TERM THROUGH MAY 31, 2001, AND AN OPTION TO RENEW THE TERM OF THE LEASE FOR TEN SUCCESSIVE PERIODS OF ONE YEAR EACH. APPROVED 4-17-2001

**b.**

AUTHORIZE EXERCISE OF THE OPTION TO PURCHASE THE BEDNER FARM, INC. PROPERTIES. (SEE R-2001-0582) APPROVED 4-17-2001

**c.**

APPROVE THE EXPENDITURE OF \$9,827,079 FROM COUNTY CONSERVATION LAND ACQUISITION BOND FUNDS FOR THE PURCHASE OF THE BEDNER FARM, INC. PROPERTIES UPON THE TERMS AND CONDITIONS SET FORTH IN THE OPTION AGREEMENTS FOR SALE AND PURCHASE, AS AMENDED. (SEE R-2001-0582) APPROVED 4-17-2001

d.

APPROVE THE CONSERVATION FUND'S (TCF) FEE OF \$98,271 FOR THE ACQUISITION OF THE 261.70-ACRE BEDNER FARM INC. PROPERTIES, PURSUANT TO TCF'S AGREEMENT WITH THE COUNTY. (SEE R-2001-0582) APPROVED 4-17-2001

**REGULAR AGENDA - CONTINUED**

**5.E.1. - CONTINUED**

e. **BUDGET TRANSFER 2001-0709**

BUDGET TRANSFER OF \$9,945,350 WITHIN THE \$75 MILLION GENERAL OBLIGATION CONSERVATION LAND 2001 CONSERVATION TRUST FUND FROM RESERVES TO THE AGRICULTURAL RESERVE PROJECT ACCOUNT, WHICH INCLUDES THE EXPENDITURE OF \$20,000 FOR SITE PREPARATION WORK, FENCING, INITIAL SIGNAGE, AND STAFF TIME TO ADMINISTER THE PROGRAM RELATING TO THESE PROPERTIES. (SEE R-2001-0582) APPROVED 4-17-2001

**MOTION to approve acceptance of the assignment, exercise of the option, the expenditure, the consultant's fee, and the budget transfer. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Marcus absent.**

**5.F. WATER UTILITIES**

**5.F.1. DOCUMENT R-2001-0583**

FINAL PAYMENT TO LANZO CONSTRUCTION COMPANY, FLORIDA, FOR THE 42-INCH WATER MAIN EXTENSION PROJECT ALONG STATE ROAD 7 FROM CLINT MOORE ROAD TO ATLANTIC AVENUE IN THE AMOUNT OF \$33,069.68, WAIVING ALL LIQUIDATED DAMAGES. (AMENDS R-2000-0642) APPROVED 4-17-2001

**MOTION to approve the final payment. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Marcus absent.**

**5.F.2.**

a. **DOCUMENT R-2001-0584**

CHANGE ORDER 4 TO THE CONTRACT WITH UNITED ENGINEERING CORPORATION FOR THE WATER TREATMENT PLANT 9 TRANSMISSION MAINS PROJECT FOR AN INCREASE OF \$288,336.83 AND A CONTRACT TIME EXTENSION OF 76 DAYS. (AMENDS R-2000-0111) APPROVED 4-17-2001

b.

FINAL PAYMENT TO THE CONTRACT WITH UNITED ENGINEERING CORPORATION FOR THE WATER TREATMENT PLANT 9 TRANSMISSION MAINS PROJECT IN THE AMOUNT OF \$885,674.81, WAIVING ALL LIQUIDATED DAMAGES. (SEE R-

2000-0111) APPROVED 4-17-2001

**MOTION to approve the change order and the final payment. Motion by Commissioner Roberts, seconded by Commissioner Masilotti, and carried 6-0. Commissioner Marcus absent.**

**5.G. FACILITIES DEVELOPMENT AND OPERATIONS**

**5.G.1.**

**a. DOCUMENT R-2001-0585**

RESCIND PURCHASE AND SALE AGREEMENT DATED FEBRUARY 9, 2000, WITH THE STATE OF FLORIDA FOR THE DONATION OF APPROXIMATELY 22 ACRES OF PROPERTY LOCATED AT 45TH STREET AND AUSTRALIAN AVENUE. (RESCINDS R-2000-0186) APPROVED 4-17-2001

**REGULAR AGENDA - CONTINUED**

**5.G.1. - CONTINUED**

**b.**

AUTHORIZE THE CHAIR TO SIGN A LETTER DATED APRIL 17, 2001, TO THE PALM BEACH COUNTY HEALTH CARE DISTRICT REGARDING THE FUNDING PLAN FOR DEPARTMENT OF HEALTH FACILITIES AT 45TH STREET AND AUSTRALIAN AVENUE. (SEE R-2001-0585) APPROVED 4-17-2001

**c. DOCUMENT R-2001-0586**

AMENDMENT 3 TO THE INTERLOCAL AGREEMENT WITH THE PALM BEACH COUNTY HEALTH CARE DISTRICT REDEFINING THE LIMITS OF THE LEASE FOR THE COUNTY HOME AND GENERAL CARE FACILITY. (AMENDS R-95-930-D) APPROVED 4-17-2001

**d. DOCUMENT R-2001-0587**

AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF HEALTH AND THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND DONATING APPROXIMATELY 6.9 ACRES OF PROPERTY AT 45TH STREET AND AUSTRALIAN AVENUE FOR CONSTRUCTION OF CLINIC FACILITIES AND SETTING FORTH CONDITIONS FOR THE DONATION. (SEE R-2001-0585) APPROVED 4-17-2001

**MOTION to approve the rescindment, the authorization, the amendment, and the agreement. Motion by Commissioner Masilotti, seconded by Commissioner Greene, and carried 6-0. Commissioner Marcus absent.**

**5.H. INTERNAL AUDITOR**

**5.H.1.**

**a. DOCUMENT R-2001-0588**

CONTRACT RENEWAL FOR MICHAEL C. O'BRIEN, INTERNAL AUDITOR, FROM APRIL 12, 2001, THROUGH APRIL 11, 2002. APPROVED 4-17-2001

b.

CONSIDERATION OF A SALARY INCREASE FOR INTERNAL AUDITOR MICHAEL C. O'BRIEN IN AN AMOUNT TO BE DETERMINED BY THE BOARD EFFECTIVE APRIL 12, 2001. (SEE R-2001-0588) APPROVED 5 PERCENT INCREASE TO \$91,182. APPROVED 4-17-2001

**MOTION to approve the contract renewal and a 5 percent salary increase. Motion by Commissioner Roberts, seconded by Commissioner Masilotti, and carried 6-0. Commissioner Marcus absent.**

**5.I. OFFICE OF FINANCIAL MANAGEMENT AND BUDGET**

**5.I.1.**

NEGOTIATED SETTLEMENT OFFER IN THE AMOUNT OF \$8,775 FOR FULL SATISFACTION OF A CODE ENFORCEMENT LIEN THAT WAS ENTERED AGAINST ALBERT VOGLI ON NOVEMBER 18, 1998. APPROVED 4-17-2001

**MOTION to approve the settlement. Motion by Commissioner Aaronson, seconded by Commissioner McCarty, and carried 6-0. Commissioner Marcus absent.**

**REGULAR AGENDA - CONTINUED**

**5.J. OFFICE OF FINANCIAL MANAGEMENT AND BUDGET**

**5.J.1. RESOLUTION R-2001-0589**

RESOLUTION AUTHORIZING THE ISSUANCE OF CONVENTION CENTER REVENUE BONDS IN THE INITIAL AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$90,000,000 FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING, CONSTRUCTING, AND EQUIPPING THE FIRST PHASE OF A NEW PALM BEACH COUNTY CONVENTION CENTER AND ALL OTHER COSTS NECESSARY OR INCIDENTAL THERETO. ADOPTED 4-17-2001

**MOTION to adopt the resolution. Motion by Commissioner McCarty, seconded by Commissioner Roberts, and carried 6-0. Commissioner Marcus absent.**

**5.K. PARKS AND RECREATION**

**5.K.1.**

**a. DOCUMENT R-2001-0590**

AGREEMENT WITH THE WESTERN COMMUNITIES FOOTBALL LEAGUE, INC., IN AN AMOUNT NOT TO EXCEED \$15,000 FOR THE FUNDING OF UNIFORMS AND EQUIPMENT FOR YOUTH FOOTBALL AND CHEERLEADING PROGRAMS FROM OCTOBER 1, 2000, THROUGH SEPTEMBER 30, 2001. APPROVED 4-17-2001

**b. BUDGET TRANSFER 2001-0570**

BUDGET TRANSFER OF \$15,000 WITHIN THE PARK IMPROVEMENT FUND FROM RESERVES FOR DISTRICT 6 TO WESTERN COMMUNITIES FOOTBALL LEAGUE/UNIFORMS AND EQUIPMENT. (SEE R-2001-0590) APPROVED 4-17-2001

**MOTION to approve the agreement and budget transfer. Motion by**

Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Marcus absent.

6. BOARD APPOINTMENTS

6.A. FIRE-RESCUE

6.A.1.

APPOINTMENT OF MICHAEL BORNSTEIN TO THE FIRE-RESCUE ADVISORY BOARD, REPLACING RONALD FERRIS FOR THE BALANCE OF HIS TERM, WHICH EXPIRES ON SEPTEMBER 30, 2002. APPROVED 4-17-2001

MOTION to approve the appointment. Motion by Commissioner McCarty, seconded by Commissioner Masilotti, and carried 6-0. Commissioner Marcus absent.

6.B. PUBLIC INFORMATION OFFICE

6.B.1.

APPOINTMENT OF SHIRLEY FITERMAN AND ELIZABETH TENNYSON TO THE PALM BEACH COUNTY COMMITTEE FOR COURTHOUSE ART TO FILL THE POSITIONS VACATED BY ONALEE SCHWARTZ AND FREDDIE CORLEY. APPROVED 4-17-2001

MOTION to approve the appointments. Motion by Commissioner Masilotti, seconded by Commissioner McCarty, and carried 6-0. Commissioner Marcus absent.

BOARD APPOINTMENTS - CONTINUED

6.C. PLANNING, ZONING AND BUILDING

6.C.1.

REAPPOINTMENT OF STANLEY B. MISROCH TO THE ZONING BOARD OF ADJUSTMENTS FOR A THREE-YEAR TERM THAT EXPIRES ON JANUARY 1, 2004. APPROVED 4-17-2001

MOTION to approve the reappointment. Motion by Commissioner Aaronson, seconded by Commissioner McCarty, and carried 6-0. Commissioner Marcus absent.

6.D. WATER UTILITIES

6.D.1.

MOTION TO REAPPOINT MARJORIE BENNETT AND SEYMOUR LUBETKIN AS AT-LARGE MEMBERS OF THE WATER UTILITIES ADVISORY BOARD FOR A TERM OF THREE YEARS EFFECTIVE MAY 1, 2001. APPROVED 4-17-2001

MOTION to approve the reappointments. Motion by Commissioner Masilotti, seconded by Commissioner Roberts, and carried 6-0. Commissioner Marcus absent.

6.E. COMMISSION DISTRICT APPOINTMENTS

**6.E.1.**

APPOINTMENT OF BARBARA CHEIVES TO THE PERSONNEL APPEALS BOARD.  
APPROVED 4-17-2001

**MOTION to approve the appointment. Motion by Commissioner Greene, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Marcus absent.**

**6.E.2.**

REAPPOINTMENT OF LAURA EARWOOD-SOUTH TO THE SPORTS COMMISSION.  
APPROVED 4-17-2001

**MOTION to approve the reappointment. Motion by Commissioner Aaronson, seconded by Commissioner Masilotti, and carried 6-0. Commissioner Marcus absent.**

**6.E.3.**

REAPPOINTMENT OF JOHN SANSBURY TO THE AVIATION AND AIRPORTS ADVISORY BOARD. APPROVED 4-17-2001

**MOTION to approve the reappointment. Motion by Commissioner McCarty, seconded by Commissioner Roberts, and carried 6-0. Commissioner Marcus absent.**

**ITEMS PULLED FROM THE CONSENT AGENDA**

**3.C.9.**

**DOCUMENT R-2001-0591**

CONTRACT NOT TO EXCEED THE TOTAL VALUE OF \$4,710,000 WITH CHARLES S. WHITESIDE, INC., FOR THE ANNUAL PATHWAY AND MINOR CONSTRUCTION CONTRACT, WHICH CONSISTS OF REFURBISHING EXISTING AND CONSTRUCTING NEW FACILITIES SUCH AS PATHWAYS, TRAFFIC SEPARATORS, CURBING, DRIVEWAYS, AND DRAINAGE AND OTHER MINOR CONSTRUCTION TASKS, AS REQUIRED BY VARIOUS COUNTY DEPARTMENTS. APPROVED 4-17-2001

**ITEMS PULLED FROM THE CONSENT AGENDA - CONTINUED**

**3.C.9. - CONTINUED**

Commissioner Greene asked why, given the amount of the contract and the protests filed, this item was on the consent agenda. County Administrator Weisman explained that the county was following the special master's ruling on the protests, which was in favor of Whiteside. Staff explained further that there were certain clerical errors in the bid, which were the subject of the protest, along with errors in the engineering specifications having to do with asphalt.

**MOTION to approve the contract. Motion by Commissioner McCarty.**

**MOTION DIED FOR LACK OF A SECOND.**

**SUBSTITUTE MOTION to rebid the contract. Motion by Commissioner Masilotti.**

Commissioner Aaronson noted that the board had voted unanimously

to rely on a special master to resolve contract protests. Given the special master's ruling in favor of Whiteside, he concluded, the board should respect that decision and approve the contract.

**MOTION WITHDRAWN.**

**MOTION to approve the contract. Motion by Commissioner McCarty and seconded by Commissioner Aaronson.**

Commissioner Roberts expressed her displeasure with the faulty engineering specifications, asking whether no one reviewed these before bids were requested.

**UPON CALL FOR A VOTE, the motion carried 5-1. Commissioner Greene opposed. Commissioner Marcus absent.**

(CLERK'S NOTE: Items 3.D.1., 3.D.2., and 3.D.3. were considered together.)

**3.D.1.**

SETTLEMENT IN THE EMINENT DOMAIN ACTION STYLED THE COUNTY V. DENNIS CHAMBERS ET AL., CASE CL-98-009976 AN (PARCEL 3), FOR IMPROVEMENTS TO THE INTERSECTION OF BELVEDERE ROAD AND HAVERHILL ROAD, PROJECT 95510, IN THE AMOUNT OF \$9,917, INCLUDING ATTORNEY FEES. EXPERT WITNESS FEES AND COSTS ARE NOT INCLUDED AND WILL BE DETERMINED BY THE COURT AT A LATER DATE. APPROVED WITH DIRECTION 4-17-2001

**3.D.2.**

SETTLEMENT IN THE EMINENT DOMAIN ACTION STYLED THE COUNTY V. DENNIS CHAMBERS ET AL., CASE CL-98-009976 AN (PARCEL 12), FOR IMPROVEMENTS TO THE INTERSECTION OF BELVEDERE ROAD AND HAVERHILL ROAD, PROJECT 95510, IN THE AMOUNT OF \$8,500, INCLUDING ATTORNEY FEES. EXPERT WITNESS FEES AND COSTS ARE NOT INCLUDED AND WILL BE DETERMINED BY THE COURT AT A LATER DATE. APPROVED WITH DIRECTION 4-17-2001

**ITEMS PULLED FROM THE CONSENT AGENDA - CONTINUED**

**3.D.3.**

SETTLEMENT IN THE EMINENT DOMAIN ACTION STYLED THE COUNTY V. DENNIS CHAMBERS ET AL., CASE CL-98-009976 AN (PARCEL 14), FOR IMPROVEMENTS TO THE INTERSECTION OF BELVEDERE ROAD AND HAVERHILL ROAD, PROJECT 95510, IN THE AMOUNT OF \$1,742, INCLUDING ATTORNEY FEES. EXPERT WITNESS FEES AND COSTS ARE NOT INCLUDED AND WILL BE DETERMINED BY THE COURT AT A LATER DATE. APPROVED WITH DIRECTION 4-17-2001

Commissioner Aaronson suggested adopting a formula for the

resolution of eminent domain cases that would allow the county to avoid the court costs and expert witness fees typical of settlements. Commissioner Roberts recommended using a 10 percent margin above appraised value as an inducement to settle. Commissioner Aaronson asked staff to return with proposals for more economical resolution of eminent domain cases. County Engineer George T. Webb said he understood the board's direction and said his department had certain recommendations it wished to make on the matter as well.

(CLERK'S NOTE: Commissioner McCarty left the meeting.)

**MOTION to approve the settlements stipulated in items 3.D.1., 3.D.2., and 3.D.3. Motion by Commissioner Aaronson, seconded by Commissioner Masilotti, and carried 5-0. Commissioners McCarty and Marcus absent.**

(CLERK'S NOTE: Items 3.H.4. and 3.H.5. were considered together.)

**3.H.4.**

**DOCUMENT R-2001-0592**

AMENDMENT 2 TO THE ANNUAL ARCHITECTURAL/PROFESSIONAL SERVICES AGREEMENT WITH GEE & JENSON, ENGINEERS - ARCHITECTS - PLANNERS, INC. GEE & JENSON WAS SELECTED TO PROVIDE ARCHITECTURAL SERVICES ON PROJECTS WITH CONSTRUCTION COSTS OF LESS THAN \$500,000 UNDER AN AGREEMENT THAT PROVIDES FOR AN INITIAL ONE-YEAR TERM WITH THREE ONE-YEAR RENEWALS. APPROVED 4-17-2001

**3.H.5.**

**DOCUMENT R-2001-0593**

AMENDMENT 2 TO THE ANNUAL ARCHITECTURAL/PROFESSIONAL SERVICES AGREEMENT WITH STEPHEN L. BORUFF, AIA ARCHITECTS & PLANNERS, INC. STEPHEN L. BORUFF, AIA ARCHITECTS & PLANNERS, WAS SELECTED TO PROVIDE ARCHITECTURAL SERVICES ON PROJECTS WITH CONSTRUCTION COSTS OF LESS THAN \$500,000 UNDER AN AGREEMENT THAT PROVIDES FOR AN INITIAL ONE-YEAR TERM WITH THREE ONE-YEAR RENEWALS. APPROVED 4-17-2001

Commissioner Greene asked whether there had been other respondents to the request for proposals who met the county's Minority/Women Business Enterprise standards during the original selection. County Administrator Weisman explained that both firms had not met the goals they announced on award of the contract but their falling short of these goals perhaps had to do with the nature of the tasks both firms had been asked to perform under the terms of the agreement. A number of these tasks provided no opportunity for the employment of minority sub-consultants, he said.

**MOTION to approve both 3.H.4. and 3.H.5. Motion by Commissioner Masilotti, seconded by Commissioner Greene, and carried 5-0. Commissioners McCarty and Marcus absent.**

**7. STAFF COMMENTS**

**7.A. ADMINISTRATION - None**

**7.B. COUNTY ATTORNEY**

**7.B.1.**

COMMENDATION FOR ASSISTANT COUNTY ATTORNEY PAUL KING. DISCUSSED  
4-17-2001

County Attorney Dytrych commended the work of Assistant County Attorney Paul King in the Computer Task Group (CTG) appeal, which was resolved in the county's favor.

No backup submitted.

**8. COMMISSIONER COMMENTS**

**8.A. COMMISSIONER TONY MASILOTTI**

**8.A.1.**

PROCLAMATION DECLARING APRIL 28, 2001, AS CPR EDUCATION DAY.  
APPROVED 4-17-2001

Commissioner Masilotti requested the board's permission to present a proclamation declaring April 28, 2001, as CPR Education Day.

No backup submitted.

**MOTION to approve the proclamation. Motion by Commissioner Aaronson, seconded by Commissioner Masilotti, and carried 5-0. Commissioners McCarty and Marcus absent.**

**8.A.2.**

USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO RAZE CONDEMNED PROPERTIES IN BELLE GLADE. DISCUSSED WITH DIRECTION 4-17-2001

Commissioner Masilotti said there were 11 properties in Belle Glade that required demolition because they were being used for criminal purposes. Commissioner Newell asked whether Everglades Restoration funds could be used to force businesses to locate in the redevelopment zone.

Belle Glade City Manager Anthony Smith said the city had identified 28 structures that required demolition and requested the board's assistance in funding the demolition of the 11 worst of these.

Commissioner Masilotti requested the board to meet individually with City Manager Smith on the redevelopment problems in Belle Glade. He also recommended that the City of Belle Glade revise its municipal code to prohibit the erection of chain link fences topped with barbed wire in residential areas.

Commissioner Greene remarked that she had recently visited a municipal pool that was bordered by barbed wire and asked how use of that sort of fencing could be prohibited. The chair noted that the county could not prohibit the use of barbed wire in the municipalities as it had done in the unincorporated areas.

**COMMISSIONER COMMENTS - CONTINUED**

**8.A.2. - CONTINUED**

Commissioner Newell also said there was county funding available for the demolition of buildings that had been declared unsafe structures by Code Enforcement. Whether these funds were available for use within the boundaries of a municipality was the question, he added.

County Administrator Weisman said that funds available for this sort of redevelopment effort were limited. The board directed Mr. Weisman to explore the possibilities of making additional funds available and of applying these funds within the municipalities.

No backup submitted.

**8.A.3.**

BARBED WIRE FENCING IN THE COUNTY. DISCUSSED WITH DIRECTION 4-17-2001

Commissioner Masilotti asked Director of Code Enforcement Terry Verner about zoning restrictions on the use of barbed wire. Mr. Verner said zoning regulations forbid the use of barbed wire in residential districts and ban concertina wire as well. The board directed Mr. Verner to report on all the details governing the use of barbed and concertina wire.

Commissioner Masilotti requested staff to study the possibility of requiring wire fencing to be vinyl coated.

No backup submitted.

**8.B. COMMISSIONER ADDIE L. GREENE**

**8.B.1.**

PROCLAMATION DECLARING APRIL 9-15, 2001, AS OWL FOUNDATION WEEK. APPROVED 4-17-2001

Commissioner Greene requested the board's permission to present a proclamation declaring April 9-15, 2001, as OWL Foundation Week.

**MOTION to approve the proclamation. Motion by Commissioner Greene, seconded by Commissioner Aaronson, and carried 5-0. Commissioners McCarty and Marcus absent.**

No backup submitted.

**8.C. COMMISSIONER CAROL A. ROBERTS**

**8.C.1.**

GLOBAL WARMING RESOLUTION. DISCUSSED 4-17-2001

Commissioner Roberts asked that a resolution asking Governor Jeb Bush and the cabinet to develop an action plan to combat global warming be placed on the agenda for May 1, 2001.

**MOTION to place the resolution on the May 1, 2001, agenda. Motion by**

**Commissioner Roberts, seconded by Commissioner Masilotti, and carried 5-0. Commissioners McCarty and Marcus absent.**

No backup submitted.

**COMMISSIONER COMMENTS - CONTINUED**

**8.D. COMMISSIONER BURT AARONSON**

**8.D.1.**

PROCLAMATION DECLARING APRIL 2001 AS APPRECIATION OF FRENCH CINEMA MONTH. APPROVED 4-17-2001

Commissioner Aaronson asked the board's permission to issue a proclamation declaring April 2001 as Appreciation of French Cinema Month.

**MOTION to approve the proclamation. Motion by Commissioner Aaronson, seconded by Commissioner Masilotti, and carried 5-0. Commissioners McCarty and Marcus absent.**

No backup submitted.

**8.D.2.**

ADVISORY BOARD MEMBERS SITTING ON MORE THAN ONE BOARD. DISCUSSED 4-17-2001

Commissioner Aaronson said he considered it inappropriate for staff attorneys to devote time to researching an issue that should have been studied by the attorney for a particular advisory board. The attorney for the Housing Finance Authority, Clarence Ellington, had passed on to the County Attorney's office a question involving the number of advisory boards on which an individual could legally sit. Commissioner Aaronson objected to the time spent by staff attorneys on this question. Commissioner Newell said procedures would be revised to prevent a repetition of this misuse of County Attorney's staff. Commissioner Masilotti suggested consulting the chair before any attorney approached County Attorney staff.

No backup submitted.

**8.E. COMMISSIONER WARREN H. NEWELL**

**8.E.1.**

RESCINDMENT OF JOHN SANSBURY'S APPOINTMENT TO THE AVIATION AND AIRPORTS ADVISORY COMMITTEE AND APPOINTMENT OF JOHN SANSBURY TO THE SPORTS COMMISSION. APPROVED 4-17-2001

Commissioner Newell said he had mistakenly nominated John Sansbury to the Aviation and Airports Advisory Committee and requested a motion to rescind that appointment. He also called for a motion to appoint Mr. Sansbury to the Sports Commission.

**MOTION to rescind John Sansbury's appointment to the Aviation and Airports Advisory Committee. Motion by Commissioner Roberts,**

seconded by Commissioner Masilotti, and carried 5-0. Commissioners McCarty and Marcus absent.

MOTION to appoint John Sansbury to the Sports Commission. Motion by Commissioner Masilotti, seconded by Commissioner Roberts, and carried 5-0. Commissioners McCarty and Marcus absent.

No backup submitted.

#### COMMISSIONER COMMENTS - CONTINUED

##### 8.E.2.

NATIONAL COMMUNITY DEVELOPMENT WEEK. DISCUSSED 4-17-2001

Commissioner Newell announced that Director of Housing and Community Development Remar M. Harvin had requested him to give notice to the board of National Community Development Week from April 16 through April 22, 2001.

No backup submitted.

##### 8.E.3.

SHERIFF'S BUDGET AS A LINE ITEM ENTRY ON THE COUNTY'S TRUTH IN MILLAGE (TRIM) NOTICE. DISCUSSED WITH DIRECTION 4-17-2001

Commissioner Newell reported on research done by County Attorney Dytrych that pointed out the need for a change in state law in order for the county to print the Sheriff's budget as a line item on the county's TRIM notice. It was possible to print the figure if the Sheriff's budget was treated as a municipal taxing unit, which could be done by ordinance, although that would require the cooperation of the municipalities. Another alternative would allow the Sheriff to assess a separate millage to fund special operations, he continued. This, too, would require changes in general law. The final option was creation of a taxing district. He added that a separate insert could list the Sheriff's budget items. County Administrator Weisman was directed to place the issue on a future workshop agenda.

No backup submitted.

#### 9. ADJOURNMENT

The chair declared the meeting adjourned at 12:30 p.m.

ATTESTED:

APPROVED:

Clerk

Chair