

MEETING: BOARD OF COUNTY COMMISSIONERS, REGULAR/WORKSHOP

1. CALL TO ORDER: July 22, 2003, at 9:35 a.m., in the Palm Beach County Governmental Center, West Palm Beach, Florida.

1.A. ROLL CALL

MEMBERS AND OFFICERS PRESENT:

Chair Karen T. Marcus
Vice-Chair Tony Masilotti - Absent
Commissioner Burt Aaronson - Absent
Commissioner Addie L. Greene
Commissioner Jeff Koons
Commissioner Mary McCarty
Commissioner Warren H. Newell - Absent
County Administrator Robert Weisman
County Attorney Denise Nieman
Recording Clerk Charmaine Craig

2. AGENDA APPROVAL

2.A. ADDITIONS, DELETIONS, SUBSTITUTIONS

County Administrator Weisman noted the agenda changes as follows:

PAGE ITEM

4 5G-1

REVISED MOTION: payment to ~~Economic Forum of Palm Beach County~~ Colorado State University in the amount of \$ 5,000 to assist in sponsoring Dr. William Gray, a nationally known hurricane expert, who will participate in the commemorate 75th anniversary of the 1928 Hurricane which devastated Palm Beach County. (Admin)

4 5I-1

ADD-ON: Staff recommends motion to approve: Letter of Release from the Federal Aviation Administration (FAA) dated June 10, 2003 for 8.525 acres at Belvedere Road and Country Club Road. **SUMMARY:** On February 25, 2003 (R2003-0313), the BCC approved an Agreement for Purchase and Sale with the Belvedere Military Corporation (BMC) for 8.525 acres of airport property. Said agreement included an FAA Contingency Clause, which required FAA approval of conveyance of the property and release of the property from any and all agreements between the FAA and the County. The FAA, by its Letter of Release dated June 10, 2003 has agreed to release the Airport Owner from the obligations, terms, and conditions of the existing grant agreements as they may relate to the subject property. In acceptance of the Letter of Release the County is agreeing to conditions restricting the future use of the property and agreeing to expend the proceeds from the sale of the property for the construction of the Security Check Point Facilities at Palm Beach International Airport. Countywide (LMB) (Airports)

2.B. ADOPTION

MOTION to adopt the agenda as amended. Motion by Commissioner McCarty, seconded by Commissioner Koons, and carried 4-0. Commissioners Aaronson, Masilotti, and Newell absent.

9:30 A.M. WORKSHOP

3.

HOMEBUILDERS PRESENTATION. DISCUSSED WITH DIRECTION 7-22-2003

Daniel F. Martell, representing Gold Coast Builders Association, introduced Urban Land Institute Southeast Florida/Caribbean District Counsel Neisen O. Kasdin.

Mr. Kasdin introduced remaining panel members and discussed affordability of housing and redevelopment issues. He also addressed issues such as the legal implications and comparisons of affordable housing on a national basis and the Urban Land Institute's (ULI) perspective on affordable housing.

Panel members commented as follows:

- * Economic Development Marketing Divisional Manager for the City of Las Vegas, Douglas Lein, conducted a presentation on the planned development City Center Project in the downtown core of Las Vegas;
- * Shimberg Center for Affordable Housing Director Dr. Robert C. Stroh, Sr., conducted a presentation and distributed a publication addressing the nation's ten top incentive programs for providing affordable housing and mentioned alternative building systems, such as insulating concrete forms;

(CLERK'S NOTE: A copy of the publication was not provided to the minutes clerk.)

- * Florida Housing Finance Corporation Executive Director Orlando J. Cabrera discussed the financing of affordable housing and the broad array of incentives that were available in the state of Florida;
- * 1000 Friends of Florida Executive Director Charles G. Pattison conducted a presentation and discussed local government's primary role in affordable housing as well as state laws and regulatory requirements for the State Housing Initiative Partnership (SHIP) program.

Discussion regarding redevelopment programs ensued and Mr. Lein referred to the State of Nevada's redevelopment legislation. He stated that investors entered older urban infill neighborhoods and performed work that would normally be very expensive; however, it took the support of taxpayers living outside the redevelopment area to make this process work. Additionally, Nevada's redevelopment process could not be conducted in the state of Florida unless state law was changed. Commissioner McCarty concurred.

Mr. Kasdin discussed the City of Delray Beach's redevelopment program and recommended lowering the sharing formula and agreeing to use additional generated Community Redevelopment Association (CRA) monies for other projects instead of returning CRA monies to the General Fund.

Mr. Cabrera explained that home ownership was difficult for new home buyers in the county due to factors such as rising land values.

Commissioner McCarty expressed concern over higher crime and lack of services in subsidized rental housing units.

3. - CONTINUED

In response, Mr. Cabrera questioned the incidences of crime in Section 8 housing developments in the county.

Commissioner Koons commented on:

- * Being realistic regarding the cost of waiving impact fees for affordable housing;
- * The county's need to correct the crime issue;
- * The county's interest in the redevelopment of county neighborhoods;
- * Restoration of the environment;
- * The process of changing how business is done in the county;
- * The county's inconsistent use of affordable housing tools and lack of specifically targeted geographic areas; and
- * Aggressive redevelopment which required working with the school board, governmental departments, and cities in a cooperative manner.

Commissioner Greene recommended dispersing affordable housing into various existing residential communities in order to eliminate problems normally associated with affordable housing communities.

Commissioner Marcus made the following comments:

- * Coastal communities existed where homes could be bought for under \$100,000 and the county needed to focus on how to use housing programs to enter coastal neighborhoods and renovate them using SHIP dollars; this would also redevelop those communities;
- * The county needed to determine how to build new and affordable housing;
- * Most areas for redevelopment were located in District 7 and it would be beneficial to target and redevelop specific areas within this district so that a model could be created for future redevelopments throughout the county; and
- * The City of Riviera Beach was desperate for affordable housing assistance and it was necessary to determine how to work around city jurisdictional boundaries.

Commissioner Greene pointed out that local control was a major problem in District 7 and relayed an incident involving the Hampton Courts Section 8 housing project located in the Town of Mangonia Park. After the project was built, neither the county nor city would take responsibility, resulting in the creation of a ghetto development, she said.

3. - CONTINUED

STAFF WAS DIRECTED TO:

- * Schedule a bus tour of District 7 with the view of addressing affordable housing issues. Panel members should be invited to participate in this tour;
- * Formulate a pilot project and determine how to select a location for redevelopment; and
- * Wait for the Workforce Housing Taskforce to return and talk about other incentives for attainable housing; after which time, staff should determine other incentives for attainable housing.

Commissioner Marcus announced that the board wanted to work with realtors, homebuilders, and 1000 Friends of Florida, but needed to first find a pilot project. She expressed appreciation to panel members for sharing their expertise and conducting their presentations.

RECESS

At 12:26 p.m., the chair declared a recess.

RECONVENE

At 2:10 p.m., the board reconvened with Commissioners Greene, Koons, McCarty, and Marcus present.

2:00 P.M. WORKSHOP

4.

CONSERVATION EASEMENTS. DISCUSSED WITH DIRECTION 7-22-2003

Environmental Resources Management Director Richard Walesky conducted a presentation and discussed various methods of protection for both environmentally sensitive lands and conservation lands.

Mr. Walesky informed board members that the county's conservation lands were currently protected by:

- * Bond documents and ordinances;
- * Retaining land uses with bonds so that future boards could change the land use if so desired;
- * The Comprehensive Plan;
- * Funding partnerships with entities such as Florida Communities Trust (FCT); the Save Our Rivers Program through South Florida Water Management District (SFWMD); and Florida Forever;
- * Deed restrictions and conservation easements; and
- * Shared title with the State of Florida and municipalities.

4. - CONTINUED

Mr. Walesky added that other possible methods of protection for conservation land could include: creation of an ordinance that would define procedures regarding how conservation lands could be sold or changed; a super majority vote of the entire board; and the use of a Forever Green amendment to the county charter.

He also discussed several issues which included: roadway extensions into natural areas; the Florida Power & Light (FPL) Substation; and conservation easement exchanges.

STAFF RECOMMENDATIONS:

- * Balance long term protection and short-term management flexibility in order to finish the program and decide which properties are surplus and less sensitive to our needs;
- * Allow staff to finish the acquisition process when the land buying process is completed;
- * Continue protection through bond documents; continue to change the Comprehensive Plan; and continue to look for funding partnerships that will work for the county on a long-term basis;
- * Do not give away conservation easements; and
- * Place greater focus on shared title through partnerships where multiple entities pay for a piece of property and have a choice of what is done with the property.

Commissioner McCarty questioned if in the past, people had requested the county to give them conservation easements in the Agricultural Reserve. Mr. Walesky replied that the conservation easements being discussed were very different from easements contained in the Agricultural Reserve.

Commissioner Koons questioned how bond issue land use remained intact after being purchased by the county and Mr. Walesky explained that once a piece of property was acquired, the Comprehensive Plan was changed to conservation.

Commissioner Koons voiced concern regarding how the Loxahatchee Slough Natural Area and the land was to be managed. After Mr. Walesky gave an explanation, Commissioner Koons further questioned how to obtain the use of land where the county did not possess title.

With regard to the Jog Road right-of-way, Commissioner Marcus commented that she had thought the right-of-way had already been donated for an extension.

After a brief explanation from Mr. Walesky, Commissioner Marcus stated there was a need to address this issue further because the right-of-way needed to be reduced and the benefits of extending the road needed to be determined.

4. - CONTINUED

With regard to relocating the FPL power substation to Donald Ross Road, Commissioner Marcus questioned if privately owned properties existed in the area. After receiving an explanation from Mr. Walesky, Commissioner Marcus stated that she wished to further discuss this issue and remarked that FPL could find another area to relocate their substation.

Conservation Lands Acquisition Selection Committee (CLASC) Chair Joanne Davis briefly stated that conservation land was purchased with the intent of preserving it forever.

PUBLIC COMMENTS:

Steven Bell, representing the Palm Beach County Environmental Coalition, Lisa Interlandi, representing the Environmental and Land Use Law Center, and Cynthia Plockelman, representing the Palm Beach County Florida Native Plant Society, concurred that environmentally sensitive land needed to be protected and strongly suggested that the county not wait for the acquisition process to be completed.

Rosa Durando, representing the Audubon Society of the Everglades, and Elisabeth Hoffman spoke in support of conservation easements in order to secure sites for the future.

At the request of Commissioner Marcus, Ms. Davis outlined CLASC discussion of preferred land preservation methods that took into consideration:

- * Conducting a charter amendment;
- * Properties that had dual title or other kinds of restrictions with a focus on properties that did not have dual title or restrictions;
- * Appointing another party to the conservation easements;
- * Possibility of another party conducting maintenance on the property; and
- * Having a super majority vote regarding an ordinance.

Board members deliberated as to how staff should be directed on discussed issues. Some concerns voiced by members included:

- * Implementing the Acreage reliever road;
- * Relocating the FPL power substation to the Donald Ross Road area;
- * Returning to the board with an ordinance that requires a super majority vote;
- * Conducting a charter amendment;
- * Minimizing the Jog Road extension;
- * Land swapping with the SFWMD; and
- * The Loxahatchee Slough Natural Area.

4. - CONTINUED

Lengthy discussion ensued between board members and County Administrator Weisman regarding preferred land preservation methods, such as implementation of the Acreage reliever road and creation of an ordinance.

County Administrator Weisman emphasized that at times when lands were purchased, unanticipated complexities were involved. He suggested that board members make the ordinance all inclusive by asking Mr. Walesky to provide exemptions for particular properties he thought should be exempt from the ordinance when he returned to the board for the preliminary reading.

STAFF WAS DIRECTED TO:

- * Bring the Acreage reliever road issue back to the board in September 2003; and
- * Provide exemptions for particular properties that should be exempt from the ordinance.

Mr. Walesky said exemptions for particular properties were not needed and Commissioner Marcus concurred.

Discussion ensued regarding relocation of the FPL power substation to Donald Ross Road and Mr. Walesky stated that if FPL wished to relocate their power substation, they should appear before the board with a formal request. Mr. Walesky added that FPL had other places they could build their power substations; however, relocation to other locations involved problems dealing with the public.

County Administrator Weisman advised the board that he wished to discuss the legal implications of discussed issues, to which board members concurred.

Commissioner Koons commented on permitting for the Acreage reliever road and County Administrator Weisman stressed that two-thirds of the road must go through Pond Cypress Natural Area, a site donated for conservation. The board agreed to explore this issue further at the September 2003 meeting.

Discussion ensued regarding purchase of Section 1 and Commissioner Koons advised that Section 1 was one of the most valuable pieces of property the county could obtain.

Commissioner Marcus questioned Assistant County Attorney Heidi Juhl as to whether it was permissible to make a motion authorizing staff to address eminent domain for Section 1. In response, Ms. Juhl advised that the acquisition would have to be for a public purpose and necessary for the project, which would require discussion with staff.

MOTION to direct staff to address eminent domain for the potential acquisition of Section 1; after which time, staff should return to the board with information and a report in writing. Motion by Commissioner Koons, seconded by Commissioner McCarty, and carried 4-0. Commissioners Aaronson, Masilotti, and Newell absent.

5. REGULAR AGENDA

5.A. CLERK

5.A.1.

WARRANT LIST DATED JULY 18, 2003. APPROVED 7-22-2003

COMPUTER CHECKS	\$15,262,824.82
WIRE TRANSFERS	41,337,244.24
MANUAL CHECKS	144,217.51
EFT TRANSFERS	<u>3,301,069.64</u>
	\$60,045,356.21

MOTION to approve the warrant list. Motion by Commissioner McCarty, seconded by Commissioner Koons, and carried 4-0. Commissioners Aaronson, Masilotti, and Newell absent.

5.A.2.

CONTRACTS ON THE CONTRACTS LIST EXECUTED BY THE PURCHASING DIRECTOR WHICH TOTAL \$4,050,488.70:

a.

RENEWAL OF TERM CONTRACT WITH DISTRIBUTOR TOOL X-CHANGE; GRAINGER INDUSTRIAL SUPPLY; HUGHES SUPPLY, INC.; JIM AND SLIMS TOOL SUPPLY; AND SNAP-ON INDUSTRIAL FOR \$350,000 FOR PURCHASE OF HAND TOOLS AND HAND HELD POWER TOOLS ON AN AS-NEEDED BASIS FROM JULY 30, 2003, THROUGH JULY 29, 2004, PER BID 150221A OFF STATE OF FLORIDA CONTRACT 445-001-03-1. APPROVED 7-22-2003

b.

SOLE SOURCE PURCHASE WITH THE GALE GROUP FOR \$206,098 FOR ANNUAL ON-LINE INFORMATION ACCESS SUBSCRIPTION FOR THE INFO TRAC WEB AND GALENET SERVICE FROM OCTOBER 1, 2003, THROUGH SEPTEMBER 30, 2004, PER PURCHASE ORDER 036MF000023. APPROVED 7-22-2003

c.

RENEWAL OF TERM CONTRACT WITH ALLIED CONTROLS, INC., AND DMS SUPPLY, INC., FOR \$127,400 FOR PURCHASE OF WATER METER BOXES AND COVERS ON AN AS-NEEDED BASIS FROM JULY 22, 2003, THROUGH JULY 21, 2004, PER BID 01-115R/TS. APPROVED 7-22-2003

d.

INCREASE TO CURRENT CONTRACT AMOUNT WITH GENERAL GMC TO \$2,591,990.70 FOR THE ONE-TIME PURCHASE OF AN ANIMAL CARE AND CONTROL VEHICLE FROM BID 02-183/PP, PER PURCHASE ORDER PC033PP000087. APPROVED 7-22-2003

REGULAR AGENDA – CONTINUED

5.A.2. – CONTINUED

e.

TERM CONTRACT WITH B & H PHOTO VIDEO PRO-AUDIO; AUDIO VISUAL INNOVATIONS, INC.; CREST AV ELECTRONICS, INC.; TROXELL COMMUNICATIONS, INC.; WASHINGTON PROFESSIONAL SYSTEMS; ELECTRIC IMAGE MEDIA SYSTEMS; PRO-VIDEO SALES, INC.; AVES AUDIO VISUAL SYSTEMS; HPI INTERNATIONAL, INC.; AND FOCUS CAMERA, INC., FOR \$175,000 TO PROVIDE AUDIO VISUAL EQUIPMENT, ACCESSORIES, AND SUPPLIES FROM AUGUST 1, 2003, THROUGH JANUARY 31, 2005, PER BID 03-112/MF. APPROVED 7-22-2003

f.

MASTER CONTRACTS WITH ANDERSON & CARR, INC.; JOHNSON, PARISH & EDWARDS, INC.; S.F. HOLDEN, INC.; AND CALLAWAY & PRICE, INC., FOR \$600,000 TO PROVIDE APPRAISAL SERVICES ON AN AS-NEEDED BASIS FROM AUGUST 1, 2003, THROUGH JULY 31, 2006, PER PRE-QUALIFICATION 03-093/PR. DENIED WITH DIRECTION 7-22-2003

g.

DOCUMENT R-2003-1115.1 (AMENDS R-2000-0017)

CONTRACTS WITH AMES ORGANIZATION, INC., D/B/A AMES APPRAISAL SERVICES; ANDERSON & CARR, INC.; CALLAWAY & PRICE, INC.; CAROLYN DUKES & ASSOCIATES, INC.; JOHNSON, PARRISH & EDWARDS, INC.; LAWSON VALUATION GROUP, INC.; MACMILLAN, LAMB & ASSOCIATES, INC.; M.R. FORD & ASSOCIATES, INC.; PALM BEACH APPRAISERS & CONSULTANTS, INC.; AND S.F. HOLDEN, INC., TO EXTEND THE EXISTING CONTRACTS FOR 90 DAYS TO PROVIDE APPRAISAL SERVICES. APPROVED 7-22-2003

(CLERK'S NOTE: Discussion ensued regarding item 5.A.2.f.)

Assistant County Administrator Jean Creamer advised that item 5.A.2.f. was a Request for Proposal (RFP) for appraisal contractual services. She described the objective of the RFP and the RFP selection process which resulted in four firms being awarded contractual services by the selection committee.

PUBLIC COMMENTS:

Timothy Andersen submitted a comment card, but did not address the board.

Michael R. Ford opposed the decision of the selection committee. He admitted that he had not signed one of the signature pages within his proposal, yet questioned why his proposal was not considered in the evaluation process.

Discussion ensued and at the request of Commissioner Marcus, Assistant County Administrator Creamer gave an explanation of the bid protest procedure.

Commissioner Greene voiced concerns that staff had not informed Mr. Ford of the limited time required to fill out the necessary forms. Commissioner Marcus added that an explanation of the entire bid process was included in the package that Mr. Ford obtained when he filed his bid documents.

REGULAR AGENDA - CONTINUED

5.A.2.f. - CONTINUED

Commissioner McCarty suggested that if an ordinance was cited in the bid package, a phone number should be supplied in order to obtain a copy of the ordinance, and if someone had a question after the bids had been submitted, an e-mail address should be provided to answer questions. A staff member advised that phone calls were not permitted due to Cone of Silence requirements.

Commissioner McCarty ascertained that staff had neither e-mailed nor returned Mr. Ford's telephone calls to advise him to put his comments in writing. Later in the meeting, a selection committee member admitted providing assistance which resulted in two firms obtaining information that facilitated them in the RFP process. Consequently, Commissioner McCarty advised that the RFP process should be further analyzed.

Ron Ames, Carolyn Dukes, James Kerr, Vivian Kerr, Douglas Lawson, Neil MacMillan, and Edwin J. Stacker opposed the selection of appraisers for the contract on the following grounds:

- * The RFP process was flawed;
- * The selection committee was biased towards higher priced firms;
- * The contractors were offended to learn that the county felt their work was substandard; and
- * A decision on awarding the contract should be delayed until a fair investigation of the award process was undertaken.

Assistant County Administrator Creamer addressed the board and clarified the RFP process by explaining that:

- * The project that was put out for bid required both residential and commercial experience by contractors;
- * The complaints from firms had been investigated by Purchasing Department Director Kathleen Scarlett, who had issued a memo to the board responding to the complaints. Firms were faxed a copy of the responses;
- * The selection committee members adhered to the RFP process and staff did not feel there was partiality towards larger firms; and
- * The allegation that contractors had no idea of what they were to do in the RFP process was invalid, as all instructions were clearly set forth in the RFP document.

STAFF WAS DIRECTED TO:

- * Restart the RFP process.

**MOTION to direct staff to rebid the process with some of the clarifications.
Motion by Commissioner Greene and seconded by Commissioner McCarty.**

REGULAR AGENDA - CONTINUED

5.A.2.f. - CONTINUED

With regard to the RFP process, Commissioner McCarty remarked that there needed to be a more definitive window for the award posting. Additionally, people needed to be told why they were excluded and what kind of ranking they received.

Commissioner McCarty expressed concerns regarding the cone of silence and the inability of people to protest and be informed of their rights. Later in the meeting, Commissioner McCarty stressed that she hoped small business programs were not being sabotaged with the new criteria contained in the RFP process.

County Administrator Weisman advised that according to the cone of silence, verbal communication was not allowed until the board addressed the item; however, protests could be submitted in writing or by e-mail.

STAFF WAS DIRECTED TO:

- * Bring the ordinance pertaining to lobbyist regulations and the cone of silence back to the board for review;
- * Provide contractors with clarified time requirements for award postings so that they do not miss the five-day time limit; and
- * Create an e-mail address which could be accessed and would be specifically cited to allow the submission of bid protests.

Staff informed board members that the internet and Channel 20 were other mediums whereby information on the bid process could be obtained.

County Administrator Weisman advised the board that after the vote was taken, the remaining portion of item 5.A.2. needed to be approved.

RECESS

At 4:06 p.m., the chair declared a recess.

RECONVENE

At 4:11 p.m., the board reconvened with Commissioners Greene, Koons, McCarty, and Marcus present.

AMENDED MOTION to approve the contracts list, except for the Exhibit F contract, and to rebid the Exhibit F contract. The maker and seconder agreed. Upon call for a vote, the motion carried 4-0. Commissioners Aaronson, Masilotti, and Newell absent.

County Administrator Weisman advised the board of existing contracts which needed to be continued in order to provide services and which required at least a 90-day extension.

MOTION to approve a 90-day extension for continuation of existing contracts in order to provide services. Motion by Commissioner McCarty, seconded by Commissioner Koons, and carried 4-0. Commissioners Aaronson, Masilotti, and Newell absent.

REGULAR AGENDA - CONTINUED

5.B. OFFICE OF FINANCIAL MANAGEMENT AND BUDGET

5.B.1. BUDGET AMENDMENT 2003-1412

BUDGET AMENDMENT OF \$32,628,935 IN THE \$30.5 MILLION GENERAL OBLIGATION LIBRARY IMPROVEMENT 2003 FUND TO ESTABLISH PROJECT BUDGETS FOR THE LIBRARY EXPANSION PROGRAM FOR THOSE PROJECTS WHICH ARE PLANNED TO BE FUNDED FROM THIS FIRST, SERIES 2003 ISSUANCE. APPROVED 7-22-2003

MOTION to approve the budget amendment. Motion by Commissioner Koons, seconded by Commissioner McCarty, and carried 4-0. Commissioners Aaronson, Masilotti, and Newell absent.

5.C. LIBRARY

5.C.1. BUDGET TRANSFER 2003-1426

BUDGET TRANSFER OF \$3,435,700 WITHIN THE LIBRARY IMPACT FEE FUND FROM RESERVES TO THE ACREAGE BRANCH LIBRARY FOR THE CONCEPTUAL DESIGN PHASE, FEES, PERMITS, CONSTRUCTION COSTS, FURNITURE, AND EQUIPMENT FOR THE 15,000 SQUARE FEET ACREAGE BRANCH LIBRARY. APPROVED 7-22-2003

MOTION to approve the budget transfer. Motion by Commissioner McCarty, seconded by Commissioner Greene, and carried 4-0. Commissioners Aaronson, Masilotti, and Newell absent.

5.D. ENVIRONMENTAL RESOURCES MANAGEMENT

5.D.1. BUDGET TRANSFER 2003-1445

BUDGET TRANSFER OF \$227,736 IN THE GENERAL FUND FROM CONTINGENCY RESERVES TO THE MOSQUITO CONTROL PROGRAM FOR MOSQUITO CONTROL SPRAYING UNDER CONTRACT 02154 WITH HOWE ENTERPRISES. APPROVED 7-22-2003

MOTION to approve the budget transfer. Motion by Commissioner McCarty, seconded by Commissioner Greene, and carried 4-0. Commissioners Aaronson, Masilotti, and Newell absent.

5.E. FACILITIES DEVELOPMENT AND OPERATIONS

5.E.1. RESOLUTION R-2003-1116

RESOLUTION AUTHORIZING THE TRANSFER OF COUNTY PROPERTY TO THE TRI-COUNTY COMMUTER RAIL AUTHORITY; AND TEMPORARY CONSTRUCTION EASEMENT IN FAVOR OF TRI-COUNTY RAIL CONSTRUCTORS, INC.; AND INTERLOCAL AGREEMENT WITH THE TRI-COUNTY COMMUTER RAIL AUTHORITY FOR THE TRANSFER OF 0.917 ACRES. ADOPTED 7-22-2003

MOTION to adopt the resolution and approve the temporary construction easement and the interlocal agreement. Motion by Commissioner Koons and seconded by Commissioner Greene.

REGULAR AGENDA – CONTINUED

5.E.1. - CONTINUED

County Administrator Weisman clarified that: the resolution provided permanent right-of-way space for a second track; did not close any vehicular access; and provided space for Tri-Rail facilities in the City of West Palm Beach intermodal facility area.

UPON CALL FOR A VOTE, the motion carried 4-0. Commissioners Aaronson, Masilotti, and Newell absent.

5.E.2.

a. DOCUMENT R-2003-1117

CONTRACT WITH ENGINEERED COMFORT SYSTEMS, INC., FOR \$621,370 FOR HEATING, VENTILATION, AND AIR-CONDITIONING (HVAC) SYSTEM REPLACEMENTS, IMPROVEMENTS, AND ASSOCIATED WORK FOR WEST COUNTY HEALTH CLINIC. APPROVED 7-22-2003

b. BUDGET TRANSFER 2003-1416

BUDGET TRANSFER OF \$261,000 FROM RESERVES IN THE PUBLIC BUILDING IMPROVEMENT FUND TO BELLE GLADE HEALTH CLINIC (HVAC) TO INCREASE THE PROJECT BUDGET LINE FOR WEST COUNTY HEALTH CLINIC. APPROVED 7-22-2003

MOTION to approve the contract and budget transfer. Motion by Commissioner Koons, seconded by Commissioner Greene, and carried 4-0. Commissioners Aaronson, Masilotti, and Newell absent.

5.E.3.

**a. DOCUMENT R-2003-1118
(AMENDS R-2001-0699)**

CHANGE ORDER 86 TO CONTRACT WITH THE CLARK CONSTRUCTION GROUP, INC., FOR \$32,333 FOR THE PALM BEACH COUNTY CONVENTION CENTER. APPROVED 7-22-2003

**b. DOCUMENT R-2003-1119
(AMENDS R-2001-0699)**

CHANGE ORDER 88 TO CONTRACT WITH THE CLARK CONSTRUCTION GROUP, INC., FOR \$22,129 FOR THE PALM BEACH COUNTY CONVENTION CENTER. APPROVED 7-22-2003

MOTION to approve the change orders. Motion by Commissioner Koons and seconded by Commissioner Greene.

REGULAR AGENDA – CONTINUED

5.E.3.b. - CONTINUED

Facilities Development and Operations Director Audrey Wolf explained that staff wanted to make sure the board considered this item so that if approved, staff would be able to pay Clark Construction Group, Inc., for services rendered. Ms. Wolf stated that work contemplated in the change orders had already been completed and did not impact the project schedule.

UPON CALL FOR A VOTE, the motion carried 40. Commissioners Aaronson, Masilotti, and Newell absent.

5.F. HOUSING AND COMMUNITY DEVELOPMENT

5.F.1.

DENIAL OF THE DAILY BREAD FOOD BANK, INC., REQUEST TO MODIFY HOUSING AND COMMUNITY DEVELOPMENT STANDARD GRANT AGREEMENT RESTRICTIONS ON THE USE OF PROPERTY FROM TEN YEARS TO FIVE YEARS. APPROVED 7-22-2003

Housing and Community Development Director Remar Harvin gave a presentation as to why staff recommended denial of the request to reduce the Declaration of Restrictions in the contract with the Daily Bread Food Bank, from 10 years to five years.

Commissioner Koons stressed that the board had chosen a specific location for the Daily Bread Food Bank and would not modify a long-term investment or change the way the county operated.

PUBLIC COMMENT:

Ronald Rindler, Vice President of the Board of Directors, Daily Bread Food Bank, Inc., discussed how much food the Daily Bread Food Bank provided to the public and explained that the Daily Bread Food Bank needed to make changes to the Declaration of Restrictions of the U.S. Department of Housing and Urban Development (HUD) agreement.

Mr. Rindler further explained that the Daily Bread Food Bank had no intention of moving their location; however, they were requesting that after the five-year minimum period required by HUD, they should be allowed to sell the property, with the restriction that any proceeds from the sale be immediately reinvested into the community to continue to provide the same or improved service. Daily Bread Food Bank would be willing to sign an agreement with the county committing the Daily Bread Food Bank to continue its activities for a minimum of 10 years.

Commissioner McCarty stated that:

- * The board agreed that the service the Daily Bread Food Bank provided in the community should continue;
- * Changes should not be made to the existing 10-year process;

REGULAR AGENDA – CONTINUED

5.F.1. – CONTINUED

- * If Daily Bread Food Bank sold their property and relocated after the 10-year period, they could return to the board and have the money they invested in the property refunded and perhaps reinvested in the community; and
- * The Daily Bread Food Bank should be granted federal Community Development Block Grant Program (CDBG) funds.

Deputy County Administrator Verdenia Baker informed board members that staff was not at the stage of granting the Daily Bread Food Bank money until the contract submitted to the Daily Bread Food Bank was negotiated and finalized.

Once the Daily Bread Food Bank determined that they wanted to sign off on the 10-year restriction, the item would be brought back to the board for approval.

MOTION to approve staff's recommendation to deny Daily Bread Food Bank's request to reduce the restriction from ten to five years. Motion by Commissioner McCarty and seconded by Commissioner Koons.

Discussion ensued and Commissioner Koons questioned if another source of money was available that would be less restrictive to facilitate finding the Daily Bread Food Bank another location.

In response, Deputy County Administrator Baker stated other funds were not available; however, staff had suggested to the Daily Bread Food Bank that they should obtain a line of credit from equity in the building in order to perform improvements.

UPON CALL FOR A VOTE, the motion carried 40. Commissioners Aaronson, Masilotti, and Newell absent.

5.G. ADMINISTRATION

5.G.1.

PAYMENT TO COLORADO STATE UNIVERSITY IN THE AMOUNT OF \$5,000 TO ASSIST IN SPONSORING DR. WILLIAM GRAY, A NATIONALLY KNOWN HURRICANE EXPERT, WHO WILL PARTICPATE IN THE COMMEMORATE 75TH ANNIVERSARY OF THE 1928 HURRICANE WHICH DEVASTED PALM BEACH COUNTY. APPROVED 7-22-2003

MOTION to approve the payment. Motion by Commissioner Koons, seconded by Commissioner McCarty, and carried 4-0. Commissioners Aaronson, Masilotti, and Newell absent.

REGULAR AGENDA - CONTINUED

5.H. PUBLIC SAFETY

5.H.1.

PRELIMINARY READING AND ADVERTISE FOR PUBLIC HEARING ON AUGUST 19, 2003, AT 9:30 A.M., AN ORDINANCE AMENDING COUNTY CODE CHAPTER 4, SECTION 24, PERTAINING TO ANIMAL CARE MANNER OF KEEPING. APPROVED AS AMENDED 7-22-2003

Commissioner McCarty commented as follows:

- * The ordinance dealt with the manner in which dogs were treated without the presence of an adult;
- * Even with an adult present on the property, dogs were still being mistreated;
- * Preferred that the ordinance focus on the humane treatment of domestic animals rather than the presence of an adult on the property; and
- * The conditions the animal was exposed to, regardless of who was present, should be addressed.

Staff informed the board that the Animal Care and Control Advisory Board Committee addressing this issue recommended a complete ban on tethering.

Staff stated that the only other alternative would be to limit the tethering to certain times of the day and year; however, this alternative would be difficult to enforce.

After lengthy deliberation regarding restriction and appropriate hours for tethering, the board decided that tethering would not occur between the hours of 10:00 a.m. to 5:00 p.m., during the months of May to October. Assistant County Attorney Dawn Wynn announced it was possible to implement the decision.

PUBLIC COMMENTS:

The following persons submitted comment cards supporting the ordinance, but did not address the board: Steve Allred, Dan Coffman, Terry Knight, David Romaive, and Rod Tinson.

Betsy Begens (spoke on behalf of Terry Knight and John Cramer), Jeffrey Begens, and Susan Coffman, Vice President of Doberman Rescue Concern, all voiced support of the ordinance. A summary of their reasons included:

- * Limit the number of hours per day that dogs are allowed to be tethered;
- * Support anything that eliminates tethering; and
- * Tethered dogs were at risk of other animals attacking them and could become tangled in the tether causing strangulation.

REGULAR AGENDA - CONTINUED

5.H.1. - CONTINUED

MOTION to approve the ordinance on preliminary reading and advertise for public hearing on August 19, 2003, at 9:30 a.m. Motion by Commissioner McCarty and seconded by Commissioner Koons.

AMENDED MOTION to include that tethering would not occur between the hours of 10:00 a.m. to 5:00 p.m., during the months of May to October. The maker and seconder agreed. Upon call for a vote, the motion carried 4-0. Commissioners Aaronson, Masilotti, and Newell absent.

5.I. AIRPORTS

5.I.1. DOCUMENT R-2003-1120

LETTER OF RELEASE FROM THE FEDERAL AVIATION ADMINISTRATION ACCEPTING THE RELEASE FROM TERMS OF GRANT AGREEMENTS ON AN 8.525-ACRE PARCEL OF LAND LOCATED AT BELVEDERE AND COUNTY CLUB ROAD SO THAT THE PARCEL MAY BE SOLD TO BELVEDERE MILITARY CORPORATION. APPROVED 7-22-2003

MOTION to approve the letter of release. Motion by Commissioner McCarty, seconded by Commissioner Koons, and carried 3-1. Commissioner Marcus opposed. Commissioners Aaronson, Masilotti, and Newell absent.

5.J. UNSCHEDULED ITEM

5.J.1.

PROCLAMATION COMMEMORATING THE 65TH ANNIVERSARY OF THE WEST PALM BEACH HOUSING AUTHORITY ON TUESDAY, AUGUST 26, 2003. APPROVED 7-22-2003

MOTION to approve the proclamation. Motion by Commissioner Koons, seconded by Commissioner McCarty, and carried 4-0. Commissioners Aaronson, Masilotti, and Newell absent.

6. ADJOURNMENT

The chair declared the meeting adjourned at 4:46 p.m.

ATTESTED:

APPROVED:

Clerk

Chair