

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

SEPTEMBER 9, 2003

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

**COMMISSION
CHAMBERS**

**CHARMAINE CRAIG
DEPUTY CLERK**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance

- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption

- 3. CONSENT AGENDA (Page 7-30)**

- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 31)**

- 5. REGULAR AGENDA (Page 32-35)**

- 6. BOARD APPOINTMENTS (Page 36)**

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- 8. STAFF COMMENTS (Page 38)**

- 9. COMMISSIONER COMMENTS (Page 39)**

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MATTERS BY PUBLIC - 2:00 P.M. (Page 37)

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ADJOURNMENT (Page 39)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **APPROVED** **A** **R-2003-1294**
Staff recommends motion to receive and file: Two (2) fully executed Work Authorization to Contracts for the Water Utilities Department.

A) AUTHORIZED
Authorization No. 9 for Canal L-30 Force Main Extension with Foster Marine Contractors, Inc., Project No. WUD Project No. 02-174 (R2002-2086)

2. **Staff recommends motion to receive and file:** Three (3) Standard Development Agreements and One (1) Standard Development Renewal Agreement for the Water Utilities Department.

Standard Development Agreements

A) APPROVED **R-2003-1295**
Zupnik Haverland, LLC 01-00652-R02

B) APPROVED **R-2003-1296**
Herbert F. Kahlert and Karl A. Kahlert as Co-Trustees and Individually 05-01058-000

C) APPROVED **R-2003-1297**
Keller, 3 LLC 01-01114-000

Standard Development Renewal Agreement

D) APPROVED **R-2003-1298**
American Heritage School of Boca Delray, Inc. 09-00592-R00

3. **Staff recommends motion to receive and file:** Nine (9) original contracts/agreements/grants for the Department of Airports.

A) APPROVED **R-2003-1299**
North County Hangar Lease Agreement for Hangar 11720-4, signed by Mr. Daniel Getz and dated August 1, 2003;

B) APPROVED **R-2003-1300**
North County Hangar Lease Agreement for Hangar 11730-9, signed by Edward M. Dale and dated August 1, 2003;

C) APPROVED **R-2003-1301**
North County Hangar Lease Agreement for Hangar 11300-5, signed by Mr. Jim Cook and dated May 1, 2003;

D) APPROVED **R-2003-1302**
North County Hangar Lease Agreement for Hangar 11730-1, signed by Mr. Kirk Gehring and dated August 11, 2003;

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

E) **APPROVED** **R-2003-1303**
North County Hangar Lease Agreement for Hangar 11300-6, signed by Larry Carpenter and dated August 11, 2003;

F) **APPROVED** **R-2003-1304**
North County Hangar Lease Agreement for Hangar 11730-15, signed by Mr. George Corry, and dated August 12, 2003;

G) **APPROVED** **R-2003-1305**
North County Hangar Lease Agreement for Hangar 11350-5, signed by Mr. Tom Newman, and dated May 1, 2003;

H) **APPROVED** **R-2003-1306**
North County Hangar Lease Agreement for Hangar 11720-16, signed by Mr. Tom Rietwyk of Transparent Technology Services, Inc., and dated August 20, 2003; and

I) **APPROVED** **R-2003-1307**
North County Hangar Lease Agreement for Hangar 11720-14, signed by Mr. Scott Kramer, and dated July 15, 2003

4. **APPROVED** **R-2003-1308**
Staff recommends motion to approve: an Amendment to Cooperative Agreement No. FF204K034023 (Charge Resolution Contract) with the U. S. Department of Housing and Urban Development (HUD) allowing the Office of Equal Opportunity (OEO) to receive revenue in the total amount of \$130,960 as payment for processing and resolving housing discrimination complaints. **SUMMARY:** Execution of this contract is required so that OEO can receive payment for processing and resolving complaints of housing discrimination pursuant to the terms of the Cooperative Agreement between HUD and the County. This amendment to the Cooperative Agreement provides revenue for cases processed during FY 2002-2003 and is in the amount of \$130,960 (\$66,600 - complaint processing; \$1,000 cause cases, \$22,000 - training; \$23,360 - Special Enforcement Efforts [SEE Funds]; \$3,000 - education and outreach; and \$15,000 - administrative costs.) The Cooperative Agreement was approved by the Board of County Commissioners on August 20, 2002. (R2002-1272). Countywide (TKF)

B. CLERK

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

2. **APPROVED**
Staff recommends motion to approve: Minutes of the following meetings: Regular of April 15, 2003, Regular of May 6, 2003, Child Care Facilities Board of May 6, 2003, Regular of June 17, 2003, Regular/Workshop of June 24, 2003, Joint-Tri-Cities League Lake Region Water of June 25, 2003 and Zoning of June 26, 2003.

3. **APPROVED** **R-2003-1309-THOUGH R-2003-1310**
Staff recommends motion to approve: Contracts and claims settlements list.

4. **APPROVED** **R-2003-1311**
Staff recommends motion to receive and file: Change Orders, Work Task Orders, Minor Contracts and Final Payments approved by the Contract Review Committee and by the Department Heads for the Engineering Department; Facilities Development and Operations; Water Utilities Department; Environmental Resources Department; and the Department of Airports during the month of July, 2003.

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3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve:

A) APPROVED

Budget Transfer of \$81,425 in the Transportation Improvement Fund from Road Program Reserves – FY 2001 (Reserve For Design and Alignment) to Boca Rio Road/Palmetto Park Road to Glades Road; and

B) APPROVED R-2003-1312

Supplement Number 3, in the amount of \$78,021.41, with Adair & Brady, Inc. (ABI) to provide professional services for Boca Rio Road from Palmetto Park Road to Glades Road (Project).

SUMMARY: This Supplement will provide the necessary professional services required to revise the typical section and related design plans to accommodate the approved 70 foot right-of-way, prepare sheet pile design, revise legals and sketches, and procure permits. The Small Business Enterprise (SBE) participation achieved for this Supplemental is 100%, comprised of 94.2% for Adair & Brady, Inc., and 5.8% Alan Gerwig & Associates, Inc. District 5 (PK)

2. ADOPTED R-2003-1313

Staff recommends motion to adopt: a Resolution declaring the acquisition of property known as Parcel 100, in fee simple for the right-of-way, and property known as Parcel 300 as a Temporary Construction Easement, for the improvement of Forest Hill Boulevard at Haverhill Road Intersection. **SUMMARY:** This action will authorize the filing of Eminent Domain Proceedings against two parcels whose total appraised value is \$138,800. District 2 (PM)

3. APPROVED

Staff recommends motion to approve: Budget Amendment of \$473,830 in the Road Impact Fee Zone 3 Fund to recognize Developer Contributions for the Lake Worth Road and Lyons Road Intersection project. **SUMMARY:** In order to construct improvements to the intersection of Lake Worth Road and Lyons Road, which will be necessitated by three nearby developments, Developer Contributions of \$473,830 were received. This Amendment recognizes the contributions. District 6 (ME)

4. DELETED

5. APPROVED

Staff recommends motion to receive and file: a Report of plat recordations from April 1, through June 30, 2003. **SUMMARY:** This is a quarterly summary of subdivision plats recorded during the past fiscal quarter as required by Department of Engineering and Public Works Policies and Procedures Manual Item No. ED-O-11, governing administrative approval of plats by the County Engineer. Countywide (ME)

6. Staff recommends motion to:

A) APPROVED

accept a Warranty Deed; and

B) APPROVED

approve payment of \$85,800 for Parcel No. 2B.

SUMMARY: The property owner of this parcel will not accept the appraised value of \$66,500 and has made a counter-offer of \$85,800, a difference of \$19,300. The Right-of-Way Acquisition Committee has reviewed the \$85,800 counter-offer and recommends approval. This parcel is required as a water retention area needed for the future improvements to be constructed on Seminole Pratt Whitney Road from South of Okeechobee Boulevard to North of Sycamore Drive. District 6 (PK)

SEPTEMBER 9, 2003

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (cont'd)

7. **APPROVED**
Staff recommends motion to approve: Budget Transfer of \$4,500 in the Transportation Improvement Fund from Reserve for District 6 to Palomino Drive Speed Humps – District 6. **SUMMARY:** District 6 Improvement Funds will pay for the requested speed humps on Palomino Drive from Blanchette Trail to Frontier Avenue to improve safety and reduce speeding. District 6 (MRE).

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

A) **APPROVED** **R-2003-1314**
an Interlocal Agreement, in the amount of \$7,260, with the City of Riviera Beach, for reimbursement of the purchase cost for a road right of way tractor mower; and

B) **APPROVED**
Budget Transfer of \$7,260 in the Transportation Improvement Fund from Reserve for District 7 to City of Riviera Beach Road Right of Way Tractor Mower – District 7.

SUMMARY: This Agreement and Budget Transfer provide funding up to \$7,260 to the City of Riviera Beach for reimbursement of the purchase of a road right-of-way tractor mower. District 7 (MRE)

9. **APPROVED** **R-2003-1315**
Staff recommends motion to approve: a Joint Project Participation/Funding Agreement for the total estimated cost of \$10,700 with the Village of Palm Springs (Village) for the utility construction to be incorporated into the County's construction of Purdy Lane at Forest Hill Elementary School Entrance roadway improvements. **SUMMARY:** As part of the Purdy Lane at Forest Hill Elementary School Entrance roadway improvement project, the County and the Village desire to jointly participate in the utility adjustments to the water distribution and sewage transmission systems, and other improvements along the right-of-way. The Village agrees to reimburse the County for the cost of these utility adjustments and other improvements. Bid tabulation is enclosed. The total estimated costs for the utility construction are \$10,700. This Agreement will allow the Village's utility adjustments and other improvements to occur as a component of the County's construction. The Village will pay all construction costs associated with the utility work and perform all construction inspection of their work. District 2 (MRE)

10. **APPROVED** **R-2003-1316**
Staff recommends motion to approve: a Release of Drainage Easement Rights. **SUMMARY:** This item will release the County's interest in two Drainage Easements adjacent to Military Trail approximately a quarter of a mile north of Hood Road. District 1 (PK)

11. **APPROVED** **R-2003-1317**
Staff recommends motion to approve: Four Street Lighting Agreements with Florida Power & Light (FPL) for the following street lighting projects: Jog Road - Boynton Beach Boulevard to Woolbright Road, Lantana Road - Turnpike to SR7, Okeechobee Boulevard at A, B, D, E, and F Roads, and isolated locations within San Castle Subdivision (Phase III - grant funded). **SUMMARY:** FPL requires that their standard agreement be executed prior to their construction of all street lighting projects. The funding for each of the four projects has been previously Board approved and the projects are ready for the construction phase. Approval of these Agreements will allow FPL to start the installation of these street lighting projects. Districts 2, 3, 5, 6 and 7 (ME)

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3. **CONSENT AGENDA APPROVAL**

C. **ENGINEERING & PUBLIC WORKS** (cont'd)

12. **APPROVED** **R-2003-1321**
Staff recommends motion to approve: an Amendment to the Tri-party Agreement (Resolution No. R2001-575) with the Port of Palm Beach and the City of Riviera Beach to provide an additional \$1 million in County funds for 13th Street improvements. **SUMMARY:** Per Board direction, an Amendment to the existing Tri-Party Agreement among the Port of Palm Beach, the City of Riviera Beach, and the County for improvements to 13th Street, 11th Street, and Avenue 'C' is presented today for execution by the Board. This Amendment provides an additional \$1 million in County funding toward improvements for 13th Street between Old Dixie Highway and U. S. 1. District 7 (ME)

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

A) APPROVED
Budget Transfer of \$210,000 in the Municipal Service Taxing Unit (MSTU) District A Fund from Reserves to Indian Trail Improvement District (ITID) Paving Projects;

B) APPROVED
Budget Transfer of \$50,000 in the MSTU District-B Fund from Reserves to ITID Paving Projects; and

C) APPROVED **R-2003-1322**
Funding Agreement with (ITID) for specific paving improvements under the Palm Beach County (County) Program.

REVISED SUMMARY: This Agreement provides for the County to utilize the MSTU Program to fund ... ITID will contract to construct the improvements and continue to maintain the roads after improvements are completed. The expended on the improvements. (Typically the roads would become County maintained, but since these would not be built to our standards, the district will continue to maintain.) District 6 (ME) (Eng)

121st Terrace North, from Orange Grove Boulevard to 40th Street North (\$ 50,000)
87th Lane North, from Mandarin Boulevard east to the L-Canal (\$ 50,000)
Hall Boulevard, from Orange Boulevard to 60th Street North (\$ 135,000)
82nd Lane North, west of Hall Boulevard (\$ 25,000)
ITID will construct the improvements and continue to maintain the roads after improvements are completed. The County will assess benefitting properties for fifty percent (50%) of MSTU funds expended on the improvements. District 6 (ME)

D. COUNTY ATTORNEY

1. **DELETED**
Staff recommends motion to approve: execution of the Appointment of Successor Remarketing Agent, appointing Merchant Capital, LLC as successor remarketing agent for the \$7,650,000 Palm Beach County, Florida, Variable Rate Demand Industrial Development Revenue Bonds Series 1996 (Palm Beach Bedding Company Project) (the "Bonds"). **SUMMARY:** Wachovia Bank, National Association ("Wachovia") has submitted its resignation as the remarketing agent for the Bonds as allowed under Section 12.1(d) of the Trust Indenture dated as of April 1, 1996 (the "Indenture"). Pursuant to the said Section 12.1(d) of the Indenture, Palm Beach County, as issuer of the Bonds, appoints the successor remarketing agent. The parties to the Bonds have requested that Merchant Capital, LLC ("Merchant Capital") be appointed as the successor remarketing agent for the Bonds, and Merchant Capital has agreed to accept such appointment. The appointment of Merchant Capital as successor remarketing agent requires formal action by the Board's approval of the attached Appointment of Successor Remarketing Agent. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** District 1 (PFK)

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3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

2. **DELETED**
Staff recommends motion to approve: execution of the Appointment of Successor Trustee,

appointing U.S. Bank, N.A. as successor remarketing agent for the \$7,650,000 Palm Beach County, Florida, Variable Rate Demand Industrial Development Revenue Bonds Series 1996 (Palm Beach Bedding Company Project) (the "Bonds"). **SUMMARY:** Wachovia Bank, National Association ("Wachovia") has submitted its resignation as the remarketing agent for the Bonds as allowed under Section of the Trust Indenture dated as of April 1, 1996 (the "Indenture"). Pursuant to the said Section 10.16 of the Indenture, Palm Beach County, as issuer of the Bonds, appoints the successor remarketing agent. The parties to the Bonds have requested that U.S. Bank, N.A. ("U.S. Bank") be appointed as the successor trustee for the Bonds, and U.S. Bank has agreed to accept such appointment. The appointment of U.S. Bank as successor trustee requires formal action by the Board's approval of the attached Appointment of Successor Trustee. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** District 1 (PFK)

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

A) APPROVED R-2003-1323
a Settlement of all claims against the County, upon payment of \$1,000,000, inclusive of attorneys' fees and costs, and

B) APPROVED R-2003-1324
a Settlement of all claims for contribution by the County against the University of Florida, upon receipt of \$100,000, inclusive of attorneys' fees and costs, in the wrongful death action styled Bruce Tucker, as Personal Representative of the Estate of Leo B. Tucker, Deceased, v. Palm Beach County, Florida, Case No. CL 02-13738 AO.

SUMMARY: This is a wrongful death action brought by a son, as Personal Representative, on behalf of himself, his mother and his four siblings for the death of his father, Leo Tucker. Mr. Tucker was killed in an automobile accident on October 29, 2001, when his car was hit by a County vehicle. The driver of the County vehicle was a joint employee of the County and the University of Florida. Staff, including the Risk Management Roundtable Committee, agree that both settlements are in the best interest of the County. Countywide (AJM)

4. **APPROVED R-2003-1325**
Staff recommends motion to approve: Amendment No. 4 to the Agreement (R98-2076D) with the law firm of Ruden McClosky Smith Shuster & Russell, P.A., to provide bond counsel and related legal services for the proposed refunding of all of the outstanding Public Improvement Recreation Facilities Revenue Bonds, Series 1994. **SUMMARY:** The law firm was selected as bond counsel for the above financing by the Board at the August 19, 2003 meeting. This Amendment confirms that selection by amending the existing Agreement for bond counsel and related services between Palm Beach County and the law firm. Payment for the legal services in connection with bond issuance will be as provided for in the Agreement. Countywide (PFK)

5. **APPROVED R-2003-1326**
Staff recommends motion to receive and file: executed "Amendatory Agreement" for the \$8,500,000 Palm Beach County, Florida Multi-Mode Airport Revenue Bonds (Jet Aviation Project - Series 1999) (the "Bonds"). **SUMMARY:** The Amendatory Agreement authorized a letter of credit substitution for the Bonds. It was executed by the Chair as permitted by the Bonds. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** Countywide (PFK)

SEPTEMBER 9, 2003

3. **CONSENT AGENDA APPROVAL**

E. COMMUNITY SERVICES

1. **APPROVED R-2003-1327**
Staff recommends motion to approve: Early Head Start Provider Agency Contract with Family Central, Inc. in an amount not-to-exceed \$111,479 for the period September 1, 2003

through August 31, 2004. **SUMMARY:** Family Central, Inc. will recruit, contract and maintain four (4) licensed Family Child Care Home providers in Belle Glade, Pahokee and South Bay for the Early Head Start program for a total of 16 children (ages 0-36 months). Family Central, Inc. will be reimbursed at a rate of \$23.27 per child per day, for 16 children that are approved for subsidized child care for a maximum of 251 days. Reimbursement costs for postage, mileage, training, conferences and substitutes shall not exceed \$18,026. Funding is comprised of \$89,183 (80%) Federal and \$22,296 (20%) County for a total of \$111,479. This contract spans two fiscal years. The County funds are included in the current FY 2003 budget and the tentative FY 2004 budget. (Head Start) Countywide (TKF)

2. **APPROVED** **R-2003-1328**

Staff recommends motion to approve: an Early Head Start Provider Agency Agreement with Maternal Child Family Health Alliance (MCFHA) in an amount not-to-exceed \$60,000 for the period September 1, 2003 through August 31, 2004. **SUMMARY:** The Early Head Start Program provides ongoing well baby and well child health services as established in accordance with the Head Start Act. This Agreement will enable Maternal Child Family Health Alliance (MCFHA) to provide specialized Registered Nurse services in the Early Head Start program for the pregnant women and children (ages 0-36 months) who are in need of services to ensure healthy outcomes. This project will serve approximately 180 infants and toddlers in addition to 18 pregnant women. Funding for this agreement consists of \$48,000 (80%) Federal and \$12,000 (20%) County. MCFHA is donating the care coordination services. This agreement spans two fiscal years. The County funds are included in the current FY 2003 budget and the tentative FY 2004 budget. (Head Start) Countywide (TKF)

3. **APPROVED** **R-2003-1329**

Staff recommends motion to approve: Contract for Consulting/Professional Services with Multilingual Psychotherapy Centers, Inc. in an amount not-to-exceed \$10,000 to provide mental health services to the Early Head Start program for the period September 1, 2003 through August 31, 2004. **SUMMARY:** This contract will ensure that mental health services are provided to Early Head Start children and families throughout FY 2003-2004. Funds are comprised of \$8,000 Federal (80%) and \$2,000 County (20%). This contract spans two fiscal years. The County funds are included in the current FY 2003 budget and the tentative FY 2004 budget. (Head Start) Countywide (TKF)

4. **APPROVED** **R-2003-1330**

Staff recommends motion to approve: Early Head Start Delegate Agency Agreement with Riviera Beach Housing Authority, d/b/a Ivey Green Village Comprehensive Learning Center to provide Head Start services in an amount not-to-exceed \$170,465 for the period September 1, 2003 through August 31, 2004. **SUMMARY:** Through the use of Early Head Start Delegate Agency agreements, the County is able to leverage its available Federal funds to pay for direct services while the contracted agencies provide the child care facilities. The Ivey Green Village Comprehensive Center will provide services to 22 infants and toddlers/pregnant women/women with newborns and their families at a rate of \$30.87 per child/per day for 251 days. Funding is comprised of \$136,372 (80%) in Federal funds and \$34,093 (20%) in County funds. This agreement spans two fiscal years. The County funds are included in the current FY 2003 budget and the tentative FY 2004 budget. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. **APPROVED** **R-2003-1331**
Staff recommends motion to approve: Amendment No. 002 to Standard Contract No. IC002-1 (R2002-1043; dated July 9, 2002) for the Community Care for the Elderly (CCE) program increasing the contract amount by \$3,652 for a total not-to-exceed \$884,457 with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2002 through June 30, 2003. **SUMMARY:** The Division of Senior Services (DOSS) is receiving additional grant funds to provide an additional 443 hours of Adult Day Care services to assist individuals who have been identified as potential Medicaid Waiver participants. The grant increase requires \$406 in County matching funds, which are currently budgeted. DOSS must ensure that authorized services do not exceed this spending agreement. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. provides CCE services under a similar grant from AAA. (DOSS) Countywide except for portions of District 3,4,5, and 7 south of Hypoluxo Road (TKF)
6. **APPROVED** **R-2003-1332**
Staff recommends motion to ratify: the Chair's signature on the Child Care Food Program contract with the Florida Department of Health (DOH) in the amount of \$902,839 for the period October 1, 2003 through September 30, 2004. **SUMMARY:** This contract will enable the Head Start Program to participate in the FY 2003/2004 Child Care Food Program(CCFP) by providing 909 infants, toddlers and children with breakfast, lunch, and a snack each day. Head Start staff projects reimbursement of \$527,598 from the Department Of Health (DOH), and required County support of \$375,241. Additional County support of \$32,965 is required to feed 34 children housed at the Easter Seal facility who are not covered by the contract. The total amount for the fiscal year is \$935,804. The application was received at the DOH training workshop on August 8, 2003 and did not allow time to process through the regular BOCC agenda process and meet the deadline to return the application by August 19. The County funds are included in the proposed FY 2004 budget. (Head Start) Countywide (TKF)
7. **APPROVED** **R-2003-1333**
Staff recommends motion to approve: Early Head Start Provider Agency Agreement with Education Development Center, Inc.,(d/b/a My First Steps Preschool) to provide Early Head Start services in an amount not-to-exceed \$118,660 for the period September 1, 2003 through August 31, 2004. **SUMMARY:** Through the use of provider contracts, the County is able to leverage its available Federal funds to pay for direct services while the contracted agency provides the child care facilities. Education Development Center, Inc. will provide Early Head Start services to 16 infants and toddlers for 250 days at \$29.54 per day. Also, included is a \$500 reimbursement for telephone installation and service to be used by an on-site Early Head Start Family Service Specialist. Funding includes \$94,528 (80%) in Federal funds and \$23,632 (20%) in County funds. The agreement spans two fiscal years. The County funds are included in the current FY 2003 budget and the tentative FY 2004 budget. (Head Start) Countywide (TKF)
8. **APPROVED** **R-2003-1334**
Staff recommends motion to ratify: the Chair's signature on the FY 2003-2004 Community Services Block Grant (CSBG) application with the State of Florida Department of Community Affairs for the period October 1, 2003 through September 30, 2004. **SUMMARY:** The FY 2003-2004 Community Services Block Grant consists of \$774,738 in Federal funds with a required match of \$154,948 (20%). These funds will enable the PBC Community Action Program to provide countywide services to 4,000 households in the areas of housing, self-sufficiency, back-to-school assistance, utility bills, community garden projects, transportation of kidney dialysis patients, income tax assistance and summer camp scholarships. (Community Action Program) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

9. **APPROVED** **R-2003-1335**
Staff recommends motion to approve: Amendment No. 1 to contract (R2003-0600; dated May 6, 2003) with Comprehensive AIDS Program of Palm Beach County, Inc. to decrease funding for Emergency Housing Services by \$30,000 and fund Transitional Housing Services for the period March 1, 2003 through February 29, 2004. **SUMMARY:** Comprehensive AIDS Program of Palm Beach County, Inc. will decrease Emergency Housing Services by \$30,000 for a new total not-to-exceed \$85,000. Transitional Housing services will be initiated with the \$30,000 because of the greater need for this type of housing. No County funds are required. (Ryan White Comprehensive AIDS Program) Countywide (TKF)

F. AIRPORTS

1. **APPROVED** **R-2003-1336**
Staff recommends motion to approve: Third Amendment to the Lease and Concession Agreement for the food and beverage concession with Host International, Inc. (Host) at Palm Beach International Airport (PBIA) providing for 215.67 square feet of Type 2 office space effective September 9, 2003. **SUMMARY:** On August 18, 1998, the Board approved the Lease and Concession Agreement (R98-1293D) with Host to operate the food and beverage concession at PBIA. This Amendment provides for Host to lease 215.67 square feet of Type 2 office space, located in the terminal building at PBIA to accommodate the need for office space for their new Joint Venture Partner. The term of this additional space shall be effective upon execution of this Amendment by the parties through October 17, 2014 with a 30-day cancellation clause by either party. Current monthly rental is \$855.31 with an increase to \$899.34 for FY2004. Countywide (ND)

2. **Staff recommends motion to:**

A) ADOPTED **R-2003-1337**
adopt a Resolution authorizing the lease of certain real property to State of Florida Department of Juvenile Justice pursuant to Section 125.38, Florida Statutes; and providing for an effective date; the Lease Agreement with the State of Florida Department of Juvenile Justice with a commencement date of July 1, 2003 and terminating on June 30, 2008. Initial annual rental of \$236,574 with annual increases of three (3) percent; and

B) APPROVED **R-2003-1337**
approve the State of Florida Department of Management Services Disclosure Statement pursuant to Section 255.2501, Florida Statutes.

SUMMARY: On June 19, 2003, the Board approved a Lease Agreement (R2003-0859) with the State of Florida Department of Juvenile Justice (DJJ) for the lease of 28,921 sf. of building space, associated parking and ground totaling 4.22 acres (Premises) located at 3400 Belvedere Road for the evaluation, processing and treatment of juveniles and administrative offices for a five (5) year term with two(2) five(5) year options to renew. Upon approval of the Lease Agreement by the Board it was forwarded to DJJ for execution. DJJ could not get approval from the State of Florida Department of Management Services because the airport is subject to revenue bonds issued by the County for the airport system. Section 255.2501, Florida Statutes requires leases of property subject to local government obligations to be limited to five years. The prior version of the Lease Agreement with DJJ has been revised to reflect only a five year term. Lease Agreement (R2003-0859) did not become effective because it was never signed by DJJ. Upon approval of the Lease Agreement by the Board, it will be forwarded to DJJ for execution. Countywide (LMB)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. **APPROVED**
Staff recommends motion to approve: Airport Rental Car Lease and Concession Agreements with:

A) **APPROVED** **R-2003-1338**
ANC Rental Corporation d/b/a Alamo and National

B) **APPROVED** **R-2003-1339**
Avis Rent A Car System, Inc.

C) **APPROVED** **R-2003-1340**
Budget Rent A Car System, Inc.

D) **APPROVED** **R-2003-1341**
DTG Operations, Inc. d/b/a Dollar Rent A Car

E) **APPROVED** **R-2003-1342**
Enterprise Leasing Company

F) **APPROVED** **R-2003-1343**
South Florida Transport, Inc. d/b/a Thrifty Car Rental

G) **APPROVED** **R-2003-1344**
The Hertz Corporation

All agreements are effective October 1, 2003 through September 30, 2008 for the operation of an airport rental car concession including the leasing of terminal facilities and payment to the County of \$37,943,201 as a total Minimum Annual Guarantee (MAG) during the term of the agreements.

SUMMARY: On April 20, 2003, a notice of solicitation for competitive bids (No. 03-113/TS) for the airport rental car concession was issued. The concession provides for seven (7) rental car companies to operate as airport concessionaires, and to lease reservation counter and office areas within the terminal. In response, seven (7) bids were received by the Purchasing Department on June 12, 2003. The concession fees payable to the County are equal to the greater of either the MAG to be paid during the five (5) year term of the agreement, as bid by the concessionaires, or ten percent (10%) of annual gross revenues. A fifteen percent (15%) DBE participation goal has been established for the concession. Documentation of each concessionaire's good faith efforts will be submitted annually. Countywide (GPS)

3. **CONSENT AGENDA APPROVAL**

F. **AIRPORTS (Cont'd)**

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

A) APPROVED R-2003-1345
Agreement To Renew Development Site Lease Agreement with ANC Rental Corporation for 208,652 square feet of ground area used for the purpose of developing a rental car service and administrative facilities commencing October 1, 2003 and terminating on September 30, 2008; and

B) APPROVED R-2003-1346
Agreement To Renew Airport Ground Lease Agreement with ANC Rental Corporation for 220,413 square feet of unimproved land for compensating storage commencing October 1, 2003 and terminating on September 30, 2008.

SUMMARY: The Department of Airports and ANC Rental Corporation desire to exercise the first option to renew the Development Site Lease Agreement dated December 7, 1993 (R93-1587D) and Airport Ground Lease Agreement dated December 7, 1993 (R93-1586D) ("Leases") commencing October 1, 2003 and terminating on September 30, 2008. These Leases provide for the option to renew for up to two (2) consecutive five (5) year periods upon the mutual consent of both the County and ANC. Approval assures the Department of Airports continuation of rental revenue for the Leases equating to \$339,870 from October 1, 2003 to September 30, 2004 with a rental adjustment resulting from the October 1, 2004 reappraisal process. Countywide (LB)

5. **APPROVED R-2003-1347**
Staff recommends motion to approve: an Agreement to purchase the following property at a total cost of \$144,849. Said property is located West of Runway 9L at Palm Beach International Airport:

Luc Michel Jean, Yolene Prevalus, Lucienne Dorisca 4938 Lynnwood Drive West Palm Beach, FL 33415	Parcel W-232
Sales Price	\$128,000
Replacement Housing	\$ 16,849

SUMMARY: The above property is being acquired in accordance with Palm Beach International Airport's approved Part 150 Noise Compatibility Study, which recommended the acquisition of property. Countywide (GPS)

3. **CONSENT AGENDA APPROVAL**

F. **AIRPORTS (Cont'd)**

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

A) APPROVED R-2003-1348
Airport Consent To Assignment of an Airport Rental Car Lease and Concession Agreement dated September 9, 2003 with ANC Rental Corporation d/b/a Alamo and National to Vanguard Car Rental USA, Inc.;

B) APPROVED R-2003-1349
Airport Consent To Assignment of a Development Site Lease Agreement dated December 7, 1993 with ANC Rental Corporation (R93-1587D) to Vanguard Car Rental USA, Inc.; and

C) APPROVED R-2003-1350
Airport Consent To Assignment of an Airport Ground Lease Agreement dated December 7, 1993 with ANC Rental Corporation (R93-1586D) to Vanguard Car Rental USA, Inc.

SUMMARY: ANC Rental Corporation, d/b/a/ Alamo and National (ANC) petitioned the Bankruptcy Court on August 6, 2003, seeking approval to assign its rights under their Airport Rental Car Lease and Concession Agreement, Development Site Lease Agreement and an Airport Ground Lease Agreement to Vanguard Car Rental USA, Inc. ("Vanguard"), Bankruptcy Case No. 01-11200-MFW. Under the terms of the ANC agreements with the County, written consent by the County is required prior to an assignment. A closing between ANC and Vanguard is scheduled on September 30, 2003. ANC and Vanguard are requesting the County's consent to the assignments prior to closing. With the Board's consent, through the Assignment and Assumption Agreements, Vanguard will continue to provide the Alamo and National car rental brands at PBIA. Countywide (LB)

G. **OFFICE OF FINANCIAL MANAGEMENT & BUDGET**

1. **APPROVED**
Staff recommends motion to approve: a negotiated Settlement offer in the amount of \$15,000 for full satisfaction of a Code Enforcement Lien that was entered against Lee & Sonyia Cornelius on November 15, 1995. **SUMMARY:** The Code Enforcement Board (CEB) entered an Order on September 6, 1995 giving the Corneliuses until November 5, 1995 to correct their cited building code violation. The violation was for the construction of a pole barn without a permit. The cited violations were not fully corrected by the ordered date and a fine of \$250 per day was imposed. The Code Enforcement Special Master entered a claim of lien against the Corneliuses on November 15, 1995. The cited code violations were corrected as of February 22, 1996 when the permit was issued. The accumulated fines and interest, through June 30, 2002, the date on which settlement discussions began, totaled \$45,228.86 (\$27,250 + \$17,978.86) of which Mr. Cornelius has agreed to pay the County \$15,000 (33.2%) for full settlement of his outstanding Code Enforcement Lien. District 6 (PM)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET (Cont'd)

2. APPROVED

Staff recommends motion to approve: a negotiated Settlement offer in the amount of \$60,000 for full satisfaction of a Code Enforcement Lien that was entered against Michael J. & Debra L. Thomas on January 21, 1997. **SUMMARY:** The Code Enforcement Special Master (CESM) entered an Order on October 2, 1996 giving the Thomases until December 31, 1996 to correct their cited code violations which involved the conversion of a screened room into a family room without proper permits and inspections and a hedge exceeding 8 feet in height. The cited code violations were not fully corrected by December 31, 1996 and a fine of \$75 per day was imposed. The CESM entered a claim of lien against the Thomases on January 21, 1997. The cited violations were fully corrected as of November 2, 2001 by the subsequent owner of the subject property after the Thomases. The accumulated fines, interest, and case costs through June 7, 2002, the date which settlement discussions began, totaled \$180,570.55 (\$132,525 + \$48,004.21 + \$41.34) of which the title insurance company who represents the current owner has agreed to pay the County \$60,000 (33.2%) for full settlement of this outstanding Code Enforcement Lien. District 3 (PM)

3. APPROVED

Staff recommends motion to approve: a negotiated Settlement offer in the amount of \$10,000 for full satisfaction of a Code Enforcement Lien that was entered against Marion C. McGaugh on September 27, 1999. **SUMMARY:** The Code Enforcement Special Master (CESM) entered an Order on March 3, 1999 giving Marion C. McGaugh until September 3, 1999 to correct her cited building code violation. The violation was for an expired building permit for the conversion of a carport into a storage unit. The cited violations were not fully corrected by the ordered date and a fine of \$50 per day was imposed. The Code Enforcement Special Master entered a claim of lien against Marion McGaugh on September 27, 1999. The daily code fine stopped accruing on June 22, 2000, which is the date the property was annexed into the Village of Palm Springs. The accumulated fines, interest, and case costs through August 18, 2003, the date on which settlement discussions began, totaled \$20,142.25 (\$14,650 + \$5,411.46 + \$80.79) of which Ms. McGaugh and the buyer of the subject property have agreed to pay the County \$10,000 (49.6%) for full settlement of her outstanding Code Enforcement Lien. District 3 (PM)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET (Cont'd)

4. **APPROVED**

Staff recommends motion to approve: a negotiated Settlement in the amount of \$50,000 for full satisfaction of two (2) Code Enforcement Liens that were entered against Thomas C. Charnock on March 26, 1996 and March 27, 1997. **SUMMARY:** The Code Enforcement Board (CEB) (1996 lien) and the Code Enforcement Special Master (CESM) (1997 lien) entered two orders against Mr. Charnock and his properties. The first order was entered on March 6, 1996, for Mr. Charnock to bring his properties into full compliance with County building codes. This order gave Mr. Charnock until March 7, 1996 to cease operation of his beekeeping business and terminate electric service, and an additional six months to repair a dilapidated structure and remove all the items improperly being stored on the property. The violations were not corrected by the ordered compliance dates and a \$150 per day fine began March 7, 1996 for the business and electric violations, and another \$100 per day fine began to accrue on September 9, 1996 for the building and storage violations.

The CESM entered a second order against Mr. Charnock and his properties on March 5, 1997. This Order was for open storage of a vehicle in excess of one (1) ton and a trailer improperly being stored on another parcel of property owned by Mr. Charnock. This order gave Mr. Charnock until March 15, 1997 to correct this violation or a fine of \$50 per day would be imposed. The cited violation was not fully corrected by the ordered compliance dates and fines began to accrue accordingly.

The CEB entered a claim of lien against Mr. Charnock on March 26, 1996 and the CESM on March 27, 1997 for the respective violations. The cited violations were fully corrected as of May 15, 1999 (1996 order) and April 1, 1997 (1997 order). The accumulated fines, interest, and case costs through May 30, 2003, the date on which settlement discussions began, totaled \$448,230 (\$273,550 + \$174,542.91 + \$137.09) of which Mr. Charnock has agreed to pay the County \$50,000 (11.2%) for full settlement of his two (2) outstanding Code Enforcement Liens. The settlement set forth above is contingent on the sale by Mr. Charnock of another property in Jupiter to the County in September, 2003 and providing clear title of same to the County. District 2 (PM)

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

A) **APPROVED**

Downward Budget Amendment of \$162,000 in the Criminal Justice Trust Fund (Fund 124); and

B) **APPROVED**

Budget Transfer of \$162,000 in the General Fund (Fund 001) to Court Administration for Competency Examinations.

SUMMARY: Budget for Competency Examinations was transferred from the Public Defender to Court Administration during the FY 2003 budget development process. The budget established in Court Administration was predicated on historical costs, but due to the unanticipated increase in exams, Court Administration has a budget deficit, and is requesting \$162,000 to carry them through the end of the fiscal year.

The BCC approved the Public Defender's indigent representation budget that is fully funded by fees. However, State hiring constraints regarding contracted employees prevented the Public Defender from fully utilizing these funds. As a result, budget of \$137,000 is available for transfer. Another \$25,000 in Building Repair & Maintenance budget, for a total of \$162,000, is available for transfer to Court Administration for Competency Exams. Countywide (TFK)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **APPROVED** **R-2003-1351**
Staff recommends motion to approve: Amendment No. 1 to Contract with S&F Construction, Inc. (R2002-1552) to implement the first renewal of an annual pavilions, shelters and sheds contract with a maximum value of \$300,000. **SUMMARY:** This agenda item is a renewal to the Annual Contract–Pavilions, Shelters and Sheds which was awarded to S&F Construction, Inc. The contractor will continue to perform as an annual pavilion contractor for various pavilion projects. This annual pavilions contract is an indefinite-quantity (work orders) contract and this renewal has a maximum value of \$300,000. The renewal term is twelve (12) months or until \$300,000 in work orders are issued. Staff is bringing forward the amendment at this time based on expiration of the term. The total amount of work orders issued under this contract is \$212,993.01. All terms of the original contract remain in effect. This is the first of two extensions allowed by the Contract. M/WBE participation goals were established at 15% Overall, of which 6% was to be by Black-owned firms. S&F Construction, Inc.’s participation, for work orders issued-to-date, is 21.2% Overall, with the following categorical breakdown: Black: 21.2%; Hispanic: 0.0%; Women: 0.0%. (FD&O Admin) Countywide (JM)

2. **APPROVED** **R-2003-1352**
Staff recommends motion to approve: JOC Work Order No. 03-193 with H.A. Contracting (R2001-0926) in the amount of \$324,864.75 for construction of various site security and building improvements at the Criminal Justice Complex on Gun Club Rd. **SUMMARY:** The work consists of providing a 1320 s.f. metal building and a 132' long x 22' wide metal canopy for vehicle/equipment storage within the existing equipment storage yard. The work also includes the installation of new motorized swing gates and fencing to create a second sallyport to the jail's service court. The work includes associated site work for all three. The M/WBE participation in this work order is 14.7% Overall, of which 14.7% is Black. When the participation for this work order is added to H.A.’s total participation from the original contract date of June 19, 2001, the resulting values are 20.1% Overall, of which 12.8% is Black, 0.6% is Hispanic, and 6.7% is Women. The contractual goals are 20% Overall and 10% Black. The construction duration for this work is 180 days. (FD&O Admin) District 6 (JM)

3. **APPROVED** **R-2003-1353**
Staff recommends motion to approve: Contract with Dunkelberger Engineering & Testing, Inc., to provide environmental assessment services on a continuing contract basis for Facilities Development & Operations Department projects. **SUMMARY:** The purpose of this Contract is to have a consultant pre-selected to provide planning, engineering and related consulting services for Facilities Development & Operations Department efforts to evaluate the developability of existing County-owned property and potential land acquisition parcels. Consultant fees will be negotiated on an individual basis for the identified project. This Contract will be for one (1) year with three (3) one year extension options. This firm will have a minimum 15% SBE participation. (Capital Improvements Division) Countywide (JM)

4. **APPROVED** **R-2003-1354**
Staff recommends motion to approve: Contract with Miller, Legg & Associates, Inc., to provide environmental assessment services on a continuing contract basis for Facilities Development & Operations Department projects. **SUMMARY:** The purpose of this Contract is to have an environmental consultant under contract to provide planning, engineering, and related consulting services for Facilities Development & Operations Department efforts to evaluate the developability of existing County-owned property and potential land acquisition parcels. Consultant fees will be negotiated on an individual basis for each identified project. This contract will be for one (1) year with three (3) one year extension options. This firm will have a minimum 15% SBE participation. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. **APPROVED** **R-2003-1355**
Staff recommends motion to approve: a Corrective County Deed in favor of the City of Boynton Beach, due to a Scrivener's Error. **SUMMARY:** The subject parcel contains .10 acres and is located on NE 12th Avenue within the municipal boundaries of the City of Boynton Beach. On July 11, 2000, the Board approved the conveyance of this property to the City of Boynton Beach (R2000-0946). A Scrivener's Error in the legal description contained in the County Deed has been discovered which is being corrected by issuance of this Corrective Deed. (PREM) District 7 (HJF)

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

A) **APPROVED**
a Statutory Warranty Deed from Binks Estates Limited Partnership;

B) **APPROVED**
a Quit Claim Deed from Binks Estates Limited Partnership; and

C) **APPROVED**
a Quit Claim Deed from the City of Palm Beach Gardens.

SUMMARY: Binks Estates Limited Partnership d/b/a Toll Brothers (Binks) is the developer of Frenchman's Reserve, a residential golf course community in Palm Beach Gardens. Binks is conveying an 80' x 100' parcel to the County which will be combined with the County's existing 1.64 acre Cabana Colony pool property and used for development of a Cabana Colony CCRT neighborhood park. Binks is also donating a 20' x 20' parcel which is located in the middle of the existing County property. The City of Palm Beach Gardens is releasing by Quit Claim Deed any interest in the 80' x 100' parcel which was dedicated to the public by the Frenchman's Reserve plat dedication. The donated parcel is located within the Palm Beach Gardens city limits. The Parks and Recreation Department has obtained an Administrative Approval from Palm Beach Gardens to develop and include the donated parcel as part of the neighborhood park. In 1996, Michael Tiedt and David Lee, both 19 were shot to death in suburban Palm Beach Gardens. A monument in their honor was erected on Toll Brothers' property and will be relocated by Toll Brothers to the 80'x 100' donated parcel. The 80' x 100' property is subject to the Cabana Colony Declaration which restricts the property to residential use and provides for assessments. Because an association has not been formed, no assessments are currently imposed, the County is not paying for the property and will make a minimal investment in it, Staff recommends accepting title subject to the Declaration. (PREM) District 1 (HJF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. **APPROVED** **R-2003-1356**
Staff recommends motion to approve: Amendment 001 to an Agreement (R2001-2022) with the Glades Community Development Corporation, to extend the expiration date from December 31, 2002 to July 31, 2004, for the expenditure of \$147,500 in Community Development Block Grant (CDBG) funds. **SUMMARY:** The amendment provides a nineteen-month extension to the term of the existing agreement for the rehabilitation and historic preservation of the Belle Glade old city hall building. The building which is owned by the City of Belle Glade has been leased to the Glades Community Development Corporation for 50 years. The project was delayed by the hiring process for a qualified historic preservation architect. The project was also delayed while asbestos was abated on the interior of the building, and while additional funding was sought. The agency has been able to secure funding for the completion of Phase I of the project which consists of a conference room, offices, museum space and exterior work. The remainder of the building will be completed in future phases as funding becomes available. **These are Federal funds that require no local match.** District 6 (TKF)

3. CONSENT AGENDA

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. **APPROVED**

Staff recommends motion to approve: a Waiver to exceed the \$10,000 per home limit for lead-based paint related costs in connection with the Property Rehabilitation Program by authorizing:

A) **APPROVED**

\$4,625 in additional funds for Mattie F. Key of unincorporated Palm Beach County;

B) **APPROVED**

\$2,375 in additional funds for Henry L. & Dwynnifer L. Poole of Riviera Beach, and

C) **APPROVED**

\$1,430 in additional funds for Brenda Cleveland of Pahokee.

SUMMARY: On December 11, 2001, the BCC authorized the expenditure of up to \$10,000 per home for lead-based paint related costs in connection with the rehabilitation of homes undertaken under the Property Rehabilitation Program. These homeowners applied under this program, and had their homes inspected revealing the presence of lead-based paint. Bids have been solicited for these applicants for both the rehabilitation of the home and for the removal of lead-based paint hazards. Rehabilitation costs for these applicants are within the applicable limits allowed under the policies for the Property Rehabilitation Program, and rehabilitation funding for these applicants has been approved by HCD's Loan Review Committee, however, the costs related to lead-based paint have exceeded the BCC authorized \$10,000 limit necessitating the approval of the requested additional funds to enable the implementation of these projects. **These are Federal funds that require no local match.** Districts 6 & 7 (TKF)

3. **APPROVED**

Staff recommends motion to approve: Amendment 001 to an Agreement (R2002-1879) with the City of Greenacres, to:

A) **APPROVED**

R-2003-1357

extend the expiration date from September 30, 2003, to April 30, 2004; and provide an additional \$80,000, in Community Development Block Grant (CDBG) funds for street improvements in the City of Greenacres.

SUMMARY: This amendment provides an additional \$80,000 to complete the street improvements on Swain Boulevard north of 10th Avenue North in the City of Greenacres. The project initially received \$100,000 in funding. The City has received bids for the project, with the lowest bid being at \$237,569. The City is funding the engineering fees for the project and has agreed to fund the shortfall of \$57,569, towards the construction contract. The time extension is needed to allow the completion of the project. **These are Federal funds that require no local match.** District 2 (TKF)

SEPTEMBER 9, 2003

3. CONSENT AGENDA

J. PLANNING, ZONING & BUILDING

1. **ADOPTED** **R-2003-**
Staff recommends motion to adopt: Resolution assessing costs for abatement of nuisance pursuant to Palm Beach County Amendments to the Florida Building Code, 2001 Edition, Section 103.5.6, for the following properties:

OWNER’S NAME & SUBJECT PROPERTY

A) APPROVED R-2003-1358
Allen S. Jones
5825 Orange Road
West Palm Beach, FL 33413

B) APPROVED R-2003-1359
George H Cooper Jr.
1198 So Main St/SR 80 Belle Glade
Belle Glade, FL 33430-0760

C) APPROVED R-2003-1360
Lettie & Bernard E. Stephens
4190 Success Street
West Palm Beach, FL 33406

D) APPROVED R-2003-1361
Willi Akerman Est.
2301 Bermuda Drive
West Palm Beach, FL 33406

SUMMARY: The Building Division is responsible for the administration of the County’s Unsafe Building Program. The owners of the properties have been notified of the necessity to abate the unsafe buildings, pursuant to Ordinance 99-9, as amended by Ordinance No. 2002-005, and have failed to do so. Therefore, the County has incurred the initial expense of bringing the subject properties into compliance with the Ordinance and seeks to protect and subsequently recover its interest by filing liens on the subject properties for the appropriate amounts. **A & B) District 6, C) District 2, D) District 3.** (GB)

K. WATER UTILITIES

1. **APPROVED** **R-2003-1362**
REVISED MOTION & SUMMARY: an Interlocal Agreement for Mitigation of Wellfield Impacts with the Lake Worth Drainage District in an amount not-to-exceed ~~\$400,000~~ \$440,000.
SUMMARY: The South Florida Water Management District (SFWMD) recently granted a 20-Year Water Use Permit (No. 50-00135-W) to the Water Utilities Department. This Permit requires that the County enter into a formal agreement with the Lake Worth Drainage District (LWDD) to install a new storm water pump station on the SFWMD C-51 Canal. This pump station will be utilized to recharge the LWDD Equalizer Canal No. 2, which indirectly recharges the Water Treatment Plant No. 2 wellfield. Under this agreement, the County will pay for the design and construction costs of this new pump station at a cost not-to-exceed ~~\$400,000~~ \$440,000. LWDD will then be responsible for all operations and maintenance expenses through the year 2023 when the County’s 20-Year Water Use Permit expires. District 2 (MJ)

2. **ADOPTED** **R-2003-1363**
Staff recommends motion to adopt: a Resolution amending Resolution No. R2002-1941 for the Summit Area Water Main Extension Improvement Project, reducing the individual assessment from \$46.21 per foot to \$43.33 per foot and reducing the assessable frontage for one parcel. **SUMMARY:** On October 22, 2002, the Board adopted Resolution No. R2002-1941 confirming the Summit Area Water Main Special Assessment. Pursuant to Section 9 of Ordinance No. 2001-0010, property owners are entitled to a reduction in their individual assessment if the final cost of the project falls below the original estimate. The assessment adopted by the Board was based upon an estimated cost of \$613,715.01 and 13,281 lineal feet of assessable frontage, while the final assessable cost is based on \$571,089.40 and 13,180 lineal feet of assessable frontage. The individual cost to the property owners is decreased from \$46.21 per foot to \$43.33 per foot. The assessable front footage for parcel PCN 00-42-44-02-04-000-0082 was reduced from 244 front feet to 143 front feet. (WUD Project No. 01-175) District 6 (MJ)

SEPTEMBER 9, 2003

3. CONSENT AGENDA

K. WATER UTILITIES (Cont’d)

3. **APPROVED** **R-2003-1364**

Staff recommends motion to approve: Consultant Services Authorization No. 15 to the Contract with Mathews Consulting, Inc. (R2002-0573) for an Information Technology Assessment and Master Plan in the amount of \$134,584. **SUMMARY:** This Authorization provides for Mathews Consulting, Inc. to develop an Information Technology (IT) Master Plan for the Water Utilities Department that will analyze automation needs on a utility-wide basis, and create a specific plan to direct future IT initiatives. The Master Plan will define needs, costs, benefits, functional characteristics, implementation schedules, and staff implications of existing and proposed IT infrastructure. The contract with Mathews Consulting, Inc. includes the minority participation goals (2.50% B, 2.50% H, 56.00% W, and 2.50% O) established by the Palm Beach County M/WBE Ordinance (No. 93-28, as amended). This consultant services authorization includes 13.48% overall participation (13.48% W). The consultant's cumulative M/WBE participation, including this authorization, is 51.47% overall (5.97% B, 1.436% H and 44.07% W). (WUD Project No. 01-184) Countywide (JM)

4. **APPROVED** **R-2003-1365 THROUGH R-2003-1367**

Staff recommends motion to approve: Settlement Offers with the Florida Department of Environmental Protection in the collective amount of \$3,500. **SUMMARY:** The Florida Department of Environmental Protection (FDEP) recently cited the Water Utilities Department (Department) for four minor rules infractions. Two of the instances involved clerical errors where tests were properly taken and passed, but were inadvertently left off the regulatory reporting forms. The last two instances involved a minor wastewater spill at a wastewater lift station that was caused by mechanical failure and loss of electricity during a lightning storm. The Department provided FDEP with documentation to show that the Department acted in good faith on the testing, and that the wastewater spills were caused by an acts of God, but FDEP has held firm on its position. The Department doesn't agree that these events warrant the assessment of penalties, but recommends approval of these Settlement Offers since this would be less expensive than proceeding with an Administrative Hearing. The County Attorney's Office concurs with this recommendation. Execution of these Settlement Offers does not constitute an admission of liability on behalf of the County. Countywide (MJ)

 L. **ENVIRONMENTAL RESOURCES MANAGEMENT**

1. **APPROVED** **R-2003-1368**

Staff recommends motion to approve: Task Order 0488-07 to a continuing Contract with Applied Technology & Management, Inc. (ATM) to provide professional services for estuarine resource mapping and change analyses of coastal Palm Beach County in the amount of \$87,980.53. **SUMMARY:** Task Order 0488-07 to the continuing Contract (R2002-0488) allows ATM to provide analyses, maps and digital orthophotographs of the County's estuaries that identify shoreline characteristics, submerged habitats and changes between 1985 and 2002. The professional services Contract has a Minority/Women Business Enterprise (M/WBE) goal of 12%. The cumulative M/WBE participation including this Task Order is 22%. Due to the specialized nature of the work and the limited number of qualified subcontractors available to perform this work, ATM will not achieve any M/WBE participation on this Task Order. The Contract is effective through April 1, 2004. Districts 1, 2, 3, 4, 7 (ND)

3. CONSENT AGENDA

 L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. **APPROVED** **R-2003-1369**
Staff recommends motion to approve: Second Term Permit Interlocal Agreement with the Northern Palm Beach County Improvement District (NPBCID) effective upon NPBCID execution through November 17, 2007 for services under the National Pollutant Discharge Elimination System (NPDES) permit with the Florida Department of Environmental Protection (DEP). **SUMMARY:** On June 4, 2002, the Board of County Commissioners (BCC) approved an interim First Amendment for Extension of Term (R2002-0916) to the Interlocal Agreement No. R98-950D with the NPBCID for NPDES activities. The extension was required because DEP, which was delegated NPDES responsibilities from the Environmental Protection Agency (EPA), had not completed the new five (5) year permit for all group permittees. This new Interlocal Agreement replaces that amended agreement. The NPBCID will conduct lead permittee activities for all co-permittees including the County. The County will conduct sampling activities on behalf of NPBCID and the co-permittees. The Interlocal Agreement is effective upon execution by the NPBCID and expires November 17, 2007, with an automatic one (1) year renewal, if required. Countywide (ND)

 M. PARKS & RECREATION

1. **APPROVED** **R-2003-1370**
Staff recommends motion to approve: Agreement with the Loxahatchee River Historical Society, Inc. (Society), in an amount not-to-exceed \$60,000 for design services associated with the renovation of the DuBois Pioneer Home. **SUMMARY:** On December 18, 2001, the Board authorized submission of a Florida Department of State - Division of Historical Resources grant application in the amount of \$30,000 for design services associated with the Dubois Pioneer Home (R2001-2211). The grant was approved and the Project Agreement was fully executed (R2002-1932). A budget amendment in the amount of \$30,000 was previously established within the Park Improvement Fund for this grant and for \$30,000 from District 1 Recreation Assistance Program reserves, which is the match for the State grant. District 1 (ND)

2. **Staff recommends motion to:**

A) **AUTHORIZED** **R-2003-1371**
authorize Submission of a Florida Recreation Development Assistance Program (FRDAP) grant application to the State of Florida Department of Environmental Protection (DEP) requesting \$200,000 for the Phase I development project at Burt Reynolds Park;

B) **AUTHORIZED**
authorize Signature of the grant Project Agreement and other standard state grant for ms related to this project by the County Administrator or his designee, if the grant is approved by DEP; and

C) **APPROVED**
approve Budget Amendment of \$200,000 within Park Improvement to establish grant if approved.

SUMMARY: Approval is needed to submit the attached grant application to the State of Florida Department of Environmental Protection (DEP). The application requests \$200,000 of the total project cost of \$400,000 from the Florida Recreation Development Assistance Program (FRDAP). If the grant is approved, it will be matched with \$200,000 from Park Impact Fees - Zone 1. The Burt Reynolds Park Phase I development project includes construction of a new boat dock, 40 new car/boat trailer parking spaces, a group picnic shelter and associated picnic tables and grills, a volleyball court and horseshoe pits, and a children's play area. Development of approximately 150 feet of the Riverwalk Trail is also included so that the new park improvements are not demolished later when Trail construction begins in this area. Other improvements contained in this grant include a new restroom, security lighting and associated landscaping to the project area. District 1 (ND)

3. CONSENT AGENDA

M. **PARKS & RECREATION (Cont'd)**

3. **APPROVED** **R-2003-1372**
Staff recommends motion to approve: Agreement with Tradewinds Foundation, Inc., a Florida non-profit organization, to develop and implement sailing programs for people with disabilities, for the period September 9, 2003, through September 8, 2004. **SUMMARY:** This agreement provides for the development and implementation of sailing instruction and competition for citizens with disabilities in Palm Beach County. The Tradewinds Foundation will provide matching salary of \$7,500, and training expenses not-to-exceed \$500 for a total of \$8,000 for the first year. In addition The Tradewinds Foundation will loan the County boats and equipment estimated at \$31,600. The County will provide supervision of program, instructors, and matching salary of \$7,500, docks and a storage area within the County Park system. This agreement is for one year with the option to renew on an annual basis if agreed upon by both parties. District 3 (ND)

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

A) APPROVED R-2003-1373
Agreement with Boca Raton's Promise - The Alliance for Youth, Inc., in an amount not-to-exceed \$7,500, for funding of the Intergenerational Theatre Arts Program for the period September 9, 2003 through September 9, 2004; and

B) APPROVED
Budget Transfer of \$5,000 within the Park Improvement Fund from Reserves for District 4 and \$2,500 within the Park Improvement Fund from Reserves for District 5 to Boca Raton's Promise/Arts Program.

SUMMARY: Boca Raton's Promise is providing the Intergenerational Theatre Arts Program to teach adults to provide training to volunteers to implement future after-school, summer, and weekend intergenerational community theatre programs at local sites. Expenses eligible for reimbursement include a program coordinator salary, stipend for a theatre trainer/writer, and insurance. The Agreement allows for the reimbursement of Pre-Agreement expenses subsequent to June 1, 2003. Funding is from Recreation Assistance Program (RAP) reserves. Districts 4 and 5 (ND)

5. **APPROVED**
Staff recommends motion to approve: Budget Transfer of \$25,000 within the Park Improvement Fund from Reserves for District 5 to Special Olympics Gymnasium and Art Center. **SUMMARY:** This budget transfer provides \$25,000 from District 5 Recreation Assistance Program Reserves, for funding of design and construction costs associated with the Special Olympics Gymnasium and Art Center. District 5 (ND)

6. **DELETED**

N. LIBRARY

1. **APPROVED R-2003-1374**
Staff recommends motion to approve: an Application/Agreement to the Florida Department of State, Division of Library and Information Services, for State Aid to Libraries in an estimated amount of \$1,819,030 for FY 2004 for the benefit of The Library Cooperative of the Palm Beaches. **SUMMARY:** The State provides an annual operating grant to eligible libraries based upon their annual operating expenditures from local funds. The estimated prorated shares of State Aid to Cooperative member libraries, including administrative charges paid by the municipalities to the County Library, are: County Library = \$1,614,106; Boynton Beach = \$96,191; Lake Park = \$15,520; Lake Worth = \$28,622; Lantana = \$9,271; Palm Springs = \$26,666; and Riviera Beach = \$28,654. The municipalities of Delray Beach and West Palm Beach will apply directly for State Aid per in accordance with recent changes to Chapter 257, Florida Statutes. Estimated State Aid revenue has been included in the County Library's FY 2004 proposed budget. Countywide (TKF)

3. CONSENT AGENDA

S. FIRE RESCUE

1. **APPROVED** **R-2003-1375**
Staff recommends motion to approve: a Grant Agreement with the Solid Waste Authority of Palm Beach County (SWA). **SUMMARY:** On August 20, 2003, the SWA approved a grant agreement with the County that will provide \$1,442,000 to Palm Beach County Fire Rescue (PBCFR) to fund the Regional Hazardous Materials Response Teams (Response Teams). The revenue from the grant will be recorded in FY 2003 and will be used to off-set future PBCFR's costs for the two County response teams as well as the municipal Response Teams in West Palm Beach, Delray Beach, and Boca Raton. Countywide (SGB)

U. INFORMATION SYSTEM SERVICES

1. **APPROVED** **R-2003-1376**
Staff recommends motion to approve: Contract with Computer Associates to provide for additional training on the newly acquired Harvest software, at a one-time cost of \$7,600. **SUMMARY:** ISS acquired Computer Associate's Harvest software package in May, 2003 (R2003-0720 through 0723). Harvest is a tool to facilitate code management and production control requirements for County applications. Some training was included in the contract for purchase of the software. The software has been installed, issues evolving from specific elements of the County's IT environment have been addressed, and integration with existing applications has begun. It has been determined that additional training will be needed to insure a sufficient product knowledge base to optimize the benefits of the tool. Countywide (PK)

AA. PALM TRAN

1. **APPROVED** **R-2003-1377**
Staff recommends motion to approve: First Amendment to Contract with The Bench Press Ltd. Incorporated (R2000-1931) for bus bench advertising. **SUMMARY:** Under contract with the County, The Bench Press Ltd., Incorporated, provides bus benches at Palm Tran bus stops. In return for maintaining and collecting the trash at the benches, the contract allows the Company to place advertising on the benches with the County receiving a portion of the revenue. Due to the heat retained by the original bench color and design, the County and the Contractor now desire to amend the Contract to require the Contractor to provide benches that are lighter in color and more heat resistant and remove benches previously installed by the Contractor. In addition, the amendment would require the Contractor to coordinate the removal of benches with any successor contractor for a six (6) month period following the termination of the Contract and eliminate the County's current option to purchase the benches. Countywide (DR)

2. **Staff recommends motion to:**

A) **ADOPTED** **R-2003-1378**
adopt a Resolution approving a Florida Department of Transportation (FDOT) Supplemental Joint Participation Agreement (JPA) FM No. 41095918401 amending the original agreement by increasing the total amount to \$945,000 (a \$595,000 increase - State funds) to provide additional funding for Commuter Bus Service from Belle Glade to Clewiston for Years 2 and 3 of the Grant; and

B) **APPROVED**
approve a downward Budget Amendment of \$385,000 in Palm Tran's Grant fund to reconcile the Fiscal Year 2004 budget to the actual Fiscal Year 2004 award amount.

SUMMARY: FDOT is providing a supplemental grant of \$595,000 (100% state funds, no match required) from the Public Transit Service Development Program to continue with Years 2 and 3 of Palm Tran's Commuter Bus Service from Belle Glade to Clewiston. In March 2002, FDOT executed the original JPA (R2001-2225) making available state funds for the (Year 1) Demonstration Period; service started on October 1, 2002. If successful after the third year, the service will need to be funded from local funds. No local share will be required for Years 2 and 3 of this project. The project will be evaluated using the Palm Tran Service Guidelines approved by the BCC in August 1999. Countywide (DR)

3. CONSENT AGENDA

AA. PALM TRAN (Cont'd)

3. **APPROVED** **R-2003-1379**
Staff recommends motion to approve: a Florida Commission for the Transportation Disadvantaged (FCTD) Trip and Equipment Supplemental Agreement in the amount of \$1,781,728 for FY 2004 to provide non-sponsored trips in accordance with the Transportation Disadvantaged Trust Fund in Chapter 427 and Florida Statutes Rule 41-2 Florida Administrative Code. **SUMMARY:** In an effort to reduce paperwork, the FCTD has issued a supplemental agreement, extending the terms and conditions of the FY 2003 Trip and Equipment Grant Agreement, and provided an additional \$1,781,728 of state funds for FY 2004. The County's share required for this state grant is \$197,879 and is already included in Palm Tran's proposed FY 2004 budget. Countywide (DR)

BB. SHERIFF

1. **APPROVED**
Staff recommends motion to approve: Budget Transfer of \$163,999 from the Law Enforcement Trust Fund (LETF) (108) to the Palm Beach County Sheriff's Office for the purchase of 220 Model X-26 tasers. **SUMMARY:** The PBSO is requesting funds to purchase 220 Model X-26 tasers. The tasers will be dispersed to deputy sheriffs throughout the agency and will serve as a tool to bridge the gap between non-lethal and lethal force. Law enforcement agencies that utilize tasers have reported a considerable improvement in the reduction of injuries to both deputies and suspects. Furthermore, law enforcement officers who have used tasers have noticed an increased deterrent rate. The deterrent effect has been most apparent in high crimes areas where repeated law enforcement responses are necessary to restore order or effect arrest. Individuals who come in contact with the taser are less likely to resist arrest during subsequent encounters with law enforcement. This request will reduce the Law Enforcement Trust Fund balance to \$555,925. Countywide (DW)

2. **APPROVED**
Staff recommends motion to approve: Budget Transfer of \$10,000 from the Law Enforcement Trust Fund (LETF) (108) to the Palm Beach County Sheriff's Office for a donation to support the efforts of the School of Criminology at Florida State University. **SUMMARY:** Florida Statute 932.7055 requires that no less than 15% of the LETF's previous year's revenues be used for the support or operation of any drug treatment, drug abuse, education, drug prevention, crime prevention, safe neighborhood, or school resource officer program(s). The PBSO's fiscal year 2003 estimated donation requirement is \$103,285. Collectively with this transfer, the PBSO will have donated \$913,799, exceeding the FY2003 requirement of \$103,285. The funds are requested to support the Baccalaureate Education and Law Enforcement Certification program administered by School of Criminology at Florida State University. This program targets undergraduate students who wish to assume entry level law enforcement positions immediately upon graduation. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$545,925. The Sheriff's Office certifies that the use of these funds is in accordance with F.S. 932.7055. Countywide (DW)

CC. COURT ADMINISTRATION

1. **APPROVED** **R-2003-1380**
Staff recommends motion to approve: Grant-in-Aid Agreement with the Office of the State Courts Administrator for the Civil Traffic Infractions Hearing Officer Program in the amount of \$55,022 for the period July 1, 2003 through June 30, 2004. **SUMMARY:** Through the efforts of the Chief Judge and Court Administrator of the 15th Judicial Circuit, the Office of the State Courts Administrator will provide \$55,022 in a Grant-in-Aid pursuant to Specific Appropriation 2989 of the FY2004 General Appropriations Act for the continuation of the Civil Traffic Infraction Hearing Officer Program in Palm Beach County. The required local match of \$55,022 will be provided by the County and is included in the FY2004 budget. Grant funds must be expended by June 30, 2004. Countywide (TKF)

3. CONSENT AGENDA

DD. TOURIST DEVELOPMENT COUNCIL

- 1. **APPROVED** **R-2003-1381**
Staff recommends motion to approve: Second Amendment to Agreement with Discover Palm Beach County, Inc., dba Palm Beach County Convention & Visitors Bureau (Contract R2001-1571) for the provision of services under the County’s Tourist Development Plan. **SUMMARY:** This amendment provides for revisions to certain exhibits (“A”, “E” “F”, “I” and “J”) of the original Agreement, including a new FY 2004 budget, salary ranges, revised performance measures and organizational chart, and the replacement of the MWBE policy with a Small Business Enterprise policy. This will be the third year of the five year agreement and is funded with bed tax revenues (53.6% of the first three cents) in the total annual amount of \$7,619,000. Countywide (MC)

- 2. **APPROVED** **R-2003-1382**
Staff recommends motion to approve: Second Amendment to Agreement with the Palm Beach County Cultural Council, Inc. (Contract R2001-1570) for the provision of services under the County’s Tourist Development Plan. **SUMMARY:** This amendment provides for revisions to certain exhibits (Exhibits “A”, “C”, “D”, “E”, and “H”) of the original Agreement, including a new FY 2004 budget, revised employment student intern policy, performance measures and organizational chart and the replacement of the MWBE policy with a Small Business Enterprise policy. This will be the third year of the five-year agreement and is funded with bed tax revenues (23% of the first three cents) in the total annual amount of \$589,200. Countywide (MC)

- 3. **APPROVED** **R-2003-1383**
Staff recommends motion to approve: Second Amendment to Agreement with the Palm Beach County Film & Television Commission, Inc. (Contract R2001-1572) for the provision of services under the County’s Tourist Development Plan. **SUMMARY:** This amendment provides for revisions to certain exhibits (“A”, “E”, “F”, “I” and “J”) of the original Agreement, including a new FY 2004 budget, salary ranges, revised performance measures and organizational chart and the replacement of the MWBE policy with a Small Business Enterprise policy. This will be the third year of the five year agreement and is funded with bed tax revenues (4% of the first three cents) in the total annual amount of \$451,598. Countywide (MC)

- 4. **APPROVED** **R-2003-1384**
Staff recommends motion to approve: Third Amendment to Agreement with Discover Palm Beach County, Inc., dba Palm Beach County Convention & Visitors Bureau (Contract R2001-1109) for the provision of management services for the Palm Beach County Convention Center. **SUMMARY:** This amendment provides for the replacement of Exhibit “D”, MWBE policy, with a Small Business Enterprise policy. This will be the third year of the five-year Agreement, which is funded with fourth-cent bed tax revenues (plus \$250,000 “off the top” of the first three cents). Countywide (MC)

- 5. **APPROVED** **R-2003-1385**
Staff recommends motion to approve: Second Amendment to Agreement with the Palm Beach County Sports Commission, Inc. (Contract R2001-1573) for the provision of services under the County’s Tourist Development Plan. **SUMMARY:** This amendment provides for revisions to certain exhibits (“A”, “E”, “F”, and “I”) of the original Agreement, including a new FY 2004 budget, revised performance measures and organizational chart and the replacement of the MWBE policy with a Small Business Enterprise policy. This will be the third year of the five-year agreement and is funded with bed tax revenues (5% plus \$250,000 of the first three cents) in the total annual amount of \$584,912. Countywide (MC)

EE. SUPERVISOR OF ELECTIONS

- 1. **APPROVED**
Staff recommends motion to approve: Precinct boundary changes submitted by Theresa LePore, Supervisor of Elections, as required by Section 101.001(1), Florida Statutes. **SUMMARY:** Precinct boundary changes are required to reflect recent municipal annexations. Countywide

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SEPTEMBER 9, 2003

4. SPECIAL PRESENTATIONS - 9:30 A.M.

- A. **PRESENTED**
Proclamation declaring the month of October as “Domestic Violence Awareness Month” in Palm Beach County. (Sponsored by Commissioner Koons)

- B. PRESENTED**
Posthumous Certificate of Appreciation to K-9 Deputy Sheriff "Robby," received by his handler, Deputy Sheriff Charlie Robinson. (Sponsored by Commissioner McCarty)
- C. PRESENTED**
Proclamation declaring Monday, September 22, 2003 as "Family Day--A Day to Eat Dinner With Your Children" in Palm Beach County. (Sponsored by Commissioner Masilotti)
- D. PRESENTED**
Proclamation declaring September 27, 2003 as "Caribbean-American Volunteers Day" in Palm Beach County. (Sponsored by Commissioner Masilotti)
- E. PRESENTED**
Proclamation declaring the month of September 2003 as "The Leukemia & Lymphoma Awareness Month" in Palm Beach County. (Sponsored by Commissioner Masilotti)
- F. PRESENTED**
Proclamation declaring the week of September 7 - 13, 2003 as "National Assisted Living Week" in Palm Beach County. (Sponsored by Commissioner Greene)

5. REGULAR AGENDA

A. ADMINISTRATION

1. **APPROVED**

Staff recommends motion to concur: to Execute Individual Training Account Agreements approved by the Board of Directors of Workforce Alliance, Inc. on August 28, 2003 to provide occupational skills and related training under the Workforce Investment Act of 1998 (the "ACT") and the Workforce Innovation Act of 2000 ("WIA"). **SUMMARY:** In compliance with an Agreement between Palm Beach County (PBC) and Workforce Alliance, Inc. (ALLIANCE) all contracts entered into for employment and training under the WIA must have the concurrence of the County as Chief Elected Officials in the purpose and proposed amount of each contract. On October 1, 2002 ALLIANCE issued a Vendor Solicitation Package to public and private education agencies in Palm Beach County. Individual Referral Agreements established as a result of this solicitation will provide for courses and programs to meet the training needs of the County's WIA customers. Approval granted by ALLIANCE with concurrence by the Board of County Commissioners authorizes staff to enter into these Individual Training Account Agreements with approved vendors. The awarding of contracts to approved vendors is contingent upon funding availability and prioritization of need, as determined by ALLIANCE. Individual Training Account Agreements do not constitute a commitment for any minimum number of participants or referrals. As individuals must meet acceptance requirements of a specific training program, reimbursement is made to the vendor for providing training services at the published costs for tuition, books, supplies, lab fees, etc., charged to the general public. Countywide

2. **ADOPTED** **R-2003-1386**

Staff recommends motion to adopt: a Resolution requesting the Florida Legislature to fully fund the Department of Environmental Protection's beach erosion control project priority list and request the Florida Legislature to oppose any legislative efforts to amend chapters 161 and 201, Florida Statutes diverting funds from the Ecosystem Management and Restoration Trust Fund. **SUMMARY:** The County is urging the Florida Legislature to fully fund the beach erosion priority list at \$30 million, and oppose efforts to amend existing law which allocates \$30 million annually in certain documentary stamp tax revenues to the Ecosystem Management and Restoration Trust Fund for the purposes of beach preservation and repair. Countywide (GPS)

B. PLANNING, ZONING & BUILDING

1. **APPROVED AS AMENDED**

Staff recommends motion to approve on preliminary reading and advertise for public hearing on September 23, 2003 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County Florida repealing Article I through Article IV, Chapter 14 of the Palm Beach County Code (Ordinance 78-1) and Article II, Chapter 20 of the Palm Beach County Code (Ordinance 77-7, as amended); creating the Palm Beach County Property Maintenance Code; providing for title; providing for repeal of existing ordinances; providing for administrative provisions; providing for definitions; providing for general requirements; providing for residential requirements; providing for non-residential requirements; providing for lot clearing; providing for applicability; providing for repeal of laws in conflict; providing for severability; providing for inclusion in Code of Laws and Ordinances; and providing for an effective date. **SUMMARY:** The Property Maintenance Code updates the Palm Beach County Housing Code, adopted in 1978, creates maintenance requirements for non-residential properties, and incorporates the Palm Beach County Lot Clearing regulations, creating one code regulating the maintenance of residential and non-residential properties. Countywide (GB)

5. REGULAR AGENDA

C. HOUSING AND COMMUNITY DEVELOPMENT

1. **ADOPTED** **R-2003-1387**
Staff recommends motion to adopt: a Resolution amending Resolution No. R2002-0287 to increase the local maximum purchase price for existing homes purchased or improved through the Commission on Affordable Housing State Housing Initiative Partnership (SHIP) Program. **SUMMARY:** The Commission on Affordable Housing Advisory Committee (CAHAC) recommended increasing the maximum purchase price for existing homes to \$134,000 from the current price of \$130,000, at the June 26, 2003 meeting. This recommendation is supported by a study conducted by the Florida Housing Finance Corporation dated October 16, 2002. This housing study shows 90% of the average existing homes purchased in Palm Beach County were \$187,200 while 90% of new homes sold for \$243,571 on average. This recommendation will increase the maximum purchase price of existing homes only. Countywide (TKF)

D. COMMUNITY SERVICES

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

A) APPROVED R-2003-1388
Amendment No. 1 to Standard Contract No. A003-1 (R2003-0037; dated January 7, 2003) for the Older Americans Act (OAA) program increasing the contract amount by \$90,251 for a new total not-to-exceed \$2,017,653 with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period January 1, 2003 through December 31, 2003;

B) APPROVED
Budget Transfer of \$10,029 from the General Fund from Reserve for Contingencies to the Division of Senior Services (DOSS) Title III Older Americans Act Fund 169; and

C) APPROVED
Budget Amendment of \$108,426 in the DOSS Title III Older Americans Act Fund 169.

SUMMARY: This amendment increases OAA funding for Title III-C-1/Congregate Meals by \$29,007; Title III-C-2/Home Delivered Meals by \$5,875; and Title III-E/National Family Caregiver Program by \$55,369. The additional meals provided will be reimbursed by USDA at \$.54 per meal totaling \$8,146. A budget transfer from the General Fund is needed in order to provide the required County match of \$10,029 (10%). (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

E. HOUSING FINANCE AUTHORITY

1. **APPROVED**
Staff recommends motion to approve: a Revised Application of the Housing Finance Authority of Palm Beach County, Florida ("HFA") for its multifamily housing revenue bond application cycle. **SUMMARY:** Recently, the Board of County Commissioners requested the HFA to include matters related to site plan and architectural design in its multifamily application process and to address how single-family ownership may be increased. The revised application does seek architectural and site plan information, including a proposed landscape plan (Section 8B). Additionally, the 2004 general criteria of the HFA proposes to make mandatory a developer's provision of a homeowner opportunity program for tenants, first time homebuyers seminars, and financial counseling (Resident Programs). The HFA on reviewing its multifamily process has commenced a multifamily study of housing needs. The study was completed on August 13, 2004. The revised application seeks to determine if a requested project is in an HFA identified area of need, a housing sector area of the county, a Community Redevelopment Area, etc. (Development Information). The application and guidelines were approved by the HFA Board on August 14, 2004. Countywide (PK)

5. REGULAR AGENDA

F. FACILITIES DEVELOPMENT & OPERATIONS

1. **APPROVED** **R-2003-1389**

Staff recommends motion to approve: Amendment No. 7 to the Contract with URS Corporation (R98-194D) for additional program management services for the Convention Center Project in the amount of \$484,065. **SUMMARY:** On February 17, 1998, the Board entered into a Contract with URS Corporation (O'Brien Kreitzberg) for program management services for the Convention Center project. The scope of services for the initial work effort included review of the deliverables provided by the Architect for the Site Analysis, Building Program, Site Plan Design, Construction Cost, and Schedule Development phase of the project. Amendment No. 5 authorized construction administration, estimating, full time construction observation, threshold inspections and construction materials testing and contract close out through May 1, 2003. Amendment No. 6 extended the services of Amendment No. 5 for four (4) months to reflect the contract schedule contained in Clark's Change Order No. 8. This Amendment will extend these services another five (5) months to correspond with Clark's expected completion date. The Convention Center Facilities Management Construction Committee was unable to review this Amendment as a quorum was not present. However, staff recommends this Amendment to be approved by the BCC. Including this authorization, M/WBE participation is 24.28%, (6.6 % Hispanic, .6% Women and 17.1% Black.) URS's M/WBE contract commitment is 25%. (Capital Improvements Division) Countywide (JM)

2. **APPROVED** **R-2003-1390**

Staff recommends motion to approve: a Utility Easement in favor of Florida Power & Light (FPL) and Palm Beach County to provide underground distribution of power lines and water and sewer lines on Peanut Island. **SUMMARY:** In connection with the County's upgrade of power service to Peanut Island and the Florida Inland Navigation District/Army Corp of Engineers Environmental Restoration and Soil Download Project, it was necessary to relocate the FPL electrical power lines. Prior to energizing the new electrical distribution system, FPL requires an easement be granted to FPL for this system. The easement agreement and legal description have been reviewed and approved by all affected parties, but the Board will be executing the document first. (PREM) District 1 (HJF)

3. **Staff recommends motion to receive and file:** Monthly Convention Center Report.

G. PALM TRAN

1. **APPROVED AS AMENDED**

Staff recommends motion to approve: a revised Policy for the provision of special services by Palm Tran fixed route buses. **SUMMARY:** As the recipient of Federal Transit Administration (FTA) capital and operating funds, Palm Beach County is prohibited, except under certain conditions, from engaging in special services, also referred to as charter service. Charter service is defined as any service provided outside of normal fixed route operation which could be considered to be in competition with the private sector. Palm Tran's existing policy for providing special services is based on the policy adopted by the Board on February 6, 2001. A recent ruling by the FTA regarding charter service at the Rochester-Genesee Regional Transportation Authority (Rochester, NY) has narrowed the definition of special services which may be performed by a public agency receiving federal funds. Generally, the new FTA policy prohibits any type of special service. Under the new FTA guidelines, Palm Tran must control the times service is offered, the number and size of bus used and the fare to be collected, if any. The service must be open to the public, pre-scheduled, with time tables published and advertised in advance. Staff's recommended revised policy outlines the conditions for engaging in special services, so that the County will not be in violation of FTA's charter service prohibitions. This new special service policy will severely limit Palm Tran from providing special transit services to outside agencies or other County departments in the future. Special services that will no longer be permissible include: tours of any kind for any group whether the group pays for the tour or not; shuttle services for community events whether the event is County sponsored or not, such as art and music festivals, golf tournaments, open houses, facility dedications, etc.; school or other organization field trips. Countywide (DR)

5. REGULAR AGENDA

H. PARKS & RECREATION

1. TIME CERTAIN 11:00 A.M. & REVISED MOTION: Staff recommends motion to approve:

A) **APPROVED**
approve Changing the name of Cholee Park to Okeeheelee Park;

B) **APPROVED WITH BOARD DIRECTIONS**
request Board direction on Waiving the requirements of PPM No. CW-O-044(A) that requires County facilities be named according to location and/or function only so that the equestrian facility may instead be named after a person; and

C) **APPROVED WITH BOARD DIRECTIONS**
request Board direction on Naming of the park’s equestrian facility the “Jim Brandon Equestrian Center”.

SUMMARY: The 800 acre Cholee Park property is situated adjacent to and south of the 900 acre Okeeheelee Park at Forest Hill Boulevard and the Florida Turnpike. The name Okeeheelee Park will better identify the site with the existing regional park and prevent confusion for residents and visitors. The combining of both properties as one park has always been a goal of the Parks & Recreation Department and is unanimously supported by the Okeeheelee Park Citizens Advisory Committee. Friends and relatives of the late Dr. James Brandon requested that he be memorialized through the naming of a park facility at Okeeheelee Park. Dr. Brandon was the driving force behind the acquisition of the Park property. He lobbied the County and State to ensure this land would be used for park purposes. He served on the Okeeheelee Park Citizens Advisory Committee for 26 years; 22 of those years as the Chairman. At their July 2, 2003, meeting, the Okeeheelee Park Citizens Advisory Committee unanimously recommended that the equestrian facility located at the Cholee property be named the “Jim Brandon Equestrian Center”. According to PPM No. CW-O-044(A), facilities in Palm beach County shall be named according to location only. This PPM needs to be waived by the Board in order to name a facility after a person rather than the location and/or function of the facility. Districts 2, 6 and Countywide (ND)

I. 1. **APPROVED**
ADD-ON: an Executive Session has been scheduled for Tuesday, September 9, 2003, at 1:45 p.m., in the McEaddy Conference Room. The Executive Session will be held pursuant to Chapter 447, Florida Statutes to discuss the negotiations with the Communications Workers of America (CWA). Countywide (CoAtty)

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SEPTEMBER 9, 2003

6. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

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SEPTEMBER 9, 2003

7. MATTERS BY PUBLIC - 2:00 P.M.

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SEPTEMBER 9, 2003

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

9. COMMISSIONER COMMENTS

- A. District 1 - KAREN T. MARCUS, CHAIR

- B. District 2 - COMMISSIONER JEFF KOONS

- C. District 3 - COMMISSIONER WARREN H. NEWELL

- D. District 4 - COMMISSIONER MARY MCCARTY

- E. District 5 - COMMISSIONER BURT AARONSON

- F. District 6 - TONY MASILOTTI, VICE-CHAIRMAN

- G. District 7 - COMMISSIONER ADDIE L. GREENE

10. ADJOURNMENT

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

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

SEPTEMBER 9, 2003

<u>PAGE</u>	<u>ITEM</u>	
11	3C-13	REVISED SUMMARY: This Agreement provides for the County to utilize the MSTU Program to fund ... ITID will <u>contract to</u> construct the improvements and continue to maintain the roads after improvements are completed. The County will assess benefitting properties for fifty percent (50%) of MSTU funds expended on the improvements. <u>(Typically the roads would become County maintained, but since these would not be built to our standards, the district will continue to maintain.)</u> <u>District 6 (ME) (Eng)</u>
11	3D-1	DELETED: execution of the Appointment of Successor Remarketing Agent, appointing Merchant Capital, LLC as successor remarketing agent for the \$7,650,000 Palm Beach County, Florida, Variable Rate Demand Industrial Development Revenue Bonds Series 1996 (Palm Beach Bedding Company Project) (the "Bonds"). (Further staff review/moved to 9/23/03) (CoAtty)
12	3D-2	DELETED: execution of the Appointment of Successor Trustee, appointing U.S. Bank, N.A. as successor remarketing agent for the \$7,650,000 Palm Beach County, Florida, Variable Rate Demand Industrial Development Revenue Bonds Series 1996 (Palm Beach Bedding Company Project) (the "Bonds"). (Palm Beach Bedding Company Project) (the "Bonds"). (Further staff review/moved to 9/23/03) (CoAtty)
23	3K-1	REVISED MOTION & SUMMARY: an Interlocal Agreement for Mitigation of Wellfield Impacts with the Lake Worth Drainage District in an amount not-to-exceed \$400,000 <u>\$440,000</u> . SUMMARY: The South Florida Water Management District (SFWMD) recently granted a 20-Year Water Use Permit (No. 50-00135-W) to the Water Utilities Department. ... Under this agreement, the County will pay for the design and construction costs of this new pump station at a cost not-to-exceed \$400,000 <u>\$440,000</u> . LWDD will then be responsible for all operations and maintenance expenses through the year 2023 when the County's 20-Year Water Use Permit expires. <u>District 2 (MJ) (WUD)</u>
34	5H-1	<u>TIME CERTAIN 11:00 A.M. & REVISED MOTION:</u> Staff recommends motion to approve: A) <u>approve</u> Changing the name of Cholee Park to Okeeheelee Park; B) <u>request Board direction on</u> Waiving the requirements of PPM No. CW-O-044(A) that requires County facilities be named according to location and/or function only so that the equestrian facility may instead be named after a person; and (C) <u>request Board direction on</u> Naming of the park's equestrian facility the "Jim Brandon Equestrian Center". (Parks)
34	5I-1	ADD-ON: an Executive Session has been scheduled for Tuesday, September 9, 2003, at 1:45 p.m., in the McEaddy Conference Room. The Executive Session will be held pursuant to Chapter 447, Florida Statutes to discuss the negotiations with the Communications Workers of America (CWA). <u>Countywide (CoAtty)</u>

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