

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

NOVEMBER 4, 2003

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

**COMMISSION
CHAMBERS**

**JOE SMITH
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 6 - 18)**
- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 19)**
- 5. PUBLIC HEARINGS - 9:30 A.M. (Page 19)**
- 6. REGULAR AGENDA (Page 20 - 26)**
TIME CERTAIN 10:30 A.M. (Repeal the ULDC) (Page 26)
- 7. SITTING AS THE ENVIRONMENTAL CONTROL BOARD (Page 27)**
TIME CERTAIN 10:45 A.M. (Repeal Article 16 of ULDC)
- 8. BOARD APPOINTMENTS (Page 28-29)**
- 9. MATTERS BY PUBLIC - 2:00 P.M. (Page 30)**
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SPECIAL PRESENTATIONS - 9:30 A.M.

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- 4C "Communities in Schools Awareness Month"
- 4D "Talking Books for the Blind and Physically Handicapped Library Day"
- 4E "Oakwood Center of the Palm Beaches Staff Appreciation Day"
- 4F "LatinFest Day"
- 4G **ADD-ON:** "I Love To Write Day " in Palm Beach County_____
- 4H **ADD-ON:** " World Series Champion Marlins on Friday, November 7, 2003

PUBLIC HEARINGS - 9:30 A.M.

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REGULAR AGENDA

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- 6F-1 **ADD-ON:** A Resolution creating the Committee on Fire Rescue Level of Service.

RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE ENVIRONMENTAL CONTROL BOARD

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SITTING AS THE ENVIRONMENTAL CONTROL BOARD TIME CERTAIN 10:45 A.M.

ADJOURN AS THE ENVIRONMENTAL CONTROL BOARD

RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

BOARD APPOINTMENTS (Page 28-29)

MATTERS BY PUBLIC - 2:00 P.M. (Page 30)

STAFF COMMENTS (Page 31)

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **APPROVED**
Staff recommends motion to receive and file: the following Standard agreements for veterinary services for FY 2004 in an amount not-to-exceed \$10,000 each for the Public Safety Department.

A) **APPROVED** **R-2003-1772**
Peter Davis, D.V.M. 10/04/03 - 09/30/04
for relief and emergency veterinary services

B) **APPROVED** **R-2003-1773**
Rachel Thauberger, D.V.M. 10/01/03 - 09/30/04
for relief and emergency veterinary services

C) **APPROVED** **R-2003-1774**
Byron V. Reid, D.V.M. 10/01/03 - 09/30/04
for large animal veterinary services

2. **Staff recommends motion to receive and file:** Four (4) original contracts/agreements/grants for the Department of Airports.

A) **APPROVED** **R-2003-1775**
North County Hangar Lease Agreement for Hangar 11240-8, signed by Daniel D. Schoenman and dated October 6, 2003;

B) **APPROVED** **R-2003-1776**
North County Hangar Lease Agreement for Hangar 11230-12, signed by Robert Posten and dated October 6, 2003;

C) **APPROVED** **R-2003-1777**
North County Hangar Lease Agreement for Hangar 11240-5, signed by Mike Foley and dated October 9, 2003;

D) **APPROVED** **R-2003-1778**
North County Hangar Lease Agreement for Hangar 11230-9, signed by Larry Carpenter and dated October 31, 2003.

3. **APPROVED**
Staff recommends motion to receive and file: Four (4) executed Standard Development Agreements and two (2) Standard Development Renewal Agreements for the Water Utilities Department.

Standard Development Agreement

A) **APPROVED** **R-2003-1779**
Brownstone Management, LLC 01-01118-000

B) **APPROVED** **R-2003-1780**
Unico Development Corporation 01-01119-000

C) **APPROVED** **R-2003-1781**
Village of Wellington 02-01075-000

D) **APPROVED** **R-2003-1782**
Homeland Plaza, LLC and Tuttle Land Holding Corp. 02-01076-000

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cond't)

Standard Development Renewal Agreement

E) **APPROVED** **R-2003-1783**
Richard M and Barbara G Susco 02-00240-R00

F) **APPROVED** **R-2003-1784**
Chabad-Lubavitch of Boynton Beach, Inc. 05-00105-R00

B. CLERK

1.
Staff recommends motion to approve: Warrant List.

2.
Staff recommends motion to approve: Minutes - None

3. **APPROVED** **R-2003-1785**
Staff recommends motion to approve: Contracts and claims settlements list.

C. ENGINEERING & PUBLIC WORKS

1. **APPROVED** **R-2003-1786**
Staff recommends motion to approve: a Purchase Agreement with Scribe-Riviera J.V. for property needed for Island Way, from Indiantown Road to the County Line, in Section 03, Township 41 South, Range 42 East. **SUMMARY:** This item will approve a Purchase Agreement, at a negotiated cost of \$150,000, for conveyance of property to the County, as needed for the improvement project of Island Way, from Indiantown Road to the County Line. District 1 (PFK)

2. **DELETED**

3. **APPROVED** **R-2003-1787**
Staff recommends motion to approve: a Preliminary Engineering Agreement (Agreement) of \$6,500 with CSX Transportation, Inc. (CSXT) for the railroad at-grade crossing at Pratt Whitney Road. **SUMMARY:** This Agreement will allow CSXT to perform the necessary site survey, and prepare the plan and cost for the CSXT at-grade crossing at Pratt Whitney Road. District 6 (ME)

4. **DELETED**

5. **DELETED**

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

B) DELETED
an Agreement for Acquisition with Schickendanz Capital Group, L.L.C. (Developer), for the acquisition of right-of-way as needed for Island Way from Indiantown Road to the County Line, known as the North Fork Parcel; and

B) DELETED
Budget Amendment of \$3,000 in the Road Impact Fee Zone 1 Fund to recognize a Developer contribution for acquisition of Island Way – North Fork Parcel.
SUMMARY: This item will approve an Agreement for Acquisition with the Developer for Island Way and recognize a Developer contribution. The Developer is providing the right-of-way for Island Way, but was unsuccessful in negotiating the purchase of the needed land from the owner. The Developer, is therefore, entering into this Acquisition Agreement and supplying all funding needed to secure the property. District 1 (PFK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cond't)

7. Staff recommends motion to approve:

A) **APPROVED**

Budget Transfer of \$31,000 in the Transportation Improvement Fund from Road Program Reserves – FY2000 (Reserve For Design and Alignment) to Melaleuca Lane/Jog Road to Haverhill Road; and

B) **APPROVED** **R-2003-1788**

a \$20,968.05 Task Authorization with K-F Group, Inc. (KFI) for Civil Engineering services for Melaleuca Lane/Jog Road to Haverhill Road (Project).

SUMMARY: This authorization will provide the necessary professional engineering services required to address and modify drainage computations and the retention pond area for the Project. The Minority/Women Business Enterprise's (M/WBE) goal achieved for the Project is 100.0% Other (KFI). District 2 (PK)

8. **APPROVED** **R-2003-1789**

REVISED TITLE: a ~~\$72,789.56~~ \$72,879.56 Task Authorization with Lawson Noble & Webb, Inc. (LNW) for engineering services for Sansbury's Way and Fairgrounds Road Intersection, (Project). **SUMMARY:** This authorization will provide the necessary professional engineering services required for preparing design plans and construction bid documents for turn lanes, intersections, configurations and transitions, and drainage alternates for the Project. The Minority/Women Business Enterprise's (M/WBE) goal achieved for the Project is 22.2% , comprising 16.5% women (Kathleen Hall Surveying, Inc.) and 5.7% Hispanic (Tierra, Inc.). The Small Business Enterprise (SBE) goal achieved for the Project is 8.3% (Bosworth Aerial Survey Inc.). District 6 (PK)

9. **APPROVED** **R-2003-1790**

Staff recommends motion to approve: a Contract Amendment of \$1,060,000 to the Annual Pavement Marking Contract (R2002-0425), dated April 2, 2002, with the Primary Annual Pavement Marking Contractor, United Rentals Highway Technologies, Inc. **SUMMARY:** The Amendment to the Annual Pavement Marking Contract extends the expiration dates of the existing Contract to April 2, 2005. The dollar value of the Contract is to be increased to a not-to-exceed amount of \$3,190,000. The Contract consists of furnishing and/or installing the various striping, reflectors and messages on County roadways. Due to lack of Minority/Women Business Enterprise (M/WBE) businesses in the area of work required by this contract, the Goal Setting Committee did not set any goals for this contract, but directed that a statement be added to the contract documents advising the contractor of the Boards' policy for utilizing M/WBE businesses where available. Countywide (MRE)

10. **APPROVED** **R-2003-1791**

Staff recommends motion to approve: a Contract not-to-exceed the total value of \$4,665,000 for task orders which may be issued to Ranger Construction Industries, Inc., the lowest responsive, responsible bidder for the Annual Asphalt Milling and Resurfacing Contract. **SUMMARY:** The Annual Asphalt Milling and Resurfacing Contract consists of milling and disposal of existing asphalt pavement, maintenance of traffic, cleaning of surfaces for finish applications, furnishing, hauling and placement of specified courses. Small Business Enterprise (SBE) goals were established at 15% of the overall contract amount. The low bidder, Ranger Construction Industries, Inc., achieved 15.1% SBE participation. Countywide (MRE)

11. **Staff recommends motion to approve Receive and File :** a Name Change of an existing firm, Williams Hatfield & Stoner, Inc. (WHS), currently under contract with Palm Beach County, to Tetra Tech WHS, Williams Hatfield & Stoner, Inc. (TTWHS), (Consultant). **SUMMARY:** WHS is currently providing professional services for Woolbright Road, Hagen Ranch Road to West of Jog Road, (Project), and also serves as a provider of professional services under the Intersection Improvement Annual Agreement, (Annual). This change in name will permit Palm Beach County to conduct contractual obligations on existing and future contracts with TTWHS. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

12. Staff recommends motion to:

A) **ADOPTED** **R-2003-1792**
adopt a Resolution amending Resolution No. R2003-1103 abandoning a portion of Resource Drive, deleting Parcel 2, within the Plat of Central Industrial Park North, as recorded in Plat Book 38, Pages 81-83, Public Records of Palm Beach County, Florida;

B) **APPROVED**
approve two (2) amended Utility Easements with Palm BellSouth Telecommunications, Inc. and the City of Riviera Beach. These revised easements will be recorded in the public records, once all land negotiations have been finalized; and

C) **APPROVED**
direct staff to withhold recording the subject Resolution until the County has acquired the land from the owners of Parcel 109 pursuant to the entry of an Order of Taking.

SUMMARY: This petition site is located east of I-95, between Northlake Boulevard and Blue Heron Boulevard. The County Engineer is requesting the revised abandonment as part of the road construction of the Northlake Boulevard Reliever. At the public hearing held on July 15, 2003, the Board abandoned two (2) sections of Resource Drive, i.e., Parcel 109B and Parcel 2. Parcel 2 does not need to be abandoned. District 1 (PK)

13. **ADOPTED** **R-2003-1793**
Staff recommends motion to adopt: a Resolution vacating a six (6) foot wide utility easement within Lot 5, Rio POCO, as recorded in plat Book 36, Pages 39-42, Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located on the west side of State Road 7, south of West Atlantic Avenue. The petitioner is requesting the vacation to increase their buildable lot area to accommodate certain amenities. District 5 (PK)

14. **APPROVED** **R-2003-1794**
Staff recommends motion to approve: a Joint Project Agreement (JPA) with the City of Boca Raton (City) for improvements at the intersection of Hidden Valley Boulevard and North Dixie Highway. **SUMMARY:** By approving this JPA, the City and the County will jointly share in the total project cost estimated at \$1,450,000, with the County's costs estimated at \$960,000. District 4 (MRE)

D. COUNTY ATTORNEY

1. **APPROVED**
Staff recommends motion to approve: Settlement in the eminent domain action styled Palm Beach County v. JBH, Limited Company, Ltd., et al., Case No. CL-99-7292-AA, Parcels 126 and 222 for roadway improvement as to Project No. 94109, 45th Street and Australian Avenue. **SUMMARY:** The County acquired Parcels 126 and 222 for the improvement of the intersection of 45th Street and Australian Avenue pursuant to an Order of Taking entered on October 1, 1999. The County previously deposited Nineteen thousand, five hundred dollars (\$19,500) as its good faith estimate of value into the Registry of the Court. A proposed settlement in the total amount of Thirty-three thousand, four hundred and ninety dollars (\$33,490) has been reached subject to the approval of the Board of County Commissioners. This proposed settlement will conclude all matters relating to these parcels and this case in its entirety with the exception of attorney's fees and costs. District 7 (PM)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

2. **APPROVED** **R-2003-1795**
Staff recommends motion to approve: Amendment No. 5 to the Agreement (R98-2076D) with the law firm of Ruden McCloskey Smith Shuster & Russell, P.A., to provide bond counsel and related legal services for the proposed funding of facilities for the expansion branch of The Scripps Research Institute, a non-profit research organization, in Palm Beach County. **SUMMARY:** The law firm was selected as bond counsel for the above financing by the Board at the October 14, 2003 special 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. The legal services prior to any bond issuance will be compensated at the hourly rate of \$240, not-to-exceed \$50,000. Payment for the legal services in connection with bond issuance will be as provided for in the Agreement. Countywide (PFK)

E. COMMUNITY SERVICES

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

A) **APPROVED** **R-2003-1796**
Amendment No. 2 to Standard Contract No. A003-1 (R2003-0037; dated January 7, 2003) for the Older Americans Act (OAA) program increasing the contract amount by \$10,325 for a new total not-to-exceed \$2,027,978 with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period January 1, 2003 through December 31, 2003; and

B) **APPROVED**
Budget Amendment of \$11,392 in the DOSS Title III Older Americans Act Fund 1007.

SUMMARY: This amendment increases OAA funding for Title III-B/Adult Day Care by \$6,451, and Title III-C-2/Home Delivered Meals by \$3,874, which will provide 1,977 additional meals. The additional meals provided will be reimbursed by USDA at \$.54 per meal totaling \$1,067. There is a required County match of \$1,147 (10%), which is currently in the budget. No additional County funds are needed. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

2. **APPROVED** **R-2003-1797**
Staff recommends motion to approve: Standard Contract No. IU004-1 with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) in an amount not-to-exceed \$278,028.89 for the period October 1, 2003 through September 30, 2004. **SUMMARY:** USDA funds are available to supplement the cost of meals in the Division of Senior Services (DOSS) Congregate and Home Delivered Meals Program. The maximum number of meals to be reimbursed is 487,856 at the rate of \$0.5699 per meal for a total of \$278,028.89. This Contract was received by DOSS on September 29, 2003 and is retroactive to October 1, 2003. No additional County funds are required. (DOSS) Countywide except for portions of Districts 3, 4, 5 and 7 south of Hypoluxo Road (TKF)

3. **DELETED**

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. **DELETED**

Staff recommends motion to approve: Contract with Quality Assist, Inc. for a not-to-exceed amount of \$20,940 for the period November 4, 2003 through February 30, 2004. **SUMMARY:** Quality Assist, Inc. is an organization committed to achieving measurable outcomes in the quality of early childhood education and in the advancement of professionals working in the field by providing mentor teachers. Select Head Start staff will be trained to become mentor teachers to support colleagues who are completing college degrees in early childhood education in order to meet the requirement of the Head Start Act. Mentor programming provides early childhood educators with an opportunity to acquire knowledge and skills which support best practices in teaching methods and continuous self-directed learning. Funding consists of \$16,752 (80%) in Federal funds and County funds of \$4,188 (20%), which are included in the FY 2004 budget. (Head Start) Countywide (TKF)

5. **APPROVED** **R-2003-1798**

Staff recommends motion to approve: a Contractor Agreement with Involved Motivated Parents as Classroom Teachers, Inc. (I.M.P.A.C.T.) in an amount not-to-exceed \$85,000 for the period October 1, 2003 through September 30, 2004. **SUMMARY:** Through I.M.P.A.C.T., Inc., temporary classroom assistance in the form of substitute teachers will be provided when there is a shortage of classroom staff. The services will be provided to all Palm Beach County Head Start and Early Head Start centers as needed. Funding for this agreement consists of \$68,000 (80%) in Federal funds and \$17,000 (20%) County funds. Funds are included in the FY 2004 budget. (Head Start) Countywide (TKF)

F. AIRPORTS

1. **APPROVED**

Staff recommends motion to approve: Agreements to purchase the following properties at a total cost of \$279,654. Said properties are located West of Runway 9L at Palm Beach International Airport:

	APPROVED	R-2003-1799
George Charles DeBay, III 4854 Amelia Street West Palm Beach, FL 33415 Sales Price Replacement Housing	Parcel W-108 \$134,000 \$ 17,136	
	APPROVED	R-2003-1800
Fay Lee 4980 Wallis Road West Palm Beach, FL 33415 Sales Price Replacement Housing	Parcel W-272 \$112,000 \$ 16,518	

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

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. Staff recommends motion to approve:

A) APPROVED R-2003-1801
a Contract with B & B Underground Contractors, Inc., in the amount of \$2,262,228 for the Airfield Improvements Project at Palm Beach County Park (Lantana) Airport; and

B) APPROVED
a Budget Amendment of \$2,036,005 in the Airports Improvement and Development Fund (Fund 4111), to recognize Federal Aviation Administration (FAA) Grant Funding and establish budget for the expenditure.

SUMMARY: This project was advertised utilizing the competitive bid process. On August 15, 2003 two (2) bids were received; of these two (2) bids, B & B Underground Contractors, Inc., was identified as the lowest responsible/responsive bidder in the amount of \$2,262,228. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 21%. B & B Underground Contractors, Inc., bid contained 17.10% DBE Participation. The other bidder met the goal, but their bid exceeded \$100,000 plus one percent of the total bid in excess of \$1,000,000, which is outside of the limit of ranking for consideration. Countywide (JCM)

3. **APPROVED R-2003-1802**
Staff recommends motion to approve: Lease and Drop Zone License Agreement ("Agreement") with Skydive South Beach, LLC ("Skydive") for the lease of office space and ground area at the Palm Beach County Glades Airport ("Airport"). **SUMMARY:** The Agreement will allow Skydive to lease 1,500 square feet of office space and 1,500 square feet of ground area for the purpose of operating a commercial skydiving business on the Airport with an annual rent of \$3,150. The Agreement also provides Skydive a non-exclusive revocable license to use the drop zones located on the Airport in connection with its skydiving business and includes standard skydiving safety practices that help insure safe use of the Airport. The Agreement commences November 1, 2003 and terminates October 31, 2004. The Agreement automatically extends on a year-to-year basis with a 30-day written cancellation clause by either party. Countywide (LMB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

A) APPROVED R-2003-1803
approve Change Order No. 93 in the amount of \$174,965.61 to the Contract with The Clark Construction Group, Inc. (R2001-0699) for the Palm Beach County Convention Center; and

B) AUTHORIZED
authorize the Director of Facilities Development & Operations through the County Administrator to execute additive change orders in any amount when such change order is required to modify or reconcile a previously approved deductive change order required to implement the Sales Tax Program.

SUMMARY: On May 1, 2001, the BCC entered into a Contract with The Clark Construction Group, Inc. Included in that contract was a requirement for Clark to participate in the County's Sales Tax Recovery Program. As part of that program, the County processed deductive changes in the amount of 1.06% of the cost of materials purchased for incorporation into the work. To date, \$13,729,769.37 of such change orders have been processed resulting in savings of \$777,156.75 (after this change order) to the County. This Change Order reconciles Clark's Contract as a result of the modification and/or voiding of five County purchase orders and corresponding deductive change orders. While approval of sales tax deductive change orders in any amount are delegated to the Director of Facilities Development & Operations, it is not clear that the Director can approve reconciliation change orders associated with the Sales Tax Recovery Program. Upon approval of Part B of this item, the standard contract language for the Sales Tax Recovery Program and all associated procedures will be modified to allow the Director to execute these additive, reconciliation change orders when directly related to the Sales Tax Recovery Program. The M/WBE participation associated with this change order is 0%. With this change, overall minority participation is 29.2% with 5.82% black participation. The contract goals is 15% overall with 6% black participation. (Capital Improvements Division) Countywide (JM).

2. Staff recommends motion to:

A) APPROVED
accept a Drainage Easement Agreement with United Civic Organization, Inc. (UCO); and

B) APPROVED
approve a Budget Transfer in the amount of \$50,000 from Reserves in the Public Building Fund (Fund 490) to establish budget to purchase easement rights.

SUMMARY: On September 3, 2002 the County purchased 7.54 acres located on Okeechobee Boulevard adjacent to the Okeechobee Branch Library. The acquisition has been incorporated into an overall facilities plan for the Okeechobee corridor including the expansion of the library. The County conveyed 1.21 acres of this property to United Civic Organization, the master association at Century Village, for \$104,693. The County requires a drainage easement from UCO to secure rights for legal positive outfall into the surface water management system of Century Village to a public conveyance system of the Lake Worth Drainage District. Staff has negotiated to purchase the easement rights for \$50,000 which is less than other available options to acquire positive outfall for the County property. A budget transfer is necessary to appropriate funds for the \$50,000 fee to be paid to United Civic Organization, Inc. (PREM) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to:

A) ADOPTED R-2003-1804
adopt a Resolution authorizing the lease of certain real property to San Castle Community Leadership Organization (SCCLO); and

B) APPROVED
approve an Agreement of Lease with San Castle Community Leadership Organization, Inc.

SUMMARY: The County recently acquired a ±700 SF single family home adjacent to the recently completed San Castle Community Park (R2003-867). The San Castle Community Leadership Organization, Inc. (SCCLO) is a non-profit corporation coordinating revitalization efforts in the San Castle Community. This Lease will allow SCCLO to utilize this house as a community center. The term of the Lease is for 3 years with 2, 2 year renewal options. Upon expiration of the Lease, it is anticipated the SCCLO will relocate to a larger site and this property will be converted to recreational use in conjunction with the adjacent Park. Rent is \$10 per year. SCCLO will pay for maintenance and the County will pay for all utilities. \$20,000 of renovations are currently being conducted by the County and are estimated to be completed in December. (PREM) District 7 (HJF)

4. Staff recommends motion to approve:

A) APPROVED R-2003-1805
an Estoppel Certificate; and

B) APPROVED R-2003-1806
an Amendment to Agreement Regarding Ground Lease with Riviera Trading and Marketing, Inc., and Scribe Enterprises, Inc..

SUMMARY: The County owns a 1.74 acre parcel on Central Boulevard in Jupiter which it leases to Riviera Trading and Marketing, Inc., and Scribe Enterprises, Inc., pursuant to a Ground Lease dated June 28, 1988 (R88-8643D). The Ground Lease allows Riviera and Scribe to mortgage their interest in the County's property without the County's consent. The Ground Lease also requires the County to execute an Estoppel Certificate in favor of a prospective lender. Riviera and Scribe are refinancing the mortgage and their lender, Transamerica Financial Life Insurance Company, has requested that the County execute the Estoppel Certificate and Amendment to Agreement Regarding Ground Lease. Both documents confirm factual matters under the Ground Lease, do not impose any significant additional responsibilities or obligations on the County and provide certain protections to the County and the Lender in the event the Lender forecloses its mortgage and acquires the rights of Riviera and Scribe under the Ground Lease. (PREM) District 1 (HJF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **APPROVED** **R-2003-1807**

Staff recommends motion to approve: Consultant Services Authorization No. 4 to the Contract with Hazen and Sawyer, P.C. (R2002-0571) for Final Design of the Southern Region Water Reclamation Facility and Pump Station 5229 Upgrade Project in the amount of \$288,479. **SUMMARY:** This Authorization directs Hazen and Sawyer to provide final design services for the Southern Region Water Reclamation Facility (SRWRF) and Pump Station 5229 Upgrade Project. This project involves upgrading both facilities, and also includes relocation of underground pipelines in the vicinity of Pump Station 5229 requested by the Florida Department of Transportation (FDOT). 100% of the pipeline relocation design costs (\$13,820) will be reimbursed by the FDOT pursuant to the Utility Work Agreement (R2001-2038) approved by the Board on November 20, 2001. In addition, 41.86% of the \$170,989.01 cost of designing upgrades to Pump Station 5229 will be reimbursed by the City of Lake Worth pursuant to the Interlocal Agreement for Joint Wastewater Transmission Facilities (R2001-0315) approved by the Board on February 27, 2001. In accordance with these agreements, the cost of this Authorization will be allocated to the County in the amount of \$203,083 to the FDOT in the amount of \$13,820, and to the City of Lake Worth in the amount of \$71,576. The contract with Hazen and Sawyer, P.C. includes the minority participation goals (7.00% B, 6.00% H, 12.00% W, and 0.00% O), established by the Palm Beach County M/WBE Ordinance (No. 93-28, as amended). This consultant services authorization includes 21.83% overall participation (6.93% B, 14.90% H and 0% W). The consultant's cumulative M/WBE participation, including this authorization, is 29.48% overall (7.00% B, 9.55% H and 12.92% W). (WUD Project No. 01-028) Districts 2 and 5 (JM)

Staff recommends motion to approve:

2. **APPROVED** **R-2003-1808**

Change Order No. 1 to the Contract with Azurix North America (R2001-0932) for the Pump Station No. 208, 227, 391, 967, 1021 & 1022 Rehabilitation Project, assessing \$55,000 in liquidated damages; decreasing the contract price by \$47,736.87; and providing a 186-day time extension; and Final payment to Azurix North America in the amount of \$353,632.21.

SUMMARY: Change Order No. 1 is the final reconciling change order for this project, and assesses Azurix North America (Azurix) with \$55,000 in liquidated damages (110 days at \$500 per day) for unjustified delays in completion of the work, authorizes Azurix to relocate two Florida Power & Light electrical services at a cost of \$1,056, and compensates Azurix in the amount of \$6,207.13 for utilization of a factory-certified coating subcontractor. A 186-day time extension is provided to cover documented project schedule impacts associated with the factory certified coatings, latent poor soil conditions at Station No. 967, and excessive rain events. Total change orders to date, including this change order, have decreased the original contract price from \$874,827.53 to \$827,090.66. The minority participation goal established by the Goal Setting Committee for this project is 15.0% overall (8.0% B and 7.0% O). This change order includes zero overall M/WBE participation. The contractor's final M/WBE participation, is 18.47% overall (18.47% W). The Contractor has completed all work required in the contract, and final payment to Azurix in the amount of \$353,632.21 is recommended. (WUD Project No. 00-001) Districts 2 & 5 (JM)

3. CONSENT AGENDA APPROVAL

 K. WATER UTILITIES (Cont'd)

3. **APPROVED** **R-2003-1809**

Staff recommends motion to approve: Consultant Services Authorization No. 19 with Mathews Consulting, Inc. for the Winsberg Wetlands Signage and Exhibitry Planning and Design Services in the amount of \$100,710. **SUMMARY:** This Authorization allows Mathews Consulting, Inc. to provide comprehensive planning and design services for the signage and exhibitry for the Winsberg Wetlands Restoration Project Interpretive Center. Also included in the scope of work is the design of the boardwalk interpretive signs and facility directional signs. Once the design is complete, the sign and exhibit fabrication and installation will be competitively bid under a separate contract. 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 100% overall participation (100% W). The consultant's cumulative M/WBE participation, including this authorization, is 77.46% overall, (3.18% B, 11.31% H, 62.97% W). (WUD Project No. 03-061) District 5 (JM)

4. **APPROVED** **R-2003-1810**

Staff recommends motion to approve: a Developers Agreement with Devon Investment, Inc. **SUMMARY:** Devon Investment, Inc. owns a portion of the property known as Congress Pointe Plaza that is located at the northwest corner of Congress Avenue and 6th Avenue South in suburban Lake Worth. On February 11, 1986, the Plaza's then current owner entered into a Water and Sewer Agreement (R86-182) with the City of Lake Worth and Palm Beach County to facilitate utility service for the Plaza's development. The Agreement allowed Lake Worth to provide utility service on a temporary basis until the County extended its utility mains to the Plaza. The Agreement also required the property owner to enter into a Developers Agreement with the County at the time the County's mains were extended and to contribute towards the expense of oversizing the facilities that would likely be extended to the area by other developers. All parties to the Agreement acknowledged that the County would be the permanent provider of service to the Plaza. The County has since completed the extension of its utility mains, and this Developers Agreement provides a contractual mechanism for the County to recover the capital and operating fees expended to provide this service. The capital costs and service initiation fees incurred (\$140,734) will be paid by Devon Investment over twenty (20) years, along with 6½% annual interest. The operating fees incurred to date (\$32,109) will be paid over a five-year period, with no interest applied. A Consent and Joinder from the mortgagee could not be obtained in this case, possibly allowing the mortgagee to not honor this new Developers Agreement in the event that Devon Investment defaults on its mortgage. In this case, Devon would still be required to pay for the pipe line extensions and Service Initiation Fees pursuant to the original Water and Sewer Agreement that was recorded against the property prior to the newer mortgage being issued. District 3 (MJ)

 L. ENVIRONMENTAL RESOURCES MANAGEMENT

 1. **APPROVED** **R-2003-1811 THROUGH R-2003-1813**

Staff recommends motion to approve: Three (3) Agreements for Purchase and Sale involving three (3) parcels (3.77 acres) of land in Unit 11 to be purchased using mitigation funds. The cost of purchasing the property is \$27,099 (land cost), plus \$1,320 (closing and miscellaneous costs), for a total of \$28,419. **SUMMARY:** The Agreements presented in this item are for two (2) parcels in Zone 7 and one (1) parcel in Zone 8 and are at a purchase price which is twenty-five (25) percent above the average of recent appraisal values obtained by the County. If these, and other pending Agreements for Purchase and Sale are successfully closed, the County will have acquired, through purchase, tax deed, donation, settlement agreement, and eminent domain, a total of 1,518.56 acres. District 1 (HJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. **APPROVED** **R-2003-1814**
Staff recommends motion to approve: Amendment to an Agreement for Purchase and Sale (R2003-1223) for two (2) parcels (3.03 acres) in Unit 11, increasing the total purchase price by \$3,599.64, from \$18,180 to \$21,779.64 (land costs), so that the amount paid for these lots matches the new per acre offer price approved by the Board the same day as the Agreement for Purchase and Sale. **SUMMARY:** On August 19, 2003, the Board approved two (2) consent agenda items related to the County's Unit 11 Acquisition Program. One of these items was an Agreement for Purchase and Sale (Agreement) for two (2) Unit 11 parcels: one (1) each in Zones 7 and 8. This Agreement provided for a per acre purchase price of \$6,000, or \$18,180 for the 3.03 acres. The second item, approved the same time as the Agreement, authorized the issuance of willing seller offers to the remaining Unit 11 property owners at an amount which was twenty-five (25) percent above the average of recent appraisal values obtained by the County. This Amendment authorizes the payment of an amount equal to the new offer price (\$21,779.64 for the 3.03 acres, or 25 percent above the average of recent appraisal values obtained by the County) for the two (2) parcels referenced in the Agreement. All other terms of the Agreement will remain unchanged. All outstanding Agreements for Purchase and Sale which were approved by the Board prior to August 19, 2003 will remain unchanged. District 1 (HJ)

3. **APPROVED** **R-2003-1815**
Staff recommends motion to approve: Amendment No. 1 to Agreement No. C-15377 (R2002-1925) with the South Florida Water Management District (SFWMD) for Water Quality Sample Collection Palm Beach County (WQSCPBC) Program, reducing the \$32,734.80 Agreement for FY2004 and FY2005 by a total of \$7,159.20 for the deletion of two sites from the Statement of Work. **SUMMARY:** Since 1991, the County and the Florida Department of Environmental Protection have participated in various activities in support of this statewide program. In 1999, the program was delegated to the SFWMD. The Board of County Commissioners approved the WQSCPBC Agreement on October 22, 2002, which authorized \$10,911.60 annually to the County. The three-year Agreement expires November 13, 2005. Amendment No. 1 reduces the sampling sites to four and revises the Agreement total to \$25,575.60. Countywide (AH)

M. PARKS & RECREATION

1. **APPROVED** **R-2003-1816**
Staff recommends motion to approve: Amendment No.009 to the Agreement with the School District of Palm Beach County (R94-1661D; dated November 15, 1994) for funding in the amount of \$308,642 to the Middle School After School Program for the period October 1, 2003 through September 30, 2004. **SUMMARY:** This amendment provides for the tenth year of funding and program support for the Middle School After School Program. It identifies the number of schools receiving funding to 30 middle schools. The recommended distribution of funds will allow all schools to access recreation modules in proportion to the size of their programs. Countywide (ND)

2. **APPROVED** **R-2003-1817**
Staff recommends motion to approve: Agreement with South Florida Fair and Palm Beach County Expositions, Inc., in an amount not-to-exceed \$78,645 for reassembling of the Sundy Feed Store for the period November 4, 2003 through May 3, 2005. **SUMMARY:** South Florida Fair and Expositions, Inc., plans to restore the historic Sundy Feed Store, which was relocated by the County from Morikami Park to the South Florida Fairgrounds. Funding in the amount of \$114,386 was previously budgeted for the dismantling and relocation of the Sundy Feed Store to the Fairgrounds; \$35,741 was expended for dismantling and transport. The remaining balance of \$78,645 will be used by South Florida Fair and Expositions, Inc. to reassemble the Sundy Feed store in conjunction with the Sundy Feed Store restoration project. District 5 (ND)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. **APPROVED** **R-2003-1818**
Staff recommends motion to approve: Agreement with the School Board of Palm Beach County, in an amount not-to-exceed \$5,000 for musical instruments for the John I. Leonard High School Band for the period November 4, 2003 through November 3, 2004. **SUMMARY:** John I. Leonard High School is purchasing musical instruments for its band programs. This Agreement provides a total of \$5,000 to offset costs for the purchase of the new instruments. The Agreement allows for the reimbursement of eligible pre-Agreement expenses subsequent to February 15, 2003. Funding is from the Recreation Assistance Program (RAP). District 2 (ND)

N. LIBRARY

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

A) APPROVED R-2003-1819
a Site Agreement with the PBC Literacy Coalition for the County Library's participation in the Literacy*AmeriCorps PBC Program through August 31, 2004 in an amount not-to-exceed \$4,000; and

B) APPROVED
Site agreement addendum

C) APPROVED R-2003-1820
authorize the Chair to execute any other necessary forms and certifications.

SUMMARY: On July 15, 2003, the BCC approved the Site Application (R2003-1095). This agreement provides the County Library with one full-time Literacy*AmeriCorps member through August 31, 2004, who will work with the staff to recruit and train volunteer tutors and conduct programs for adult literacy students. The Library will pay a service fee of \$2,000 to the Coalition as matching funds, and business-related mileage to the member. AmeriCorps and the Coalition will cover all other expenses including Workers' Compensation and health care coverage. Funding is included in the FY 2004 budget. Countywide (TKF)

AA. PALM TRAN

1. **APPROVED**
Staff recommends motion to approve: Trading Partners Agreements with ACS EDI Gateway, Inc., for:

A) APPROVED R-2003-1821
Ambulatory/Wheelchair No. 470043100;

B) APPROVED R-2003-1822
Stretcher No. 410142100, and;

C) APPROVED R-2003-1823
Bus Pass No. 440018600.

SUMMARY: These Trading Partner Agreements will allow Palm Tran CONNECTION to bill Medicaid electronically for transportation services provided to Medicaid recipients. These transportation services represent the cost of distributing bus passes including the cost of the actual bus passes and providing paratransit trips (ambulatory, wheelchair, and stretcher) including the cost of determining rider eligibility, booking and scheduling trips. Countywide (DR)

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

- A. **PRESENTED**
Certificate of Appreciation presented to Representative Richard Machek, Chair of the Legislative Delegation.
- B. **PRESENTED**
Proclamation declaring the month of November, 2003 as "Joey Bergsma Retinoblastoma Awareness Month" in Palm Beach County. (Sponsored by Commissioner Greene)
- C. **PRESENTED**
Proclamation declaring the month of November, 2003 as "Communities in Schools Awareness Month" in Palm Beach County. (Sponsored by Commissioner Koons)
- D. **PRESENTED**
Proclamation declaring Thursday November 6, 2003 as "Talking Books for the Blind and Physically Handicapped Library Day" in Palm Beach County. (Sponsored by Commissioner Koons)
- E. **PRESENTED**
Proclamation declaring Friday November 21, 2003 as "Oakwood Center of the Palm Beaches Staff Appreciation Day" in Palm Beach County. (Sponsored by Commissioner Koons)
- F. **PRESENTED**
Proclamation declaring Saturday November 15, 2003 as "LatinFest Day" in Palm Beach County. (Sponsored by Commissioner Marcus)
- G. **PRESENTED**

ADD-ON: Proclamation declaring Saturday November 15, 2003 as "I Love To Write Day" in Palm Beach County. (Sponsored by Commissioner Newell)
- H. **PRESENTED**

ADD-ON: Proclamation saluting the World Series Champion Marlins on Friday, November 7, 2003 in Palm Beach County. (Sponsored by Commissioner Marcus)

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

- A. **Staff recommends motion to postpone indefinitely:** a Resolution abandoning two (2) unimproved portions of rights-of-way known as Nash Trail, as recorded in Deed book 1088, Page 518 and Thunderbird Drive, recorded in Official Record Book 2342, Page 863 and Official Record Book 2177, Page 1216, Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located on the northwest corner of Lantana Road and Meyers Road, a/k/a 52nd Drive. These unimproved rights-of-way are not consistent with the proposed Master Plan for Belmont at Greenacres Planned Unit Development (P.U.D.), and must be abandoned prior to development of the proposed project. District 3 (PK)

6. REGULAR AGENDA

A. ADMINISTRATION

1. DELETED

2. Staff recommends motion to approve:

A) APPROVED

participation with the United Way, the Quantum Foundation, the Internal Revenue Service, and other community agencies in implementing the Palm Beach County Prosperity Campaign; and

B) APPROVED

Budget Transfer of \$50,000 from the General Fund Contingency in support of the countywide Prosperity Campaign.

SUMMARY: United Way requests the County's support and partnership in increasing the number of households receiving the earned income tax credits (EITC). In 2001, the Internal Revenue Service reported that in Palm Beach County, 18,884 households who were eligible for the Earned Income Tax Credit did not file for it. As a result, \$11,537,155 was unclaimed in Palm Beach County in 2001. Eligible families may receive refunds for up to three (3) preceding years thereby increasing the maximum additional EITC for those eligible families to \$34,600,000. An EITC can be as high as \$4,140 and households making as much as \$34,392 may be eligible. The average EITC household received last year in Palm Beach County was \$1,700 in 2001. According to the Internal Revenue Service, in some cases, the tax preparers preyed upon low income filers by providing Refund Anticipation Loans with interest rates averaging 222% and ranging as high as 774%. This joint Prosperity Campaign between United Way, Quantum Foundation and the Internal Revenue Service is the first comprehensive approach to educate and assist those families eligible for assistance under the EITC program. There will be over 30 locations that will be promoting this program. The Quantum Foundation grant committee has approved the allocation of \$90,000 and the United Way has approved the allocation of \$35,524 in support of this program. Countywide (DN)

3. APPROVED WITH BOARD DIRECTIONS

Staff requests Board direction on draft FY04 State Legislative Program. **SUMMARY:** Staff requests the Board's review of the draft FY04 State Legislative Program, which includes issues that have been submitted by Board members and County staff, and identification of legislative and appropriations priorities. The Legislative Program outlines the issues that the County's Legislative Affairs Department in conjunction the County's Lobbyist, will be working on for the Board in the upcoming Legislative Session. Countywide. (DN)

6. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

4. **APPROVED**
Staff recommends motion to approve: Neighborhood Partnership Grant (NPG) funding recommendations for Fiscal Year 2003;

A) APPROVED R-2003-1824
an Agreement with the Gramercy Park Coalition in the amount of \$10,734 to secure educational space, purchase office equipment, and install fencing;

B) APPROVED R-2003-1825
an Agreement with Kenwood Estates in the amount of \$12,149.73 to purchase a copy machine to print their community newsletter;

C) APPROVED R-2003-1826
an Agreement with the Lakewood Community in the amount of \$4,216.55 to construct and install a community identification sign;

D) APPROVED R-2003-1827
an Agreement with the Palm Beach County Sheriff's Office Explorer Post No. 611 in the amount of \$4,534.66 to purchase supplies and equipment for the mobile outreach unit community service program to service the unincorporated areas of Belle Glade, South Bay and Pahokee;

E) APPROVED R-2003-1828
an Agreement with Royal Palm Estates Crime Watch in the amount of \$1,915.28 to purchase a copy machine and office supplies for the community newsletter;

F) APPROVED R-2003-1829
an Agreement with New Macedonia Ministries & Resources, Inc. in the amount of \$14,360.65 to purchase computer hardware, software, copier, workstations, office supplies and a community sign;

G) APPROVED R-2003-1830
an Agreement with Lake Worth West Resident Planning Group, Inc. in the amount of \$11,543.02 to improve the community center sign and purchase supplies and equipment for the distribution of its monthly newsletter;

H) APPROVED R-2003-1831
an Agreement with Juno Ridge Property Owners in the amount of \$20,000 for landscaping improvements and pedestrian amenities;

I) APPROVED R-2003-1832
an Agreement with Juno Ridge Property Owners in the amount of \$20,000 to design and construct a meeting pavilion;

J) APPROVED R-2003-1833
an Agreement with Palm Beach County Housing Authority in the amount of \$19,240 to purchase and install playground equipment in Seminole Estates;

K) APPROVED R-2003-1834
an Agreement with Palm Beach County Housing Authority in the amount of \$19,240 to purchase and install playground equipment in Marshall Heights; and

L) APPROVED R-2003-1835
an Agreement with Palm Beach County Housing Authority in the amount of \$12,338 to install network computer system for workstations in Dyson Circle.

SUMMARY: The following projects have been reviewed by the Neighborhood Partnership Grant Program Review Committee, and are being recommended for funding. Countywide. (AH)

6. REGULAR AGENDA

B. OFFICE OF FINANCIAL MANAGEMENT AND BUDGET

1. **APPROVED**

Staff recommends motion to approve on preliminary reading and advertise for public hearing on November 18, 2003 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, providing an additional homestead exemption for persons sixty-five and older who meet the constitutional and statutory requirements relating to such additional homestead exemption; providing for title; providing for definitions; providing for annual adjustment of the income limitation; providing for an annual submittal of sworn income statement; providing for notice to Property Appraiser; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date. **SUMMARY:** Florida Statutes allow the adoption of an additional homestead exemption of up to \$25,000 for senior citizens whose household income does not exceed a statutorily-defined limit. The current maximum household income to be eligible for the senior homestead exemption is \$21,599. Forty-one counties have adopted an additional exemption. At its October 7, 2003 meeting, the Board directed staff to prepare an ordinance establishing a \$25,000 senior homestead exemption for Palm Beach County. Countywide (PK)

2. **ADOPTED** **R-2003-1836**

Staff recommends motion to adopt: a Resolution amending Bond Resolution No. R2003-1537, adopted September 23, 2003, authorizing the issuance of Public Improvement Recreation Facilities Revenue Refunding Bonds, Series 2003 to correct a scrivener's error in the test for issuing additional obligations secured by a covenant to budget and appropriate; providing for certain other matters in connection therewith; and providing for an effective date. **SUMMARY:** In preparing the closing documents for above issue, a typographical error was found in the anti-dilution test in the bond resolution which is corrected in this resolution. The bonds were sold on October 28, 2003 and will close on November 13, 2003. Countywide (PFK)

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

A) **APPROVED**

Budget Transfer of \$760,489 in the Okeehetee Golf Course Fund (1381) to budget a transfer to the \$6.525M Public Improvement Recreational Facilities Revenue Refunding Bonds, Series 2003 Debt Service Fund (2510) for the payment of principal and interest on the Series 2003 refunding bonds;

B) **APPROVED**

Budget Amendment of \$7,314,437 in the \$6.525M Public Improvement Recreational Facilities Refunding Bonds, Series 2003 Debt Service Fund (2510) for the annual payment of principal and interest on the bonds and to record the bond proceeds, transfer of funds from the Okeehetee Golf Course Fund, cost of issuance and the payment to the refunding bond escrow agent as a result of the issuance of the 2003 refunding bonds; and

C) **APPROVED**

Budget Amendment of \$760,489 in the \$8.585M Public Improvement Okeehetee Golf 1994 Debt Service Fund to reduce the transfer from the Okeehetee Golf Course Fund (1381) as a result of the issuance of the Series 2003 refunding bonds.

SUMMARY: On October 28, 2003, the County sold the \$6.25M Public Improvement Recreational Facilities Revenue Refunding Bonds. The above budget transfer and amendments are necessary to record the sale of the bonds and set up the debt service payments for the refunding bonds in the FY 2004 budget. The net present value savings from the sale of the refunding bonds is \$485,495 or 8.025% and the cost of issuance is \$130,802. Countywide (PK)

6. REGULAR AGENDA

C. HOUSING AND COMMUNITY DEVELOPMENT

1. **APPROVED**

Staff recommends motion to approve: The Six Year Study to Identify HCD Planning Areas for the Community Development Block Grant Program (2003-2009). **SUMMARY:** This Study will facilitate the preparation and implementation of the Five Year Consolidated Plan and the Annual Action Plan required per HUD's Final Rule 24 CFR Part 91, "Consolidated Submission for Community Planning and Development Programs", published on January 5, 1995. This rule consolidated into a single submission the planning and application aspects of the Community Development Block Grant (CDBG) Program, Emergency Shelter Grants (ESG) Program, and HOME Investment Partnerships (HOME) Program. The Five Year Consolidated Plan must comply with Subpart C 91.210, which requires that jurisdictions identify and describe any areas within the jurisdiction with concentrations of racial/ethnic minorities and/or low-income families. The locations and degree of these concentrations must be identified. The Annual Consolidated Plan must comply with Subpart C 92.220(d), which requires the jurisdiction to describe the geographic areas of the jurisdiction in which it will direct assistance, particularly under the CDBG program, during each program year. The Study complies with Subpart C 92.210 and 91.220(d) by identifying and describing areas within the Palm Beach County CDBG Program Jurisdiction with concentrations of racial/ethnic minorities and/or low-income families. Countywide (TKF)

2. **APPROVED** **R-2003-1837**

Staff recommends motion to approve: The Second Amendment to the FY 2003-04 Annual Consolidated Plan, which will provide funding to five (5) businesses under the Community Development Block Grant (CDBG) Economic Development Set-aside Program. **SUMMARY:** The proposed amendment will allow for the funding of five (5) businesses who were recommended for funding by the Overall Economic Development Program (OEDP) Committee under the CDBG Set-aside Program for Economic Development. The individual funding recommendations are as follows:

A) Cypress Cooling, LLC - \$450,000;

B) Apple Pie, Inc. & Hartman Windows and Doors - \$100,000;

C) Jupiter Yacht Charter, Inc. - \$119,200;

D) Kidz Korner, LLC - \$120,000; and

E) Prosperi Company, Inc. - \$50,000. Funds recommended for Prosperi Company will be disbursed as follows: \$25,000 grant funding and \$25,000 as a no-interest loan.

All other funding recommendations are exclusively grants. Countywide (TKF)

6. REGULAR AGENDA

D. PUBLIC AFFAIRS

1. Staff requests Board direction:
REVISED TITLE & SUMMARY:

~~A) **APPROVED**
an Interlocal Agreement with the City of West Palm Beach relating to the County's participation and financial support of the City's 2004 Kaleidoscope event, in the amount of \$7,500. B) Budget Transfer of \$7,500 from the General Fund Contingency Reserve.~~

Staff requests Board Direction: regarding a request received from the City of West Palm Beach for sponsorship funding of the City's 2004 Kaleidoscope program in the amount of \$7,500 to be funded through a budget transfer from the General Fund Contingency Reserve.

~~**SUMMARY:** The City of West Palm Beach annually produces "Kaleidoscope," an event celebrating cultural diversity and featuring more than a dozen cultural "villages" created through partnerships with local cultural organizations and Palm Beach County public schools. Last year, approximately 17 villages were represented by 28 participating schools from across Palm Beach County and affected an estimated 30,161 students who studied the rich diversity of the 17 countries represented in their Kaleidoscope projects. Adding an additional 25,000 residents and visitors to the event means that the event educates and brings enjoyment to well over 50,000 people and represents a good opportunity for County participation. Countywide (DN) (Pub Affrs)~~

E. PLANNING, ZONING AND BUILDING

1. **DELETED**

6. REGULAR AGENDA

E. PLANNING, ZONING AND BUILDING (Cont'd)

TIME CERTAIN 10:30 A.M.

2.

APPROVED

Staff recommends a motion to approve on preliminary reading and advertise for 1st reading on November 18, 2003 at 9:30 a.m.: REVISED TITLE: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing the Unified Land Development Code, Ordinance No. 92-20, as amended ;except for Articles 10 and 16; adopting new Unified Land Development Code. Article 1 - general provisions; Chapter A - authority; Chapter B - interpretation of the Code; Chapter C - rules of construction & measurement; Chapter D - implementation; Chapter E - prior approvals; Chapter F - nonconformities; Chapter G - eminent domain; Chapter H - lot of record; Article 2 - development review ~~process~~; procedures; Chapter A -... general; Chapter B - public hearing procedures; Chapter C - future land use atlas plan amendments; Chapter D - administrative processes; Chapter E - monitoring; Chapter F - concurrency (adequate public facility standards); Article 3 - overlays and zoning districts; Chapter A - general; Chapter B - overlays; Chapter C - standard districts; Chapter D - property development regulations; Chapter E - planned development districts; Chapter F - traditional development districts; Article 4 - use regulations; Chapter A - use classification; Chapter B - supplementary use standards; Chapter C - communication tower, commercial; Chapter D - excavation; Article 5 - supplementary standards; Chapter A - general; Chapter B - accessory & temporary uses; Chapter C - design standards; Chapter D - parks and recreation-rules and recreation standards; Chapter E - performance standards; Chapter F - legal documents; Chapter G - density bonus programs; Article 6 - parking; Chapter A - parking; Chapter B - loading standards; Chapter C - driveways and access; Article 7 - landscaping; Chapter A - general; Chapter B - types of plans; Chapter C - managed growth tier system tier compliance; Chapter D - general standards; Chapter E - installation, maintenance, pruning and irrigation; Chapter F - perimeter buffer landscape requirements; Chapter G - off-street parking requirements; Chapter H - enforcement; Article 8 - signage; Chapter A - general; Chapter B - exemptions; Chapter C - prohibitions; Chapter D - temporary signs requiring special permit; Chapter E - procedures for signage; Chapter F - general provisions for all sign types; Chapter G - standards for specific sign types; Chapter H - off-site signs; Chapter I - administration and enforcement; Article 9 - archeological and historical preservation; Chapter A - archeological resources protection; Chapter B - historic preservation procedures; Article 10 - code enforcement; Chapter A - general; Chapter B - enforcement by code enforcement special masters; Chapter C - groundwater and natural resources protection board; Chapter D - environmental control hearing board; Chapter E - remedies; Article 11 - subdivision; Chapter A - general requirements; Chapter B - subdivision requirements; Chapter C - rural subdivisions; Chapter D - platting; Chapter E - required improvements; Chapter F - variances; Article 12 - traffic performance standards; Chapter A - general; Chapter B - standard; Chapter C - traffic impact studies; Chapter D - modeling of trips; Chapter E - procedure; Chapter F - entitlement; Chapter G - appeals; Chapter H - affordable housing; Chapter I - constrained facilities; Chapter J - coastal residential exception; Chapter K - transportation concurrency management areas; Chapter L - transportation concurrency exceptions areas; Chapter M - transportation concurrency for projects that promote public transportation; Chapter N - five-year road program; Chapter O - method of prioritizing thoroughfare improvements; Chapter P - project aggregation; **CONTINUED**

6. REGULAR AGENDA

E. PLANNING, ZONING AND BUILDING (Cont'd)

TIME CERTAIN 10:30 A.M.

2. CONTINUED

~~Article 13 - impact fees; Chapter A - general; Chapter B - county district, regional, and beach parks impact fee; Chapter C - fire-rescue impact fee; Chapter D - library impact fee; Chapter E - law enforcement impact fee; Chapter F - public buildings impact fee; Chapter G - school impact fee; Chapter H - road impact fees; Article 14 - environmental standards;...(PZ&B) Chapter A - sea turtle protection and sand preservation; Chapter B - wellfield protection; Chapter C - vegetation preservation and protection; Chapter D - prohibited invasive non-native vegetation removal ordinance; Article 16 - airport regulations; Chapter A - general; Chapter B - airspace height regulations; Chapter C - airport land use regulations; Article 17 - decision making bodies; Chapter A - Board of County Commissioners; Chapter B - general provisions; Chapter C - appointed bodies; Chapter D - staff officials; and Article 18 - definitions; Chapter A - zoning definitions and acronyms; providing for repeal of laws in conflict; providing for severability; providing for a savings clause; and providing for an effective date.~~

SUMMARY: This ordinance will repeal the existing Unified Land Development Code (ULDC) adopted in June 1992 and adopt the proposed ULDC. The proposed ordinance incorporates changes to the land development regulations required by the Comprehensive Plan and Board of County Commission direction to specific code amendments.

The County adopted the Managed Growth Tier System (MGTS) in August 1999 to address the future framework for managing growth in Palm Beach County. The Tier System recognizes the County's diversity by delineating five (5) distinct geographic regions: Urban/Suburban, Exurban, Rural, Agricultural Reserve and Glades. Each Tier has common characteristics such as development patterns, densities/intensities, and public service availability.

The MGTS is described in the Future Land Use, Transportation, Conservation, and Utilities Elements of the Comprehensive Plan.

The BCC directed staff to accomplish several goals as part of the MGTS Code Revision Project:

1. Implement MGTS as required by the Comprehensive Plan;
 2. Update and streamline the ULDC based on input and comments from interested parties, peer review, industry, and CTF; and
 3. Develop a user-friendly interactive code.
- Countywide (LB)

F. FIRE RESCUE

1. **ADOPTED** **R-2003-1838**

ADD-ON: Staff recommends motion to adopt: a Resolution creating the Committee on Fire Rescue Level of Service. **SUMMARY:** At the Board of County Commissioner's October 28, 2003 Workshop on Fire Rescue Level of Service, the Board directed staff to bring back on November 4, 2003 a resolution establishing a Committee to advise the Board on the following issues: preparing a cost analysis to bring all fire-rescue service providers to the minimum level of service standard recommended to the Board on October 28, 2003; preparing a cost estimate for a voluntary county-wide fire-rescue dispatch/communications system, presenting a proposal for closest unit response, and other items as may be directed by the Board. The Committee, at its discretion, may utilize the services of a consultant to be provided at the County's expense. The Committee, along with the board appointments, shall sunset on June 1, 2004. Countywide (SB) (Fire Rescue)

RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE ENVIRONMENTAL CONTROL BOARD

NOVEMBER 4, 2003

7. SITTING AS THE ENVIRONMENTAL CONTROL BOARD

A. TIME CERTAIN 10:45 A.M.

1. APPROVED

Staff recommends a motion to approve on preliminary reading and advertise for 1st Reading on November 18, 2003 at 9:30 a.m.: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SITTING AS THE ENVIRONMENTAL CONTROL BOARD; REPEALING ARTICLE 16 OF THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 92-20, AS AMENDED; ADOPTING IN ITS PLACE A NEW ARTICLE 15 - HEALTH REGULATIONS; CHAPTER A - ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (ENVIRONMENTAL CONTROL RULE I); CHAPTER B - DRINKING WATER SUPPLY SYSTEMS (ENVIRONMENTAL CONTROL RULE II); CHAPTER C - GENERAL THRESHOLD REVIEW; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. **SUMMARY:** The proposed ordinance accounts for minor changes required by the Florida Administrative Code. This is a separate Agenda from the rest of the ULDC rewrite item since the Board of County Commissioners must sit as the Environmental Control Board pursuant to Special Act establishing the Board and authorizing it to create rules and regulations regarding onsite sewage treatment disposal systems and drinking water supply systems. Countywide (LB)

ADJOURN AS THE ENVIRONMENTAL CONTROL BOARD

RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

8. BOARD APPOINTMENTS

A. **HOUSING AND COMMUNITY DEVELOPMENT**
(Emergency Shelter Grants Program (ESGP) Advisory Board)

1. **APPROVED**

Staff recommends motion to approve: Appointment/Reappointment of the following nominees to the Emergency Shelter Grants Program (ESGP) Advisory Board for a two (2) year term, starting October 1, 2003, through September 30, 2005.

<u>Nominees for Appointment</u>	<u>Nominated By</u>	<u>Seat No.</u>
Maria L. Bello	The Homeless Coalition of Palm Beach County, Inc.	1
Linda Graham	The Homeless Coalition of Palm Beach County, Inc.	2
Ezra Krieg	The Homeless Coalition of Palm Beach County, Inc.	3
James Tackett	The Homeless Coalition of Palm Beach County, Inc.	4

<u>Nominees for Reappointment</u>	<u>Nominated By</u>	<u>Seat No.</u>
Gail Arbour	The Homeless Coalition of Palm Beach County, Inc.	5
James V. Dowling	The Homeless Coalition of Palm Beach County, Inc.	6
Sandy Duncan	The Homeless Coalition of Palm Beach County, Inc.	7
Teresa Merwin	The Homeless Coalition of Palm Beach County, Inc.	8
Lois Messer	The Homeless Coalition of Palm Beach County, Inc.	9
Debra Doca (Alternate)	The Homeless Coalition of Palm Beach County, Inc.	10
Allen Tomlinson (Alternate)	The Homeless Coalition of Palm Beach County, Inc.	11

SUMMARY: The Emergency Shelter Grants Program (ESGP) Advisory Board consists of nine regular and two alternate members nominated by The Homeless Coalition of Palm Beach County, Inc. Advisory Board members, who must be residents of Palm Beach County, must also be non-conflict, meaning that the agencies they are employed by, or board members of, will not be applying for ESGP funds during their term of office. Advisory Board members serve two-year terms. The primary objective of the ESGP Advisory Board is to make funding recommendations to the Board of County Commissioners (BCC) for the Emergency Shelter Grants Program. Countywide (TKF)

B. **FIRE RESCUE**
(Fire Rescue Advisory Board)

1. **APPROVED**

Staff recommends motion to approve: appointment of Kevin Kelly to the Fire Rescue Advisory Board, Seat No. 2 to complete a term, beginning on November 4, 2003 through October 15, 2004.

<u>Nominee</u>	<u>Category</u>	<u>Seat No.</u>	<u>Nominated By</u>
Kevin Kelly	Architect/Contractor Consultant	2	Commissioner Marcus

SUMMARY: The Fire Rescue Advisory Board was created by Resolution No. R89-1661 and revised by Resolution No. R92-596 on April 28, 1992. Appointments to this seven (7) member board are for three-year terms, and represent specific fields of expertise. Mr. Kelly represents the category of Architect and Contractor Consultant. Countywide (SB)

B. FIRE RESCUE

(Fire Rescue Advisory Board)

2

APPROVED

ADD-ON: Staff recommends motion to approve: appointment of nine (9) members to the **Committee on Fire-Rescue Level of Service** for a specific term from November 4, 2003 until June 1, 2004.

<u>Nominee</u>	<u>Category</u>	<u>Nominated by:</u>
Brad Merriman	County Administration	County Administrator
Kurt Bressner	Manager-Large City	PBC League of Cities
Karl Umberger	Manager-Small City	PBC League of Cities
Ray Carter	Fire Chief-Large City	PBC Fire Chiefs Assn
Jim Weinand	Fire Chief-Small City	PBC Fire Chiefs Assn
Herman Brice	Fire Chief-County	County Administrator
Mike Mayo	Labor	PBC Council of Firefighters
Richard Galeta	FR Advisory Board	PBC Fire-Rescue Advisory Bd
Armand Nault (Interim)	EMS Advisory Board	EMS Advisory Council

SUMMARY: Palm Beach County Resolution No.1838 establishes the Committee on Fire-Rescue Level of Service. The nine (9) members are selected by category and serve a specific term from November 4, 2003 until June 1, 2004, at which time the Committee will sunset. The Committee serves in an advisory capacity to the Board of County Commissioners and shall report to the Board on January 27, 2004, the following:

- A)** cost of implementing the minimum level of service standards as recommended to the Board on October 28, 2003;
- B)** cost analysis of a Countywide fire-rescue dispatch/communication system;
- C)** a proposal for closest unit response; and
- D)** other items as directed by the Board.

The Committee, at its discretion, may utilize the services of a consultant to be provided at the County's expense. Countywide (SB) (Fire Rescue)

C. COMMISSION DISTRICT APPOINTMENTS

NOVEMBER 4, 2003

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

* * * * *

NOVEMBER 4, 2003

10. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

1. Convention Center report

B. COUNTY ATTORNEY

NOVEMBER 4, 2003

11. 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

12. 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**

NOVEMBER 4, 2003

PAGE	ITEM	
7	3C-6	<p><u>DELETED:</u> Staff recommends motion to approve:</p> <p>A) an Agreement for Acquisition with Schickendanz Capital Group, L.L.C. (Developer), for the acquisition of right-of-way as needed for Island Way from Indiantown Road to the County Line, known as the North Fork Parcel; and</p> <p>B) Budget Amendment of \$3,000 in the Road Impact Fee Zone 1 Fund to recognize a Developer contribution for acquisition of Island Way – North Fork Parcel. (Eng) (Moved to 11/18/03)</p>
8	3C-8	<p><u>REVISED TITLE:</u> a \$72,789.56 <u>\$72,879.56</u> Task Authorization with Lawson Noble & Webb, Inc. (LNW) for engineering services for Sansbury's Way and Fairgrounds Road Intersection, (Project). (Eng)</p>
11	3E-4	<p><u>DELETED:</u> Contract with Quality Assist, Inc. for a not-to-exceed amount of \$20,940 for the period November 4, 2003 through February 30, 2004. (Comm Serv) (Further staff review)</p>
20	4G	<p><u>ADD-ON:</u> Proclamation declaring Saturday November 15, 2003 as "I Love To Write Day" in Palm Beach County. (Sponsored by Commissioner Newell)</p>
20	4H *	<p><u>ADD-ON:</u> Proclamation saluting the World Series Champion Marlins on Friday, November 7, 2003 in Palm Beach County. (Sponsored by Commissioner Marcus)</p>
25	6D-1	<p><u>REVISED TITLE & SUMMARY:</u> A) an Interlocal Agreement with the City of West Palm Beach relating to the County's participation and financial support of the City's 2004 Kaleidoscope event, in the amount of \$7,500. B) Budget Transfer of \$7,500 from the General Fund Contingency Reserve.</p> <p><u>Staff requests Board Direction:</u> <u>regarding a request received from the City of West Palm Beach for sponsorship funding of the City's 2004 Kaleidoscope program in the amount of \$7,500 to be funded through a budget transfer from the General Fund Contingency Reserve.</u></p> <p><u>SUMMARY:</u> The City of West Palm Beach annually produces "Kaleidoscope," an event celebrating cultural diversity and featuring more than a dozen cultural "villages" created through partnerships with local cultural organizations and Palm Beach County public schools. Last year, approximately 17 villages were represented by 28 participating schools from across Palm Beach County and affected an estimated 30,161 students who studied the rich diversity of the 17 countries represented in their Kaleidoscope projects. Adding an additional 25,000 residents and visitors to the event means that the event educates and brings enjoyment to well over 50,000 people and represents a good opportunity for County participation. <u>Countywide</u> (DN) (Pub Affrs)</p>

- 26-27 6E-2 **REVISED TITLE:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing the Unified Land Development Code, Ordinance No. 92-20, as amended; except for Articles 10 and 16; adopting a new Unified Land Development Code. Article 1 - general provisions; Chapter A - authority; Chapter B - interpretation of the Code; Chapter C - rules of construction & measurement; Chapter D - implementation; Chapter E - prior approvals; Chapter F - nonconformities; Chapter G - eminent domain; Chapter H - lot of record; Article 2 - development review process procedures; Chapter A - general; ... ~~Article 13 - impact fees; Chapter A - general; Chapter B - county district, regional, and beach parks impact fee; Chapter C - fire-rescue impact fee; Chapter D - library impact fee; Chapter E - law enforcement impact fee; Chapter F - public buildings impact fee; Chapter G - school impact fee; Chapter H - road impact fees~~; Article 14 - environmental standards; ... (PZ&B)
- 27 6F-1 **ADD-ON: Staff recommends motion to adopt:** a Resolution creating the Committee on Fire Rescue Level of Service. **SUMMARY:** At the Board of County Commissioner's October 28, 2003 Workshop on Fire Rescue Level of Service, the Board directed staff to bring back on November 4, 2003 a resolution establishing a Committee to advise the Board on the following issues: preparing a cost analysis to bring all fire-rescue service providers to the minimum level of service standard recommended to the Board on October 28, 2003; preparing a cost estimate for a voluntary county-wide fire-rescue dispatch/communications system, presenting a proposal for closest unit response, and other items as may be directed by the Board. The Committee, at its discretion, may utilize the services of a consultant to be provided at the County's expense. The Committee, along with the board appointments, shall sunset on June 1, 2004. Countywide (SB) (Fire Rescue)
- 29 8B-2 **ADD-ON: Staff recommends motion to approve:** appointment of nine (9) members to the **Committee on Fire-Rescue Level of Service** for a specific term from November 4, 2003 until June 1, 2004.

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Jim Weinand	Fire Chief-Small City	PBC Fire Chiefs Assn
Herman Brice	Fire Chief-County	County Administrator
Mike Mayo	Labor	PBC Council of Firefighters
Richard Galeta	FR Advisory Board	PBC Fire-Rescue Advisory Bd
Armand Nault (Interim)	EMS Advisory Board	EMS Advisory Council

SUMMARY: Palm Beach County Resolution No. _____ establishes the Committee on Fire-Rescue Level of Service. The nine (9) members are selected by category and serve a specific term from November 4, 2003 until June 1, 2004, at which time the Committee will sunset. The Committee serves in an advisory capacity to the Board of County Commissioners and shall report to the Board on January 27, 2004, the following:

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- D)** other items as directed by the Board.

The Committee, at its discretion, may utilize the services of a consultant to be provided at the County's expense. Countywide (SB) (Fire Rescue)

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 (*).