

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

1. **CALL TO ORDER:** February 15, 2000, at 9:35 a.m., in the Palm Beach County Governmental Center, West Palm Beach, Florida.

1.A. **ROLL CALL**

MEMBERS AND OFFICERS PRESENT:

Chair Maude Ford Lee  
Vice-Chair Warren H. Newell  
Commissioner Burt Aaronson  
Commissioner Mary McCarty  
Commissioner Karen T. Marcus  
Commissioner Tony Masilotti - Absent  
Commissioner Carol A. Roberts  
County Administrator Robert Weisman  
County Attorney Denise Dytrych  
Chief Deputy Clerk John W. Dame  
Deputy Clerk Linda C. Hickman

1.B. **INVOCATION** - Commissioner Lee

1.C. **PLEDGE OF ALLEGIANCE**

2. **AGENDA APPROVAL**

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

County Administrator Weisman noted the Agenda changes as follows:

PAGE	ITEM	
8	3C-9	<b><u>REVISED TITLE:</u></b>  <del>A) approve a Local Agency Program Application for Palm Beach County Traffic Signal Group 6 (Advanced Traffic Management System (ATMS) Group 1);</del>  <b>A) B) approve</b> a Local Agency Program Agreement with the Florida Department of Transportation concerning Palm Beach County accomplishing Traffic Signal Group 6;  <b>B) C) adopt</b> a Resolution approving this agreement;  <b>C) D) approve</b> Budget Amendment of \$3,050,000 in the Transportation Improvement Fund establishing grant revenue for the Traffic Signal System Group 6 Project. (Eng)
8	3C-10 **	<b><u>DELETED:</u></b> (Eng) a \$1,364,555.85 Contract with Ranger Construction Industries, Inc., the lowest responsive, responsible bidder, for the construction of Boynton Beach Boulevard and Military Trail Intersection Improvements. (Eng)
9	3D-2	<b><u>DELETED:</u></b> Staff recommends motion to direct the Minutes Department to forward the attached
REGULAR	1	FEBRUARY 15, 2000

Ordinance pertaining to burglar alarms to the Secretary of State for filing. (Co Atty) (Moved to Regular Agenda Item 5A-4)

**2.A. - CONTINUED**

<b>PAGE</b>	<b>ITEM</b>	
24	3BB-3	<p><b>REVISED TITLE AND SUMMARY:</b> A) Budget Amendment of \$23,674 in the Sheriff's Grants Fund; and</p> <p>B) Budget Transfer of <del>\$3,946</del> <u>\$3,122</u> in the Law Enforcement Trust Fund (LETf).</p> <p><b>SUMMARY:</b> On September 7, 1999, the Board approved the re-appropriation of the Truancy Interdiction Program (TIPS) Grant awarded by the Department of Juvenile Justice in the amount of \$55,000. However, eligible grant expenditures recognized in FY 99 were greater than anticipated, and the Notice of Grant Award was erroneously stated as \$55,000 when the actual award is \$50,000. As a result, the FY 2000 budget needs to be adjusted by \$23,674 to reflect these changes. The total modified budget for FY 2000 will be \$31,326. Concurrently, the approved budget for the required cash match, provided by the LETf, will be adjusted by <del>\$3,946</del> <u>\$3,122</u>. This is a continuation of the FY 99 Truancy Interdiction Program. (Sheriff)</p>
30	5A-4	<p><b>ADD-ON:</b> Staff recommends motion to approve on preliminary reading and advertise for public hearing on February 29, 2000 at 2:00 p.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, Amending Chapter 16 of the Palm Beach County Code, Article Iii, (Ordinance No. 99-74), Pertaining to Burglar Alarms; Amending Definition of False Alarm; Amending Alarm Permits Required; Fee; Renewal; Amending Application for Alarm Permit; Emergency Notification; Reporting Service Information; Amending Appeals; 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. <b>SUMMARY:</b> On December 21, 1999, the Board of County Commissioners held a public hearing on the Burglar Alarm Ordinance and discussed adopting the Ordinance presented with several changes. Those changes were:</p> <ol style="list-style-type: none"><li>(1) Clarified references to alarms serviced by private security firms;</li><li>(2) Included in the Definition of false alarms, those alarms caused by weather or power outages less than two hours; and</li><li>(3) Required that after the fifth false alarm the Sheriff's Office must provide written notice to the alarm user that the sixth alarm would result in a \$250.00 fine and suspension of Sheriff's Office response for one year, however, the Sheriff shall continue to respond to 911 calls and robbery/panic alarms.</li></ol>

There is some question as to whether the changes were incorporated into the final motion to adopt

the Ordinance. While the County Attorney's Office believes the record sufficiently supports the inclusion of the amendments, out of an abundance of caution, staff recommends that this action be taken. (Cty. Atty.)

31                    5B-2    \*\*    **DELETED:**        **Staff requests Board direction:** concerning the installation of a permanent signal at Military Trail and Las Verdes.        **SUMMARY:** Direction is requested relating to the setting of standards for flashers versus full traffic signals. This item contains some issues that the Board needs to consider and decide as to policy direction.        Countywide        (Eng)        (Postponed to 2/29/00 to allow for policy change consideration)

## 2.A. - CONTINUED

32                    5C-2                    **ADD-ON:**        **Staff recommends motion to approve** a negotiated settlement offer in the amount of \$32,500 for full satisfaction of a Code Enforcement Lien that was entered against Anne Pettersen on October 11, 1996.        **SUMMARY:** The Code Enforcement Board (CEB) entered an Order and Claim of Lien against Anne Pettersen on October 11, 1996 for code violations involving accumulations of waste, yard trash, rubble and debris and uncultivated vegetation greater than eighteen (18) inches in height. The cited code violations were corrected as of July 6, 1999. The accumulated fines and interest through December 22, 1999, the month in which settlement discussions began, totaled \$121,449 (\$100,800 + \$20,649) of which Ms. Pettersen has agreed to pay the County \$32,500 (27%) for full settlement of her outstanding Code Enforcement Lien.        District 3        (KS)        (OFMB)

34                    5H-1    \*\*    **ADD-ON:**        **Staff recommends motion to:**

**A) adopt** a Resolution by the Palm Beach County Board of County Commissioners of Palm Beach County, Florida, finding that United Technologies Corporation, d/b/a Pratt & Whitney, be approved as a qualified applicant pursuant to S.288.106, Florida Statutes; and providing an appropriation of up to \$1,000,000 as local participation in the Qualified Target Industry Tax Refund Program pursuant to the Palm Beach County Job Growth Incentive Grant Program; and providing for an effective date; and

**B) approve** the Job Growth Incentive (JGI) Grant Agreement with United Technologies Corporation, awarding \$1,000,000 in available funds from the JGI Fund (Fund 014) to support the company's Liquid Space Propulsion project in Palm Beach County, and to require the company to retain 800 and create 200 full time or equivalent jobs in Palm Beach County.

**SUMMARY:**        United Technologies Corporation has filed a Qualified Target Industry (QTI) Tax Refund Program application with Enterprise Florida, Inc. to seek State tax refunds totaling \$5,000,000. Local participation, a 20% match, is required under this program. Staff recommends that this company be approved as a QTI Business pursuant to s.288.106, FS, with the necessary commitment of

local financial support by the appropriation of up to \$1,000,000. The Job Growth Incentive Grant Agreement with United Technologies Corporation for \$1,000,000 requires the company to retain 800 and create 200 full time or equivalent jobs at its Pratt & Whitney facility in Palm Beach County. The term of the contract is six (6) years. The annual average salary for the total of 1,000 retained and created positions will be approximately \$59,000, which is above the \$31,000 average salary per annum for Palm Beach County.  
District 1 (HF) (Admin)

37            6B-2    \*\*    **REVISED MOTION & TITLE:** Staff recommends motion to **appoint and reappoint:** the following Community Representatives to the Head Start Policy Council for a term of three (3) years effective February 15, 2000:

<u>Seat</u>	<u>Community Representatives</u>	<u>Category</u>	<u>Nominated By</u>
1	Muriel Williams	Former Parent	Commissioner Lee
2	Ethel Henry	Private Agency	Commissioner Lee
3	W. Wayne Monroe, Jr.	Civic Organization	Commissioner Lee
4	William Feaman	Civic Organization	Commissioner Lee
5	Rhonda Clinton	Professional	Commissioner Lee
6	Steven Turner (appoint)	Professional	Commissioner Masilotti

**2.A. - CONTINUED**

39            8F        \*\*    **DELETED :** Proclamation declaring Saturday, June 10, 2000 as "Portugal Day 2000" in Palm Beach County. (Moved to March 7, 2000 for presentation)

39            8G        **ADD-ON :** Proclamation declaring the month of February as "Black History Month" and February 14 -20, 2000 as "Tuskegee Airmen Week" in Palm Beach County. (Commissioner Lee)

**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 (\*).

**2.B.            ADOPTION**

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

- 3.            **CONSENT AGENDA**    -See Pages 4-20.
- 4.            **PUBLIC HEARINGS**    - See Pages 21-37.
- 5.            **REGULAR AGENDA**    -See Pages 37-52.
- 6.            **BOARD APPOINTMENTS**    -See Pages 52-53.
- 7.            **STAFF COMMENTS**    -See Page 54.
- 8.            **COMMISSIONER COMMENTS**    -See Pages 54-56.
- 9.            **ADJOURNMENT**        -See Page 56.

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

INFORMATION: Item 3.A.1. was pulled from the Consent Agenda for individual discussion at the request of Commissioner Newell. For discussion of that item, see Page 53.

**3.A. ADMINISTRATION**

**3.A.1.** See Page 53.

**3.A.2.**

RECEIVE AND FILE GADSDEN COUNTY RESOLUTION 00-003 OPPOSING THE INITIATIVE PETITION TO PLACE THE ANTI-AFFIRMATIVE ACTION QUESTION ON THE STATEWIDE BALLOT. APPROVED 2-15-2000

**3.A.3. DOCUMENT R-2000-0187**

RECEIVE AND FILE FULLY EXECUTED STANDARD AGREEMENT WITH MURRAY LOGAN CONSTRUCTION, INC., FOR \$41,520 FOR CONSTRUCTION OF A 12-INCH AERIAL CANAL CROSSING FOR THE E-3 CANAL AT BOYNTON GARDENS. APPROVED 2-15-2000

**CONSENT AGENDA - CONTINUED**

**3.A.4.**

**a. DOCUMENT R-2000-0188**

RECEIVE AND FILE EXECUTED STANDARD DEVELOPERS AGREEMENT 01-01023-000 WITH SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR POTABLE WATER AND WASTEWATER DEVELOPMENT. APPROVED 2-15-2000

**b. DOCUMENT R-2000-0189**

RECEIVE AND FILE EXECUTED STANDARD DEVELOPERS AGREEMENT 01-01025-000 WITH GARDENETTE ROYAL PROPERTIES, INC., AND GARDENETTE HOLDINGS, INC., FOR POTABLE WATER AND WASTEWATER DEVELOPMENT. APPROVED 2-15-2000

**c. DOCUMENT R-2000-0190**

RECEIVE AND FILE EXECUTED STANDARD DEVELOPERS AGREEMENT 02-01013-000 WITH ROBERT BURGER, TRUSTEE, FOR POTABLE WATER AND WASTEWATER DEVELOPMENT. APPROVED 2-15-2000

**d. DOCUMENT R-2000-0191**

RECEIVE AND FILE EXECUTED STANDARD DEVELOPERS AGREEMENT  
09-01006-000 WITH FLORIDA BAHAMAS SERVICE CORPORATION FOR  
POTABLE WATER AND WASTEWATER DEVELOPMENT. APPROVED 2-15-  
2000

**3.A.5.**

RECEIVE AND FILE VILLAGE OF ROYAL PALM BEACH RESOLUTION 00-  
05 RENEWING ITS SUPPORT OF THE COUNTY'S PROPOSED ACREAGE  
RELIEVER THAT IS AN EXTENSION OF STATE ROAD 7 FROM  
OKEECHOBEE BOULEVARD TO NORTHLAKE BOULEVARD. APPROVED 2-15-  
2000

**3.B. CLERK**

**3.B.1.**

WARRANT LIST DATED FEBRUARY 14, 2000. APPROVED 2-15-2000

COMPUTER CHECKS	\$14,431,753.95
WIRE TRANSFERS	12,316,888.91
MANUAL CHECKS	151,910.72
TRUSTEE DISBURSEMENTS	0.00
	<u>\$26,900,553.58</u>

**3.B.2.**

MINUTES - None

**CONSENT AGENDA - CONTINUED**

**3.B.3.**

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

**a.**

RENEWAL OF TERM CONTRACT WITH RITZ SAFETY EQUIPMENT, INC.,  
FOR THE PURCHASE OF SAFETY FOOTWEAR ON AN AS-NEEDED BASIS  
FROM APRIL 1, 2000, THROUGH MARCH 31, 2001, FOR \$100,000.  
APPROVED 2-15-2000

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**b. DOCUMENT R-2000-0192**

PURCHASE FROM KNIGHT ELECTRIC COMPANY, INC., FOR INSTALLATION OF A FIRE ALARM SYSTEM FOR THE COUNTY STOCKADE FOR \$188,690.50. APPROVED 2-15-2000

**c. DOCUMENT R-2000-0193**

PURCHASE FROM GILLIG CORPORATION 34 40 FEET X 102 FEET AND 20 35 FEET X 102 FEET LOW FLOOR GILLIG TRANSIT BUSES FROM HILLSBOROUGH AREA REGIONAL TRANSIT FOR \$13,504,640.74. APPROVED 2-15-2000

**d. DOCUMENT R-2000-0194**

EXCHANGE WITH FLORIDA DETROIT DIESEL-ALLISON OF 14 DETROIT DIESEL REMANUFACTURED ENGINES FROM HILLSBOROUGH AREA REGIONAL TRANSIT FOR \$173,628. APPROVED 2-15-2000

**e. DOCUMENT R-2000-0195**

PURCHASE FROM NETVANTAGE, INC., OF A RECOGNITION-BASED REMITTANCE PROCESSING SYSTEM FOR THE WATER UTILITIES DEPARTMENT FOR \$170,786.28. APPROVED 2-15-2000

**f.**

WORKER'S COMPENSATION CLAIM FOR JESUS MARENCO FOR \$115,950 FOR CERVICAL SPONDYLOSIS, DEGENERATIVE DISC DISEASE OF CERVICAL SPINE, POST-SURGICAL LEFT ROTATOR CUFF TENDON TEAR, AND BILATERAL CARPAL TUNNEL SYNDROME. APPROVED 2-15-2000

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

**3.C.1.**

**a.**

ACCEPT A WARRANTY DEED FROM MALCOLM DUBOIS FOR PARCEL 4 LOCATED IN WESTGATE ESTATES NEEDED FOR CONSTRUCTION OF A WATER RETENTION AREA TO ALLEVIATE FLOODING IN THE NEIGHBORHOOD. APPROVED 2-15-2000

**b.**

PAYMENT OF \$52,500 TO MALCOLM DUBOIS FOR PARCEL 4 LOCATED WESTGATE ESTATES NEEDED FOR CONSTRUCTION OF A WATER RETENTION AREA TO ALLEVIATE FLOODING IN THE NEIGHBORHOOD. APPROVED 2-15-2000

**CONSENT AGENDA - CONTINUED**

**3.C.2.**

a.

ACCEPT A WARRANTY DEED FROM PHYLLIS H. GRICE FOR PARCEL 29 LOCATED IN WESTGATE ESTATES NEEDED FOR CONSTRUCTION OF A WATER RETENTION AREA TO ALLEVIATE FLOODING IN THE NEIGHBORHOOD. APPROVED 2-15-2000

b.

PAYMENT OF \$17,000 TO PHYLLIS H. GRICE FOR PARCEL 29 LOCATED WESTGATE ESTATES NEEDED FOR CONSTRUCTION OF A WATER RETENTION AREA TO ALLEVIATE FLOODING IN THE NEIGHBORHOOD. APPROVED 2-15-2000

**3.C.3.**

a.

APPRAISAL AND ACQUISITION OF TWO RIGHT-OF-WAY PARCELS IN ORDER TO PROCEED WITH THE COUNTRY OAK LANE FROM PROSPERITY FARMS ROAD EAST TO THE DEAD END MUNICIPAL SERVICE TAXING UNIT STREET IMPROVEMENT PROJECT. APPROVED 2-15-2000

**b. BUDGET TRANSFER 2000-0410**

BUDGET TRANSFER IN THE MUNICIPAL SERVICE TAXING UNIT DISTRICT F FUND FOR \$10,000 FROM RESERVES TO THE COUNTRY OAK LANE FROM PROSPERITY FARMS ROAD EAST TO THE DEAD END PROJECT. APPROVED 2-15-2000

**3.C.4. BUDGET AMENDMENT 2000-0409**

BUDGET AMENDMENT IN THE ROAD IMPACT FEE AREA J FUND FOR \$64,237, RECOGNIZING ROAD IMPACT FEE REVENUE FROM A DEVELOPER FOR THE LAKE IDA ROAD FROM MILITARY TRAIL TO CONGRESS AVENUE PROJECT. APPROVED 2-15-2000

**3.C.5. DELETED**

**3.C.6. BUDGET TRANSFER 2000-0429**

BUDGET TRANSFER IN THE ROAD IMPACT FEE AREA I FUND FOR \$24,000 FROM RESERVES TO THE JOG ROAD FROM HYPOLUXO ROAD TO MELALEUCA LANE PROJECT. APPROVED 2-15-2000

**3.C.7. DELETED**

**3.C.8.**

**a. RESOLUTION R-2000-0196**

RESOLUTION AUTHORIZING AMENDMENT 2 TO THE JOINT PARTICIPATION AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION TO INCREASE FUNDING FOR PERSONNEL (REGISTERED CIVIL ENGINEER) BY \$100,000 PER YEAR FOR THE URBAN TRAFFIC CONTROL SYSTEM. (AMENDS R-95-193) ADOPTED 2-15-2000

**CONSENT AGENDA - CONTINUED**

**3.C.8. - CONTINUED**

**b.**

ADDITIONAL REGISTERED CIVIL ENGINEER POSITION IN THE TRAFFIC DIVISION TO BE FUNDED BY AMENDMENT 2 TO THE JOINT PARTICIPATION AGREEMENT FOR THE URBAN TRAFFIC CONTROL SYSTEM. (SEE R-2000-0196) APPROVED 2-15-2000

**c. BUDGET AMENDMENT 2000-0412**

BUDGET AMENDMENT IN THE TRANSPORTATION TRUST FUND FOR \$100,000 TO INCREASE FUNDING FOR THE URBAN TRAFFIC CONTROL SYSTEM FOR PERSONNEL (REGISTERED CIVIL ENGINEER). (SEE R-2000-0196) APPROVED 2-15-2000

**3.C.9.**

**a. RESOLUTION R-2000-0197**

RESOLUTION AUTHORIZING A LOCAL AGENCY PROGRAM AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION TO ALLOW THE COUNTY TO ACCOMPLISH TRAFFIC SIGNAL SYSTEM GROUP 6 USING STATE AND FEDERAL FUNDING. ADOPTED 2-15-2000

**b. BUDGET AMENDMENT 2000-0428**

BUDGET AMENDMENT IN THE TRANSPORTATION IMPROVEMENT FUND FOR \$3.05 MILLION, ESTABLISHING GRANT REVENUE FOR THE TRAFFIC SIGNAL SYSTEM GROUP 6 PROJECT. (SEE R-2000-0197) APPROVED 2-15-2000

**3.C.10. DELETED**

**3.C.11. RESOLUTION R-2000-0198**

RESOLUTION AUTHORIZING A MAINTENANCE AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE COUNTY TO PROVIDE MOWING-TYPE MAINTENANCE OF BOYNTON BEACH BOULEVARD (STATE ROAD 804) FROM WEST OF THE FLORIDA TURNPIKE TO THE BOYNTON BEACH CITY LIMITS (IN THE VICINITY OF KNUTH ROAD). THE COUNTY WILL BE PARTIALLY REIMBURSED \$7,480.28 PER YEAR BY THE STATE. ADOPTED 2-15-2000

**3.D. COUNTY ATTORNEY**

**3.D.1. RESOLUTION R-2000-0199**

RESOLUTION DECLARING THE COUNTY'S OFFICIAL INTENT TO SEEK REIMBURSEMENT FOR CERTAIN CAPITAL EXPENDITURES MADE BY AND TO BE MADE BY GALAXY AVIATION OF PALM BEACH, INC., WITH RESPECT TO THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF  
REGULAR 9 FEBRUARY 15, 2000

CERTAIN AIRPORT FACILITIES TO BE FINANCED IN WHOLE OR IN PART BY THE ISSUANCE OF COUNTY AIRPORT REVENUE BONDS. THE BONDS WILL BE PAYABLE SOLELY FROM REVENUES DERIVED FROM THE PROJECT, AND NEITHER THE TAXING POWER NOR THE FAITH AND CREDIT OF THE COUNTY NOR ANY COUNTY FUNDS ARE PLEDGED TO PAY THE BONDS. ADOPTED 2-15-2000

- 3.D.2.** DELETED AND MOVED TO THE REGULAR AGENDA, ITEM 5.A.4.  
See Pages 33-34.

**CONSENT AGENDA - CONTINUED**

**3.D.3. RESOLUTION R-2000-0200**

RESOLUTION SUPPORTING PROTECTION OF THE PUBLIC'S WATER RESOURCES AND OPPOSING THE PRIVATIZATION OF RIGHTS TO THE PUBLIC'S WATER SUPPLY. ADOPTED 2-15-2000

**3.E. COMMUNITY SERVICES**

**3.E.1. DOCUMENT R-2000-0201**

AMENDMENT 3 TO CONTRACT IC-901-1 WITH THE AREA AGENCY ON AGING OF PALM BEACH/TREASURE COAST, INC., FOR THE 1999/2000 COMMUNITY CARE FOR THE ELDERLY (CCE) GRANT TO REDUCE THE GRANT BY \$100,000. THE DIVISION OF SENIOR SERVICES IS TRANSFERRING FUNDS FROM THE CCE PROGRAM TO THE MEDICAID WAIVER PROGRAM IN ORDER TO RECEIVE A FEDERAL MATCH AT THE RATIO OF 44.2 PERCENT STATE GENERAL REVENUE AND 55.8 PERCENT FEDERAL FUNDS. THIS \$100,000 TRANSFER WILL GENERATE \$126,244 IN ADDITIONAL FUNDING TO EXPAND THE IN-HOME SERVICE TO SENIORS AT RISK OF NURSING HOME PLACEMENT. (AMENDS R-99-1090-D) APPROVED 2-15-2000

**3.E.2. DOCUMENT R-2000-0202**

AMENDMENT 1 TO THE CONTRACT WITH ALEXANDER MENENDEZ, DDS, REVISING THE FEE SCHEDULE FOR DENTAL EXAMINATIONS AND TREATMENT SERVICES TO NON-MEDICAID, UNINSURED HEAD START CHILDREN FROM OCTOBER 19, 1999, THROUGH SEPTEMBER 30, 2000, BASED ON CURRENT MEDICAID RATES. (AMENDS R-99-2001-D) APPROVED 2-15-2000

**3.E.3. DOCUMENT R-2000-0203**

CONTRACT WITH WILLIAM MATHURIN, DDS, TO PROVIDE DENTAL SERVICES TO NON-MEDICAID, UNINSURED HEAD START CHILDREN IN AN AMOUNT NOT TO EXCEED \$9,000 FROM FEBRUARY 15, 2000, THROUGH SEPTEMBER 30, 2000, BASED ON CURRENT MEDICAID RATES. APPROVED 2-15-2000

**3.E.4. DOCUMENT R-2000-0204**

AMENDMENT 1 TO THE DELEGATE AGENCY AGREEMENT WITH FLORENCE FULLER CHILD DEVELOPMENT CENTER, INC., TO INCREASE THE AGREEMENT BY \$134,266 FROM OCTOBER 1, 1999, THROUGH  
REGULAR 10 FEBRUARY 15, 2000

SEPTEMBER 30, 2000, TO PROVIDE HEAD START SERVICES TO 30  
ADDITIONAL CHILDREN FOR A TOTAL ENROLLMENT OF 146 CHILDREN.  
(AMENDS R-99-1745-D) APPROVED 2-15-2000

**3.E.5.**

DONATION OF THE MEDMOBILE, A 1995 GMC FLAT BODY TRUCK, TO  
GLADES COMMUNITY DEVELOPMENT CORPORATION TO PROVIDE OUTREACH  
AND MOBILE CLINIC SERVICES IN THE WESTERN PART OF THE  
COUNTY, PRIMARILY TO THE MIGRANT POPULATION. APPROVED 2-15-  
2000

**3.E.6. DOCUMENT R-2000-0205**

NON-FINANCIAL COLLABORATIVE AGREEMENT WITH ST. MARY'S  
HOSPITAL CHILD DEVELOPMENT CENTER FROM FEBRUARY 15, 2000,  
THROUGH AUGUST 31, 2000, TO ASSIST IN PROVIDING MEDICAL,  
PHYSICAL, PSYCHOLOGICAL, SOCIAL, AND EDUCATION EVALUATIONS  
TO EARLY HEAD START CHILDREN WHO ARE SUSPECTED OF HAVING A  
DISABILITY. IN ADDITION, THE CENTER WILL ASSIST IN MAKING  
RECOMMENDATIONS FOR PLACEMENT IN EARLY INTERVENTION PROGRAMS  
BASED ON THE EVALUATION OUTCOMES. APPROVED 2-15-2000

**CONSENT AGENDA - CONTINUED**

**3.E.7. DOCUMENT R-2000-0206**

MEDICAID WAIVER REFERRAL AGREEMENT WITH THE AREA AGENCY ON  
AGING OF PALM BEACH/TREASURE COAST, INC., AND PALM BEACH  
ASSISTED LIVING FACILITY, INC., TO PROVIDE ROOM, BOARD, AND  
PERSONAL CARE SERVICES TO THE ELDERLY. THE VENDOR WILL BILL  
MEDICAID DIRECTLY. APPROVED 2-15-2000

**3.E.8. DOCUMENT R-2000-0207**

AUTHORIZATION FROM THE AREA AGENCY ON AGING OF PALM  
BEACH/TREASURE COAST, INC., TO INCREASE THE SUBSIDY SPENDING  
AUTHORITY FOR HOME CARE FOR THE ELDERLY BY \$18,769, AND TO  
REDUCE CONTRACT IH-901-1 BY \$18,769 FROM JULY 1, 1999,  
THROUGH JUNE 30, 2000. (AMENDS R-99-1091-D) APPROVED  
2-15-2000

**3.F. AIRPORTS**

**3.F.1.**

**a. DOCUMENT R-2000-0208**

AMENDMENT 1 TO THE CONCESSION AGREEMENT WITH BELLSOUTH  
TELECOMMUNICATIONS, INC., TO PROVIDE AND MAINTAIN PAY  
TELEPHONES AT PALM BEACH INTERNATIONAL AIRPORT. THE  
AMENDMENT EXTENDS THE AGREEMENT FOR FOUR MONTHS TO MAY 31,  
2000, AND ELIMINATES THE MINIMUM GUARANTEE PAYMENT WHILE  
MAINTAINING THE PERCENTAGE OF GROSS REVENUES PAYMENT OF 43  
PERCENT. (AMENDS R-97-129-D) APPROVED 2-15-2000

**b. DOCUMENT R-2000-0209**

AMENDMENT 1 TO THE CONTRACT WITH AT&T COMMUNICATIONS, INC., FOR 0+ LONG-DISTANCE SERVICE FOR PAY TELEPHONES AT PALM BEACH INTERNATIONAL AIRPORT. THE AMENDMENT EXTENDS THE CONTRACT FOR FOUR MONTHS TO MAY 31, 2000, AND ELIMINATES THE MINIMUM GUARANTEE PAYMENT WHILE MAINTAINING THE PERCENTAGE OF GROSS REVENUES PAYMENT OF 26 PERCENT. (AMENDS R-97-88-D) APPROVED 2-15-2000

**3.G. OFFICE OF FINANCIAL MANAGEMENT AND BUDGET**

**3.G.1.**

DONATION OF SURPLUS 1995 FORD ELDORADO ELF-T BUS, WITH AN ESTIMATED VALUE OF \$5,000 TO \$12,000, TO THE PALM BEACH MARITIME ACADEMY, A CHARTER SCHOOL SPONSORED BY THE SCHOOL DISTRICT. APPROVED 2-15-2000

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

**3.H.1. DOCUMENT R-2000-0210**

AMENDMENT 2 TO THE AGREEMENT WITH H. A. CONTRACTING CORPORATION TO IMPLEMENT THE SECOND RENEWAL OF JOB ORDER CONTRACT-CENTRAL FOR THE CONTRACTOR TO CONTINUE TO PERFORM AS AN ANNUAL GENERAL CONTRACTOR FOR IMPLEMENTATION OF MAINTENANCE AND CAPITAL PROJECTS. THIS RENEWAL HAS A MAXIMUM VALUE OF \$1 MILLION. (AMENDS R-98-1207-D) APPROVED 2-15-2000

**CONSENT AGENDA - CONTINUED**

**3.H.2. DOCUMENT R-2000-0211**

AMENDMENT 1 TO THE AGREEMENT WITH S&F CONSTRUCTION, INC., TO IMPLEMENT THE FIRST RENEWAL AN ANNUAL PAVILIONS AND SHELTERS CONTRACT WITH A MAXIMUM VALUE OF \$700,000. (AMENDS R-99-352-D) APPROVED 2-15-2000

**3.H.3. DOCUMENT R-2000-0212**

WORK ORDER 2000-001 WITH S&F CONSTRUCTION, INC., FOR \$149,957.75 FOR CONSTRUCTION OF A 40-FOOT X 76-FOOT PAVILION AND ASSOCIATED ITEMS AT MORIKAMI PARK. (AMENDS R-99-352-D) APPROVED 2-15-2000

**3.H.4. DOCUMENT R-2000-0213**

INTERLOCAL AGREEMENT WITH THE VILLAGE OF ROYAL PALM BEACH TO DELINEATE FUNDING AND OTHER RESPONSIBILITIES FOR A BERM RESTORATION PROJECT AT THE FOX PROPERTY. THE VILLAGE IS REQUIRED TO REPAY THE COUNTY AT LEAST \$69,323.25, WHICH IS THE VILLAGE'S PORTION OF THE EXPENSES. THE VILLAGE WILL SEEK FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

REIMBURSEMENT FOR THE ACTUAL PROJECT COST OF \$110,972.75. IF THE VILLAGE RECEIVES FEMA REIMBURSEMENT FOR THE COUNTY'S SHARE, THAT TOO IS REQUIRED TO BE PASSED ON TO THE COUNTY. THEREFORE, THE MAXIMUM COUNTY EXPOSURE IS \$41,649. APPROVED 2-15-2000

**3.H.5. DOCUMENT R-2000-0214**

UTILITY EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT COMPANY FOR ELECTRICAL SERVICE TO THE COUNTY'S MAYME A. FREDERICK SERVICE CENTER. THE EASEMENT IS GRANTED AT NO CHARGE. APPROVED 2-15-2000

**3.H.6.**

**a. RESOLUTION R-2000-0215**

RESOLUTION AUTHORIZING CONVEYANCE OF THE COUNTY'S INTEREST IN 0.60 ACRE OF IMPROVED LAND CONTIGUOUS WITH THE GREENACRES ELEMENTARY SCHOOL GROUNDS TO THE SCHOOL BOARD. ADOPTED 2-15-2000

**b.**

COUNTY DEED CONVEYING THE COUNTY'S INTEREST IN 0.60 ACRES OF IMPROVED LAND CONTIGUOUS WITH THE GREENACRES ELEMENTARY SCHOOL GROUNDS TO THE SCHOOL BOARD, WITHOUT CHARGE. (SEE R-2000-0215) APPROVED 2-15-2000

**3.H.7. DOCUMENT R-2000-0216**

UTILITY EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT COMPANY FOR THE INSTALLATION OF UNDERGROUND ELECTRIC POWER SERVICE AS PART OF THE DEVELOPMENT OF THE NEW AQUATICS FACILITY AT SOUTH COUNTY REGIONAL PARK. THE EASEMENT IS GRANTED AT NO CHARGE. APPROVED 2-15-2000

**3.H.8. DOCUMENT R-2000-0217**

DECLARATION OF EASEMENT FOR A WATER MAIN DISTRIBUTION SYSTEM AT THE SOUTH COUNTY REGIONAL PARK AQUATICS FACILITY TO PROVIDE PUBLIC NOTICE OF THE EXISTENCE OF THE UNDERGROUND WATER MAIN. APPROVED 2-15-2000

**CONSENT AGENDA - CONTINUED**

**3.H.9.**

**a. DOCUMENT R-2000-0218**

AGREEMENT TO SELL A 13,824-SQUARE-FOOT VACANT PARCEL OF LAND LOCATED JUST SOUTH OF OKEECHOBEE BOULEVARD ON THE WEST SIDE OF JOG ROAD TO JOG STORAGE ASSOCIATES, LLC, FOR \$19,000. APPROVED 2-15-2000

**b.**

COUNTY DEED CONVEYING A 13,824-SQUARE-FOOT VACANT PARCEL OF REGULAR 13 FEBRUARY 15, 2000

LAND LOCATED JUST SOUTH OF OKEECHOBEE BOULEVARD ON THE WEST SIDE OF JOG ROAD TO JOG STORAGE ASSOCIATES, LLC. APPROVED 2-15-2000

**3.H.10. BUDGET AMENDMENT 2000-0474**

BUDGET AMENDMENT IN THE VARIOUS FACILITIES - CONSTITUTIONAL OFFICERS FUND FOR \$100,000 TO ESTABLISH BUDGET FOR SHERIFF FUNDED MISCELLANEOUS CAPITAL PROJECTS THROUGH THE REMAINDER OF FISCAL YEAR 2000. APPROVED 2-15-2000

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

**3.I.1. DOCUMENT R-2000-0219**

AGREEMENT WITH THE CITY OF RIVERA BEACH FOR STREET IMPROVEMENTS ON 33RD STREET BETWEEN OLD DIXIE HIGHWAY AND AVENUE O FOR \$189,750 IN FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FROM FEBRUARY 15, 2000, THROUGH SEPTEMBER 30, 2000. NO LOCAL MATCHING FUNDS ARE REQUIRED. APPROVED 2-15-2000

**3.I.2. DOCUMENT R-2000-0220**

AMENDMENT 1 TO THE AGREEMENT WITH VETSVILLE CEASE FIRE HOUSE, INC., FOR \$30,585 IN FUNDS UNDER A REFUNDING AGREEMENT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO EXTEND THE EXPIRATION DATE FROM NOVEMBER 30, 1999, TO MAY 31, 2000, AND TO AMEND THE BUDGET. THE AMENDMENT WILL ENABLE THE AGENCY TO REPAIR OR REPLACE THE ROOFS AT ITS THREE SHELTERS FOR HOMELESS VETERANS. THE AGREEMENT UTILIZES RECAPTURED BOND SAVINGS, AND THE REQUIRED MATCH WILL BE MET BY AN IN-KIND CONTRIBUTION FROM THE AGENCY. NO COUNTY MATCHING FUNDS ARE REQUIRED. (AMENDS R-99-822-D) APPROVED 2-15-2000

**3.I.3. DOCUMENT R-2000-0221**

AMENDMENT 2 TO THE AGREEMENT WITH SPELLMAN HOLDINGS CORPORATION, AND SPELLARO, INC., TO EXTEND THE EXPIRATION DATE FROM DECEMBER 31, 1999, TO APRIL 30, 2000, FOR THE EXPENDITURE OF \$100,000 IN FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO BE USED FOR PROPERTY IMPROVEMENTS TO INCLUDE SITE IMPROVEMENTS, INTERIOR/EXTERIOR RENOVATIONS, AND FACADE IMPROVEMENTS, WHICH WILL RESULT IN THE UPGRADE OF PROPERTY TO BE OPERATED AS A RESTAURANT. NO COUNTY MATCHING FUNDS ARE REQUIRED. (AMENDS R-98-2090-D) APPROVED 2-15-2000

**CONSENT AGENDA - CONTINUED**

**3.I.4. DOCUMENT R-2000-0222**

AMENDMENT 2 TO THE AGREEMENT WITH U OF P, INC., DBA PALM BEACH POTTERY & SILKS, AND PALM BEACH LIMITED PARTNERS. LTD., TO EXTEND THE EXPIRATION DATE FROM DECEMBER 31, 1999, TO APRIL 30, 2000, FOR THE EXPENDITURE OF \$140,000 IN FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO BE USED FOR SITE IMPROVEMENTS AND FACADE RENOVATION TO A BUILDING PREVIOUSLY USES AS A SUPERMARKET. NO COUNTY MATCHING FUNDS ARE REQUIRED. (AMENDS R-98-1005-D) APPROVED 2-15-2000

**3.I.5. DOCUMENT R-2000-0223**

SATISFACTION OF ENCUMBRANCE FOR EDWARD SCHEJNA OF BOCA RATON FOR \$8,604.70 FORGIVEN LOAN ACCORDING TO THE TERMS AND CONDITIONS OF THE RESIDENTIAL CONSTRUCTION MITIGATION PROGRAM. STATE FUNDS WERE UTILIZED TO EFFECT RETROFIT/REHABILITATION TO THE PROPERTY OWNER'S HOME TO RENDER IT LESS VULNERABLE TO WIND-RELATED DAMAGE FROM HURRICANES. NO COUNTY FUNDS ARE REQUIRED. APPROVED 2-15-2000

**3.I.6.**

RECEIVE AND FILE A SUMMARY OF DELEGATED FUNDING AWARDS MADE TO PROPERTY OWNERS FOR REHABILITATION PROJECTS APPROVED FROM OCTOBER 1, 1999, THROUGH DECEMBER 31, 1999. APPROVED 2-15-2000

**3.I.7. DOCUMENT R-2000-0224**

PARTIAL RELEASE OF DECLARATION OF RESTRICTIONS ON PROPERTY LOCATED AT 612 54TH STREET, 618 54TH STREET, AND 624 53RD STREET, WEST PALM BEACH. WEST PALM BEACH HOUSING DEVELOPMENT, INC., OWNER OF THE PROPERTIES, SUBMITTED \$2,971.26 TO THE COUNTY, WHICH REPRESENTED FULL SATISFACTION OF THE CONDITIONS IMPOSED UPON THE PROPERTIES. (AMENDS R-93-541-D) APPROVED 2-15-2000

**3.J. PLANNING, ZONING AND BUILDING**

**3.J.1.**

**a. RESOLUTION R-2000-0225**

RESOLUTION GRANTING A TAX EXEMPTION FOR THE HISTORIC PROPERTY LOCATED AT 238 SOUTHEAST 7TH AVENUE, DELRAY BEACH, WHICH IS OWNED BY DANIEL DIETRICH, AND INCLUDES A RESTRICTIVE COVENANT REQUIRING THE QUALIFYING IMPROVEMENTS TO BE MAINTAINED DURING THE PERIOD THAT THE TAX EXEMPTION IS GRANTED. ADOPTED 2-15-2000

**b. RESOLUTION R-2000-0226**

RESOLUTION GRANTING A TAX EXEMPTION FOR THE HISTORIC PROPERTY LOCATED AT 1109 SEASPRAY AVENUE, DELRAY BEACH, WHICH IS OWNED BY CARL S. AND PATRICIA O. HAYES, AND INCLUDES A RESTRICTIVE COVENANT REQUIRING THE QUALIFYING

IMPROVEMENTS TO BE MAINTAINED DURING THE PERIOD THAT THE TAX EXEMPTION IS GRANTED. ADOPTED 2-15-2000

**CONSENT AGENDA - CONTINUED**

**3.J.1. - CONTINUED**

**c. RESOLUTION R-2000-0227**

RESOLUTION GRANTING A TAX EXEMPTION FOR THE HISTORIC PROPERTY LOCATED AT 145 NORTHEAST 6TH AVENUE, DELRAY BEACH, WHICH IS OWNED BY OCIE L. TURNER ESTATE (C. W. TURNER), AND INCLUDES A RESTRICTIVE COVENANT REQUIRING THE QUALIFYING IMPROVEMENTS TO BE MAINTAINED DURING THE PERIOD THAT THE TAX EXEMPTION IS GRANTED. ADOPTED 2-15-2000

**3.J.2. RESOLUTION R-2000-0228**

RESOLUTION GRANTING A TAX EXEMPTION FOR THE HISTORIC PROPERTY LOCATED AT 216 PENDLETON AVENUE, PALM BEACH, WHICH IS OWNED BY PAUL B. DICKEY, JR., AND INCLUDES A RESTRICTIVE COVENANT REQUIRING THE QUALIFYING IMPROVEMENTS TO BE MAINTAINED DURING THE PERIOD THAT THE TAX EXEMPTION IS GRANTED. ADOPTED 2-15-2000

**3.K. WATER UTILITIES**

**3.K.1. DOCUMENT R-2000-0229**

CONTRACT WITH LINE-TEC, INC., FOR CONSTRUCTION OF THE CANAL DRIVE AND THIRD ROAD WATER MAIN EXTENSION IMPROVEMENT PROJECT FOR \$189,853. (SEE R-2000-0088) APPROVED 2-15-2000

**3.L. ENVIRONMENTAL RESOURCES MANAGEMENT**

**3.L.1.**

**a. DOCUMENT R-2000-0230**

AMENDMENT 1 TO REIMBURSABLE GRANT AGREEMENT SP505 WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO INCREASE FUNDING BY \$1.5 MILLION AND EXTEND THE TERM OF THE GRANT BY TWO YEARS TO MARCH 1, 2004, TO CONTINUE THE LAKE WORTH LAGOON PARTNERSHIP GRANT PROGRAM. (AMENDS R-99-388-D) APPROVED 2-15-2000

**b.**

**(1) DOCUMENT R-2000-0231**

INTERLOCAL AGREEMENT WITH THE CITY OF BOYNTON BEACH FOR \$250,000 FOR PARTICIPATION IN THE LAKE WORTH LAGOON PARTNERSHIP GRANT PROGRAM FOR 18 MONTHS BEGINNING WITH THE REGULAR 16 FEBRUARY 15, 2000

DATE OF EXECUTION OF THE AGREEMENT, WITH AN OPTIONAL SIX-MONTH EXTENSION. APPROVED 2-15-2000

**(2) DOCUMENT R-2000-0232**

INTERLOCAL AGREEMENT WITH THE TOWN OF HYPOLUXO FOR \$450,000 FOR PARTICIPATION IN THE LAKE WORTH LAGOON PARTNERSHIP GRANT PROGRAM FOR 18 MONTHS BEGINNING WITH THE DATE OF EXECUTION OF THE AGREEMENT, WITH AN OPTIONAL SIX-MONTH EXTENSION. APPROVED 2-15-2000

**CONSENT AGENDA - CONTINUED**

**3.L.1. - CONTINUED**

**(3) DOCUMENT R-2000-0233**

INTERLOCAL AGREEMENT WITH THE TOWN OF LAKE PARK FOR \$73,000 FOR PARTICIPATION IN THE LAKE WORTH LAGOON PARTNERSHIP GRANT PROGRAM FOR 18 MONTHS BEGINNING WITH THE DATE OF EXECUTION OF THE AGREEMENT, WITH AN OPTIONAL SIX-MONTH EXTENSION. APPROVED 2-15-2000

**(4) DOCUMENT R-2000-0234**

INTERLOCAL AGREEMENT WITH THE TOWN OF PALM BEACH FOR \$200,000 FOR PARTICIPATION IN THE LAKE WORTH LAGOON PARTNERSHIP GRANT PROGRAM FOR 18 MONTHS BEGINNING WITH THE DATE OF EXECUTION OF THE AGREEMENT, WITH AN OPTIONAL SIX-MONTH EXTENSION. APPROVED 2-15-2000

**(5) DOCUMENT R-2000-0235**

INTERLOCAL AGREEMENT WITH THE CITY OF RIVIERA BEACH FOR \$100,000 FOR PARTICIPATION IN THE LAKE WORTH LAGOON PARTNERSHIP GRANT PROGRAM FOR 18 MONTHS BEGINNING WITH THE DATE OF EXECUTION OF THE AGREEMENT, WITH AN OPTIONAL SIX-MONTH EXTENSION. APPROVED 2-15-2000

**(6) DOCUMENT R-2000-0236**

INTERLOCAL AGREEMENT WITH THE CITY OF WEST PALM BEACH FOR \$200,000 FOR PARTICIPATION IN THE LAKE WORTH LAGOON PARTNERSHIP GRANT PROGRAM FOR 18 MONTHS BEGINNING WITH THE DATE OF EXECUTION OF THE AGREEMENT, WITH AN OPTIONAL SIX-MONTH EXTENSION. APPROVED 2-15-2000

**c.**

AUTHORIZE THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO SIGN ALL FUTURE TIME EXTENSIONS, TASK ASSIGNMENTS,  
REGULAR 17 FEBRUARY 15, 2000

CERTIFICATIONS, AND OTHER FORMS ASSOCIATED WITH THIS AGREEMENT, AND NECESSARY MINOR AMENDMENTS THAT DO NOT CHANGE THE SCOPE OF WORK OR TERMS AND CONDITIONS OF THE AGREEMENT. (SEE R-2000-0230) APPROVED 2-15-2000

**d. BUDGET AMENDMENT 2000-0414**

BUDGET AMENDMENT IN THE LAKE WORTH LAGOON PARTNERSHIP FUND FOR \$1.5 MILLION TO ESTABLISH SEPARATE BUDGET ORGANIZATIONS TO ACCOUNT FOR THE COLLECTION AND EXPENDITURE OF THE FUNDS. (SEE R-2000-0230) APPROVED 2-15-2000

**3.M. PARKS AND RECREATION**

**3.M.1. BUDGET AMENDMENT 2000-0423**

BUDGET AMENDMENT IN THE PARK IMPROVEMENT FUND FOR \$180,000 TO ESTABLISH A TRANSFER FROM THE \$25 MILLION GENERAL OBLIGATION RECREATION/CULTURAL 1999 COMMUNITIES TRUST FUND BOND. IT IS NEEDED TO ESTABLISH THE NECESSARY REVENUE AND EXPENDITURE BUDGET LINE ITEMS TO PROPERLY ACCOUNT FOR THE TRANSFER. THE TRANSFER WILL REIMBURSE THE PARK IMPROVEMENT FUND RESERVE FOR FUNDING USED TO ESTABLISH APPROVED BOND PROJECTS PRIOR TO THE RECEIPT OF THE BOND PROCEEDS. APPROVED 2-15-2000

**CONSENT AGENDA - CONTINUED**

**3.M.2. BUDGET TRANSFER 2000-0422**

BUDGET TRANSFER IN THE PARK IMPROVEMENT FUND FOR \$50,000 FROM RESERVES FOR NEW PROJECTS TO JUNO BEACH PARK FOR AN ADDITIONAL LIFEGUARD TOWER TO EXPAND THE GUARDED BEACH AREA AND ADDITIONAL DUNE WALKOVERS TO INCREASE ACCESS TO THE BEACH. APPROVED 2-15-2000

**3.M.3.**

CHANGE IN THE PARKS AND RECREATION IMPACT FEE ZONE 2 FUND CAPITAL IMPROVEMENT PROGRAM TO DELAY FUNDING FOR PUBLIC SHOOTING RANGE IN THE AMOUNT OF \$350,000 AND TO ADD \$350,000 FUNDING TO COMPLETE CONSTRUCTION OF THE SEMINOLE PALMS AQUATIC CENTER. APPROVED 2-15-2000

**3.M.4. DOCUMENT R-2000-0237**

AMENDMENT 1 TO THE AGREEMENT WITH THE TOWN OF JUNO BEACH TO ALLOW FOR THE PURCHASE AND INSTALLATION OF A SHOWER AND WATER FOUNTAIN AT THE DONALD ROSS DUNE WALKOVER SITE, THE PURCHASE AND INSTALLATION OF AN IRRIGATION SYSTEM AT THE MERCURY ROAD DUNE WALKOVER SITE, AND AN EXTENSION OF THE COMPLETION DATE TO SEPTEMBER 1, 2000. (AMENDS R-98-1386-D) APPROVED 2-15-2000

**3.M.5.**

**a. DOCUMENT R-2000-0238**

REGULAR 18 FEBRUARY 15, 2000

AMENDMENT 1 TO THE AGREEMENT WITH THE MOUNT OLIVE COMMUNITY DEVELOPMENT CORPORATION, INC., TO INCREASE FUNDING BY \$19,370 TO PROVIDE ADDITIONAL PROGRAMS, ACTIVITIES, AND SPECIAL EVENTS FOR AT-RISK YOUTH FOR THE CASE AFTER SCHOOL PROGRAM. (AMENDS R-99-1115-D) APPROVED 2-15-2000

**b. BUDGET TRANSFER 2000-0421**

BUDGET TRANSFER IN THE PARK IMPROVEMENT FUND FOR \$19,370 FROM RESERVES FOR DISTRICT 7 TO CASE/MOUNT OLIVE 99 TO INCREASE FUNDING FOR THE MOUNT OLIVE COMMUNITY DEVELOPMENT CORPORATION CENTER. APPROVED 2-15-2000

**3.M.6.**

**a. DOCUMENT R-2000-0239**

AGREEMENT WITH THE CHILDREN'S COALITION, INC., IN AN AMOUNT NOT TO EXCEED \$17,200 FROM OCTOBER 1, 1999, THROUGH MAY 30, 2000, FOR THE FUNDING OF THE BELIEVE AND ACHIEVE PROGRAM WHICH PROVIDE CULTURAL ACTIVITIES AND TEACH MULTIMEDIA SKILLS TO AT-RISK YOUTH COUNTYWIDE. APPROVED 2-15-2000

**b. BUDGET TRANSFER 2000-0420**

BUDGET TRANSFER IN THE PARK IMPROVEMENT FUND FOR \$10,000 FROM RESERVES FOR DISTRICT 1 AND FOR \$7,200 FROM RESERVES FOR DISTRICT 4 TO THE CHILDREN'S COALITION BELIEVE AND ACHIEVE PROGRAM. APPROVED 2-15-2000

**CONSENT AGENDA - CONTINUED**

**3.N. LIBRARY**

**3.N.1.**

**a. DOCUMENT R-2000-0240**

RATIFY THE CHAIR'S SIGNATURE ON AN APPLICATION WITH FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES FOR LIBRARY SERVICES AND TECHNOLOGY ACT FUNDS FOR \$25,000 WITH MATCHING FUNDS OF \$8,334 IN FISCAL YEAR 2001. APPROVED 2-15-2000

**b.**

AUTHORIZE THE CHAIR TO LATER EXECUTE THE GRANT AGREEMENT AND ANY OTHER NECESSARY FORMS AND CERTIFICATIONS DURING THE TERM OF THE AGREEMENT WITH FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES FOR LIBRARY SERVICES AND TECHNOLOGY ACT FUNDS FOR \$25,000 WITH MATCHING FUNDS OF

\$8,334 IN FISCAL YEAR 2001. APPROVED 2-15-2000

**3.N.2. BUDGET TRANSFER 2000-0419**

BUDGET TRANSFER IN THE LIBRARY OPERATING FUND FOR \$13,437 FROM CONTINGENCY RESERVES TO LEASEHOLD IMPROVEMENTS FOR A SEWER CONNECTION FEE WITH THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT. THE TEQUESTA BRANCH LIBRARY IS REQUIRED TO ABANDON THE EXISTING SEPTIC TANK AND CONNECT TO THE RECENTLY COMPLETED REGIONAL SANITARY SEWER SYSTEM. APPROVED 2-15-2000

- 3.P. COOPERATIVE EXTENSION SERVICE - None
- 3.Q. CRIMINAL JUSTICE COMMISSION - None
- 3.R. EMPLOYEE RELATIONS AND PERSONNEL - None
- 3.S. FIRE-RESCUE - None
- 3.T. HEALTH DEPARTMENT - None
- 3.U. INFORMATION SYSTEMS SERVICES - None
- 3.V. METROPOLITAN PLANNING ORGANIZATION - None
- 3.W. PUBLIC AFFAIRS - None
- 3.X. PUBLIC SAFETY - None
- 3.Y. PURCHASING - None
- 3.Z. RISK MANAGEMENT - None
- 3.AA. PALM TRAN - None

**CONSENT AGENDA - CONTINUED**

**3.BB. SHERIFF**

**3.BB.1.**

**a.**

REAPPROPRIATION OF THE SERIOUS HABITUAL OFFENDER COMPREHENSIVE APPREHENSION PROGRAM AWARD OF \$735 IN FISCAL YEAR 2000. APPROVED 2-15-2000

**b. BUDGET AMENDMENT 2000-0439**

REGULAR 20 FEBRUARY 15, 2000

BUDGET AMENDMENT IN THE SHERIFF'S GRANT FUND FOR \$464 FOR THE SERIOUS HABITUAL OFFENDER COMPREHENSIVE APPREHENSION PROGRAM. APPROVED 2-15-2000

**c. BUDGET TRANSFER 2000-0440**

BUDGET TRANSFER IN THE LAW ENFORCEMENT TRUST FUND FOR \$271 FOR THE SERIOUS HABITUAL OFFENDER COMPREHENSIVE APPREHENSION PROGRAM. APPROVED 2-15-2000

**3.BB.2.**

**a.**

REAPPROPRIATION OF THE SHERIFF'S DRUG FARM PHASE II AWARD OF \$38,849 INTO FISCAL YEAR 2000. APPROVED 2-15-2000

**b. BUDGET AMENDMENT 2000-0435**

BUDGET AMENDMENT IN THE SHERIFF'S GRANTS FUND FOR \$38,849 FOR THE SHERIFF'S DRUG FARM PHASE II. APPROVED 2-15-2000

**3.BB.3.**

**a. BUDGET AMENDMENT 2000-0437**

BUDGET AMENDMENT IN THE SHERIFF'S GRANT FUND FOR \$23,674 FOR THE TRUANCY INTERDICTION PROGRAM. APPROVED 2-15-2000

**b. BUDGET TRANSFER 2000-0438**

BUDGET TRANSFER IN THE LAW ENFORCEMENT TRUST FUND FOR \$3,122 FOR THE TRUANCY INTERDICTION PROGRAM. APPROVED 2-15-2000

**3.BB.4.**

**a. DOCUMENT R-2000-0241**

ACCEPTANCE OF THE MULTI-AGENCY NARCOTICS UNIT GRANT OF \$667,150 AWARDED BY THE DEPARTMENT OF COMMUNITY AFFAIRS FORM OCTOBER 1, 1999, THROUGH SEPTEMBER 30, 2000. APPROVED 2-15-2000

**b. BUDGET AMENDMENT 2000-0432**

BUDGET AMENDMENT IN THE SHERIFF'S GRANT FUND FOR \$157,395 TO MODIFY THE APPROVED BUDGET TO REFLECT THE ACTUAL AWARD AMOUNT AND THE PROPORTIONATE INCREASE IN THE REQUIRED MATCH FOR THE MULTI-AGENCY NARCOTICS UNIT GRANT. (SEE R-2000-0241) APPROVED 2-15-2000

**CONSENT AGENDA - CONTINUED**

**c. BUDGET TRANSFER 2000-0433**

REGULAR 21 FEBRUARY 15, 2000

BUDGET TRANSFER IN THE LAW ENFORCEMENT TRUST FUND FOR \$39,349 TO MODIFY THE APPROVED BUDGET TO REFLECT THE ACTUAL AWARD AMOUNT AND THE PROPORTIONATE INCREASE IN THE REQUIRED MATCH FOR THE MULTI-AGENCY NARCOTICS UNIT GRANT. (SEE R-2000-0241) APPROVED 2-15-2000

**3.BB.5. DOCUMENT R-2000-0242**

ACCEPT FROM THE FLORIDA MOTOR VEHICLE THEFT PREVENTION AUTHORITY A COUNTYWIDE AUTO THEFT TASK FORCE GRANT OF \$143,644 TO PROVIDE PARTIAL FUNDING FOR EIGHT POSITIONS FROM OCTOBER 1, 1999, THROUGH SEPTEMBER 30, 2000. NO MATCHING FUNDS ARE REQUIRED. APPROVED 2-15-2000

**3.BB.6.**

**a.**

REAPPROPRIATION OF THE COPS MORE 96 SUPPLEMENTAL GRANT AWARD OF \$2,453 INTO FISCAL YEAR 2000. THE REQUIRED MATCH WILL BE APPROVED BY THE FEDERAL LAW ENFORCEMENT TRUST FUND. APPROVED 2-15-2000

**b. BUDGET AMENDMENT 2000-0445**

BUDGET AMENDMENT IN THE SHERIFF'S GRANTS FUND FOR \$2,453 FOR THE COPS MORE 96 PROGRAM. APPROVED 2-15-2000

**3.BB.7.**

**a.**

REAPPROPRIATION OF THE 1998-99 NATIONAL INSTITUTE OF JUSTICE GRANT OF DNA ANALYSIS AWARDED BY THE U.S. DEPARTMENT OF JUSTICE INTO FISCAL YEAR 2000. THE REQUIRED IN-KIND MATCH IS PROVIDED BY THE SHERIFF'S OFFICE. APPROVED 2-15-2000

**b. BUDGET AMENDMENT 2000-0444**

BUDGET AMENDMENT IN THE SHERIFF'S GRANT FUND FOR \$13,362 FOR THE 1998-99 NATIONAL INSTITUTE OF JUSTICE GRANT OF DNA ANALYSIS. APPROVED 2-15-2000

**3.BB.8.**

**a.**

REAPPROPRIATION OF THE KENWOOD ESTATES AFTER SCHOOL PROGRAM GRANT OF \$6,535 AWARDED BY THE CHILDREN'S SERVICES COUNCIL INTO FISCAL YEAR 2000. APPROVED 2-15-2000

**b. BUDGET AMENDMENT 2000-0443**

BUDGET AMENDMENT IN THE SHERIFF'S GRANT FUND FOR \$6,535 FOR THE KENWOOD ESTATES AFTER SCHOOL PROGRAM GRANT AWARDED BY THE CHILDREN'S SERVICES COUNCIL INTO FISCAL YEAR 2000. NO MATCHING FUNDS ARE REQUIRED. APPROVED 2-15-2000

**CONSENT AGENDA - CONTINUED**

**3.BB.9.**

**a.**

REAPPROPRIATION OF THE JUVENILE FIRST OFFENDER GRANT OF \$58,039 INTO FISCAL YEAR 2000 FROM OCTOBER 1, 1999, THROUGH JUNE 30, 2000. APPROVED 2-15-2000

**b. BUDGET AMENDMENT 2000-0441**

BUDGET AMENDMENT IN THE SHERIFF'S GRANT FUND FOR \$69,756 FOR THE JUVENILE FIRST OFFENDER GRANT INTO FISCAL YEAR 2000. APPROVED 2-15-2000

**c. BUDGET TRANSFER 2000-0442**

BUDGET TRANSFER IN THE LAW ENFORCEMENT TRUST FUND FOR \$11,717 FOR THE REQUIRED MATCH FOR THE JUVENILE FIRST OFFENDER GRANT INTO FISCAL YEAR 2000. APPROVED 2-15-2000

**3.CC. SUPERVISOR OF ELECTIONS**

**3.CC.1.**

PRECINCT LEGAL DESCRIPTION/PRECINCT BOUNDARY CHANGES AS SUBMITTED BY THERESA LEPORE, SUPERVISOR OF ELECTIONS. APPROVED 2-15-2000

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

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

**REORDER THE AGENDA**

**MOTION to reorder the Agenda to consider Item 8.G.1. next. Motion by Commissioner Aaronson, seconded by Commissioner Marcus, and carried 6-0. Commissioner Masilotti absent.**

**8. COMMISSIONER COMMENTS**

**8.G. COMMISSIONER MAUDE FORD LEE**

**8.G.1.**

PROCLAMATION DECLARING FEBRUARY 2000 AS BLACK HISTORY MONTH AND FEBRUARY 14-20, 2000, AS TUSKEEGEE AIRMEN WEEK. DISCUSSED 2-15-2000

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

MOTION to receive and file Proofs of Publication 652606, 693810, 693874, 699425, and 699467. Motion by Commissioner Marcus, seconded by Commissioner McCarty, and carried 6-0. Commissioner Masilotti absent.

4.A.

FIRST PUBLIC HEARING AND ADVERTISE FOR SECOND PUBLIC HEARING ON MARCH 21, 2000, AT 9:30 A.M., AN ORDINANCE AMENDING ORDINANCE 92-20, KNOWN AS THE UNIFIED LAND DEVELOPMENT CODE, AS FOLLOWS: ARTICLE 3, DEFINITIONS; ARTICLE 4, DECISION MAKING, ADMINISTRATIVE AND ENFORCEMENT BODIES; ARTICLE 5, DEVELOPMENT REVIEW PROCEDURES; ARTICLE 6, ZONING DISTRICTS; ARTICLE 7, SITE DEVELOPMENT STANDARDS; ARTICLE 8, SUBDIVISION PLATTING AND REQUIRED IMPROVEMENTS; ARTICLE 10, IMPACT FEES; ARTICLE 11, ADEQUATE PUBLIC FACILITIES; ARTICLE 15, TRAFFIC PERFORMANCE STANDARDS; ARTICLE 17, PARK AND RECREATION STANDARDS. (P.O.P. 693874) APPROVED AS AMENDED 2-15-2000

MOTION to approve the first public hearing and to advertise for a second public hearing on March 21, 2000, at 9:30 a.m. Motion by Commissioner McCarty and seconded by Commissioner Aaronson.

Staff briefed the Board on the ordinance amendments.

PUBLIC COMMENT:

Donna Barry; Robert McDonald, secretary/treasurer of the Westgate/Belvedere Homes Community Redevelopment Agency; Mike Owen, representative for the Realtors Association of the Palm Beaches; and Joe Pitts supported the item. Ronda Gluck, Jamie Grana, and Brad Pattison requested the code requirements regarding the day-care kennel be reconsidered by staff.

During the discussion that ensued it was brought out that:

- Staff would work with Ms. Gluck, Ms. Grana, and Mr. Pattison concerning revised language for the day-care kennel.

- The day-care kennel was a wonderful concept.
- Careful planning of the day-care kennel was important to ensure that neighbors would not be negatively impacted.
- Commissioner Roberts had asked for the economic impact of pocket parks.
- There was concern about allowing the Special-use Communication Cell Site on Wheels (COW) in a residential area.
- There was concern about the tower height of the COW, which was typically 80-100 feet.

**PUBLIC HEARINGS - CONTINUED**

**4.A. - CONTINUED**

- Staff recommended a 300 percent setback based upon the height of the tower as opposed to the 600 percent for permanent monopole towers that were 150 feet high. This is from residential structure in adjacent parcel.
- Commissioner Aaronson noted that even though a COW was shorter than a permanent tower, it did have an effect on the surrounding area. He said he was uncomfortable with a 300 percent setback for a COW.
- In an emergency situation, the setback limitation for the COW could be waived.
- There were areas in which cellular phones became ineffective because of lack of communication towers.
- COW were not to be used by the participants in the special events, but by the spectators.
- The Board needed more flexibility under the affordable housing category.

- Not all accessory affordable housing projects needed to receive a recommendation from the Commission on Affordable Housing (CAH). Staff, therefore, recommended a change to the language regarding the proposed Institutional and Public Facilities (IPF) District.
- Modification of the ordinance language would require a modification of the Comprehensive Plan as well. The Comprehensive Plan required the CAH to make a recommendation for approval before such projects came before the Board.
- Staff could bring the Comprehensive Plan language back during the Amendment Round 2000-1 transmittal hearing in May 2000. The Board already had initiated updates to the Future Land Use Element.
- Commissioner Roberts suggested that the affordable housing category be deleted from the ordinance. Once the Comprehensive Plan was modified so that all accessory affordable housing projects did not have to receive a recommendation from the CAH, similar language be added to the ordinance under an affordable housing category.
- Staff would modify Item 15.c. (Certification of Surveyors) on Page 46, Line 26 to, "If the surveyor is a legal entity..." or "If the surveyor is incorporated as a legal entity..."
- COWs were not to be used by the participants in the special events but by the spectators.

**PUBLIC HEARINGS - CONTINUED**

**4.A. - CONTINUED**

**STAFF WAS DIRECTED TO:**

- Meet with the interested parties to discuss the entire day-care kennel issue, including feces disposal.
- Meet with the Commission on Affordable Housing to discuss the affordable housing category changes.
- Report back on the professions of the members of the Commission on Affordable Housing.

- Clearly differentiate between "special event" and "emergency", and develop guidelines for each for the installation of a COW.
- Ensure that the installation and removal of a COW was not more than 24 hours before and after an event.

**AMENDED MOTION to include the changes as discussed. The maker and seconder agreed. Upon call for a vote, the motion carried 6-0. Commissioner Masilotti absent.**

**REORDER THE AGENDA**

**Motion to reorder the Agenda to consider Item 5.H.1. next. Motion by Commissioner Marcus, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Masilotti absent.**

**5.H. ADMINISTRATION**

**5.H.1. RESOLUTION R-2000-0243**

RESOLUTION FINDING THAT UNITED TECHNOLOGIES CORPORATION, DBA PRATT & WHITNEY, BE APPROVED AS A QUALIFIED APPLICANT AND PROVIDING AN APPROPRIATION OF UP TO \$1 MILLION AS LOCAL PARTICIPATION IN THE QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM PURSUANT TO THE JOB GROWTH INCENTIVE GRANT PROGRAM, AND AUTHORIZE THE JOB GROWTH INCENTIVE GRANT AGREEMENT WITH UNITED TECHNOLOGIES CORPORATION AWARDED \$1 MILLION FROM THE JOB GROWTH INCENTIVE FUND TO SUPPORT THE COMPANY'S LIQUID SPACE PROPULSION PROJECT AND TO REQUIRE THE COMPANY TO RETAIN 800 AND CREATE 200 FULL-TIME OR EQUIVALENT JOBS IN THE COUNTY. ADOPTED 2-15-2000

**MOTION to adopt the resolution. Motion By Commissioner Marcus and seconded by Commissioner Roberts.**

Assistant County Administrator Verdenia C. Baker said the state funded \$5 million and the County funded \$1 million for the project. Commissioner Marcus thanked staff, the Business Development Board, and Pratt & Whitney for their efforts. Larry Pelton, president of the Business Development Board, commended Commissioner Marcus for her efforts.

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

**PUBLIC HEARINGS - CONTINUED**

**4.B.**

REGULAR 27 FEBRUARY 15, 2000

FIRST PUBLIC HEARING AND ADVERTISE FOR SECOND PUBLIC HEARING ON MARCH 21, 2000, AT 9:30 A.M., AN ORDINANCE AMENDING ORDINANCE 92-20, KNOWN AS THE UNIFIED LAND DEVELOPMENT CODE, AS FOLLOWS: ARTICLE 4, DECISION MAKING, ADMINISTRATIVE AND ENFORCEMENT BODIES; AND ARTICLE 6, ZONING DISTRICTS. (P.O.P. 693874) APPROVED 2-15-2000

Staff reported that:

- The changes were related to the Comprehensive Plan and they made Transfer of Development Rights (TDR) the required method for increasing density; clarified the sending areas and their transfer rates; updated the receiving areas to allow both planned developments and subdivisions to be receiving areas; provided compatibility criteria for receiving areas; and provided a sliding scale for density bonuses as well as an additional density bonus depending on the location of the receiving area.
- According to Board direction given in August and November of 1999, there were proposed changes that would establish administrative review for TDR projects; clarify that no additional TDR units would be placed in the County's TDR bank; and clarify the pricing mechanisms for the County's TDR units in its bank.

**MOTION to approve the first public hearing and advertise for second public hearing on March 21, 2000, at 9:30 a.m. Motion by Commissioner McCarty and seconded by Commissioner Roberts.**

Commissioner Roberts asked that language be added setting a five-year time limit whereby the County would not accept additional TDR. Commissioner Aaronson recommended the language state that within five years the County would not accept additional TDR.

**AMENDED MOTION to include language stating that within five years the County would not accept additional TDR. The maker and seconder agreed.**

PUBLIC COMMENT: None

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

**PUBLIC HEARINGS - CONTINUED**

**4.C. ORDINANCE 2000-008**

ORDINANCE AMENDING THE MINORITY/WOMEN BUSINESS ENTERPRISE SECTION OF THE CODE, CHAPTER 2, ARTICLE III, DIVISION 2, PART B; PROVIDING FOR THE RENAMING OF THE MINORITY AND WOMEN BUSINESS ASSISTANCE ADVISORY COMMITTEE AS THE SMALL AND MINORITY/WOMEN BUSINESS ASSISTANCE ADVISORY COMMITTEE; PROVIDING FOR THE DESIGNATION OF A SEAT ON THE SMALL AND MINORITY/WOMEN BUSINESS ASSISTANCE ADVISORY COMMITTEE FOR THE PALM BEACH COUNTY RESOURCE CENTER; PROVIDING FOR FOUR ADDITIONAL SMALL-BUSINESS OWNERS SEATS ON THE SMALL AND MINORITY/WOMEN BUSINESS ASSISTANCE ADVISORY COMMITTEE; AND PROVIDING FOR ADDITIONAL RESPONSIBILITIES OF THE SMALL AND MINORITY/WOMEN BUSINESS ASSISTANCE ADVISORY COMMITTEE RELATING TO SMALL-BUSINESS ISSUES. (AMENDS ORDINANCE 98-26) (P.O.P. 699425) ADOPTED 2-15-2000

**MOTION to adopt the ordinance. Motion by Commissioner Newell and seconded by Commissioner Aaronson.**

PUBLIC COMMENT: None

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

**4.D. ORDINANCE 2000-009**

ORDINANCE PROVIDING FOR REGISTRATION FOR USE OF RIGHT-OF-WAY; PROVIDING FOR NATURE OF REGISTRATION; PROVIDING FOR EFFECTIVENESS OF REGISTRATION; PROVIDING FOR TRANSFER OF REGISTRATION; PROVIDING FOR EXISTING TELECOMMUNICATIONS FACILITIES IN RIGHT-OF-WAY; PROVIDING FOR SUSPENSION OF PERMITS; PROVIDING FOR APPEALS; PROVIDING FOR FEES TO THE COUNTY; PROVIDING FOR CONSTRUCTION IN THE RIGHT-OF-WAY; PROVIDING FOR INSURANCE INDEMNIFICATION; AND PROVIDING FOR PENALTIES FOR VIOLATION. (P.O.P. 699467) ADOPTED 2-15-2000

**MOTION to adopt the ordinance with an increase from 90 days to 120 days from the effective date of the ordinance for providers to comply. Motion by Commissioner Roberts and seconded by Commissioner Newell.**

Assistant County Attorney Leonard Berger explained that the change would not affect the effective date of the ordinance. It would extend the grace period for people with existing facilities in the right-of-way. The ordinance, if adopted, becomes effective when filed with the Secretary of State. The County would begin assessing incumbents within 120 days of the effective date, and everyone else would be assessed immediately. There were two additional changes: Section 4,

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Subpart 3, on Page 4, Line 30, "annually" would be changed to "quarterly." Section 11, Subpart 4 on Page 9, Lines 24-26, would be changed to "access to all books and records and data reasonably necessary to verify the accuracy of the fee."

**AMENDED MOTION to include the changes as stated by staff.  
The maker and seconder agreed.**

**PUBLIC HEARINGS - CONTINUED**

**4.D. - CONTINUED**

**PUBLIC COMMENT:**

Barbara Hall, representative for TCG South Florida, and a subsidiary of American Telephone & Telegraph Company (ATT), stated that most of the concerns raised by the industry had been addressed. The ordinance was acceptable, with the exception of the 1 percent fee assessed against gross receipts on recurring local services revenues for services provided within the unincorporated area. TCG wanted the assurance that if it needed to register and begin doing business under the ordinance, that it would be able to register without waiving its right to contest the 1 percent fee.

If the 1 percent fee is allowed, Ms. Hall continued, and given the 120-day grace period for compliance with the ordinance granted to existing providers with facilities already in the right-of-way, it was TCG's hope that a competitive provider who installed facilities in the right-of-way would not be assessed the 1 percent fee on an earlier day than the existing provider. Staff commented that most courts were consistent in holding that you cannot waive the right to protest an illegally assessed tax. Staff also said that, considering the time it would take for TCG to prepare to do business, the state will have made a determination on the telecommunications legislation before TCG is ready.

Sharon Liebman, attorney, and Sid Poe, regional manager for BellSouth Telecommunications, Inc., opposed the imposition of the 1 percent fee. They encouraged approval of the 120-day grace period so the ordinance and fee would not be applicable until the state had made a determination on the legislation.

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

Commissioner Marcus stated the Florida Association of Counties' lobbyist agreed that as a charter county, Palm  
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Beach County could implement the ordinance. No one could predict whether there would be a telecommunications act. Commissioner Marcus stated that if the Board approved 120 days, the County's lobbyist needed to ensure that any approved telecommunications legislation would enable the County to collect the fee.

Commissioner Aaronson commented that after the legislative session, Governor Jeb Bush had until June 1, 2000, to veto the telecommunications legislation. Staff clarified that the governor had until the end of June, depending on when the bills were presented. Mr. Aaronson pointed out that allowing 90 days instead of 120 days from the effective date of the ordinance for providers to comply would give the County 30 days before the governor had a chance to veto the telecommunications legislation. Assistant County Attorney Berger advised that the only drawback would be if a bill was adopted that allowed the County to collect the fee and the governor vetoed it two weeks after the County had begun collecting. He added that it was difficult to predict what the legislature would do.

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

#### **4.D. - CONTINUED**

Mr. Berger outlined several possible scenarios: (1) the legislature could allow the County to be grandfathered in for having considered the ordinance; (2) they could reject the ordinance because the County had not started collecting the fee; or (3) accept the ordinance because the County was about to begin collecting the fee. There was not much to lose allowing 90 days from the effective date of the ordinance for providers to comply because the legislative session would have ended by then. If a bill was approved containing language that affected the wording of the County's ordinance, staff would address that.

Mr. Berger said 90 days gave the County a small edge, but also allowed for the possibility of litigation from the industry. Commissioner Aaronson noted that earlier discussions with the industry indicated they would go into litigation unless the legislation was vetoed.

**SUBSTITUTE MOTION to adopt the ordinance and allow 90 days from the effective date of the ordinance for providers to comply. Motion by Commissioner Aaronson and seconded by Commissioner Marcus.**

In response to Commissioner Lee's inquiry about the Broward County litigation, Mr. Berger said that BellSouth had filed a temporary injunction and the court denied it last week.

It was going to trial and could go far beyond the County's window for implementation of the ordinance.

**UPON CALL FOR A VOTE, the motion FAILED 2-3. Commissioners Lee, Newell, and Roberts opposed. Commissioners McCarty and Masilotti absent.**

**UPON CALL FOR A VOTE on the original motion, the motion carried 3-2. Commissioners Aaronson and Marcus opposed. Commissioners McCarty and Masilotti absent.**

**4.E.**

**a. DOCUMENT R-2000-0244**

FISCAL YEAR 2000 SECTION 5307 FEDERAL TRANSIT ADMINISTRATION GRANT APPLICATION FOR APPORTIONED CAPITAL AND OPERATION FUNDS OF \$8,696,238 NECESSARY FOR THE CONTINUED OPERATIONS OF THE PALM TRAN SYSTEM. (P.O.P. 652606) APPROVED 2-15-2000

**b.**

FEDERAL FISCAL YEAR 2000 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE. (P.O.P. 652606) APPROVED 2-15-2000

**c.**

AUTHORIZE STAFF TO EXECUTE, ON BEHALF OF THE BOARD, AND TO TRANSMIT ELECTRONICALLY THE BOARD'S APPROVAL OF THE SECTION 5307 GRANT APPLICATION AND CERTIFICATIONS AND ASSURANCES. (P.O.P. 652606) (SEE R-2000-0244) APPROVED 2-15-2000

**PUBLIC HEARINGS - CONTINUED**

**4.E. - CONTINUED**

**d. BUDGET AMENDMENT 2000-0348**

BUDGET AMENDMENT IN THE MASS TRANSIT FUND FOR \$951,762 TO ADJUST THE ESTIMATED BUDGET AMOUNT TO THE ACTUAL FISCAL YEAR 2000 SECTION 5307 FEDERAL TRANSIT ADMINISTRATION GRANT AWARD AMOUNT FOR APPORTIONED CAPITAL AND OPERATION FUNDS NECESSARY FOR THE CONTINUED OPERATIONS OF THE PALM TRAN SYSTEM. (SEE R-2000-0244) (P.O.P. 652606) APPROVED 2-15-2000

**MOTION to approve the application, certifications and assurances, staff authorization, and the budget amendment. Motion by Commissioner Marcus and seconded by Commissioner Aaronson.**

PUBLIC COMMENT:

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Stanley Voice stated concern with the disbanding of the Citizens Advisory Board without public notice; the need for new Palm Tran buses; the spending of \$1.5 million on SpecTran; utilizing additional funds for the new Palm Tran facility to clean buses; requiring the City of Boynton Beach to pay for bus service from funding it received from the gas tax, and the lack of funds to operate the Palm Tran system efficiently.

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

During the discussion that ensued it was brought out that:

- Of the allocated funds, \$1.9 million would be used to repay the County's state infrastructure bank loan for the purchase of buses.
- Staff was anticipating the delivery of 50 new buses.
- The City of Boynton Beach had obtained a federal grant for the purchase of buses.
- The amount of money the County received from the federal government was based on the operation of the overall system. The Federal Transit Administration would only allow the purchase of buses under the County's grant application process. The municipalities could not apply themselves. There was \$250,000 included in the grant application to purchase a bus for Boynton Beach.
- There was concern that the City of Boynton Beach might be using its gas tax funds for purposes other than transportation.
- Boynton Beach had to make the local match required of the grant recipient and pay for all operating costs for its vehicles.

**PUBLIC HEARINGS - CONTINUED**

**4.E. - CONTINUED**

STAFF WAS DIRECTED TO:

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- Meet with Commissioner Aaronson and Mr. Voice to explain the City of Boynton Beach's funding for buses.
- Report back on how much funding the City of Boynton Beach received annually from the gas tax and for what purposes the city spends it.

County Administrator Weisman commented that the municipalities had been questioned as to how they spent their gas tax funds. All could justify through their budgeting process that their spending was in accordance with established rules. There was a question that if the Board required the City of Boynton Beach to pay for its bus, how much of the \$250,000 savings would be used for Palm Tran. Commissioner McCarty maintained that the municipalities had responded satisfactorily to staff's questions on the expenditure of the gas tax. She recommended that the issue not be pursued any further.

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

**4.F. RESOLUTION R-2000-0245**

RESOLUTION CONFIRMING THE SPECIAL ASSESSMENT PROCESS FOR THE KENWOOD AREA WATER MAIN EXTENSION. INDIVIDUAL ASSESSMENTS ARE BASED ON 100 PERCENT OF THE ASSESSABLE COST OF \$667,519.26 AND MAY BE PAID OVER 20 YEARS WITH EQUAL ANNUAL PAYMENTS OF PRINCIPAL AND 8 PERCENT INTEREST. (P.O.P. 693810) ADOPTED 2-15-2000

**MOTION to adopt the resolution. Motion by Commissioner Newell and seconded by Commissioner Aaronson.**

Commissioner Newell said the item reflected an 8 percent interest rate. He recommended that if the County was moving to a lower interest rate, that lower rate be utilized for this project. Steve McGrew, Engineer for the Water Utilities Department, Assessment Improvements, said that staff would bring back an amending resolution reflecting an interest rate of 6.5 percent retroactive as of today, along with the Water Utilities Department's uniform policies and procedures manual. They would also need to change the deferred payment program for the service initiation fees.

**PUBLIC HEARINGS - CONTINUED**

**4.F. - CONTINUED**

**PUBLIC COMMENT:**

George Datesman, Michael Gatchell, and Brantley D. Kea supported the item. Michael Naugle opposed the item because his well was sufficient and he contended the County had not met all of the legal requirements for the project. He presented records of the electronic mail he had submitted on three occasions to Bilal Mujahid, Water Utilities assessment coordinator, to which he never received a response. Mr. Naugle complained that he had made several telephone calls to the Water Utilities Department and none were returned until last Friday when Chris Gulam, assessment project manager, called.

**MOTION to receive and file Mr. Naugle's electronic mail records. Motion by Commissioner Aaronson, seconded by Commissioner Marcus, and carried 6-0. Commissioner Masilotti absent.**

During the discussion that ensued, it was brought out that:

- Business was hectic last week at the Water Utilities Department because of the moving of its offices.
- Someone from the department should have responded to Mr. Naugle's electronic mail when it had been received.
- Based on the residents' signatures received in 1998, the majority wanted the water main extension and understood the economic impact of the project.
- The County's ordinance governing special assessment projects was established under Florida Statute Chapter 125, not Chapter 153 as stated by Mr. Naugle.
- The project was published twice, and the Clerk's Office would have copies of the Proof of Publication on file.
- In order for the project to move forward, there had to be a 51 percent majority in agreement, and the signatures had to be on file. Staff currently had the original petitions with the votes.

- The 51 percent majority was certified on February 4, 1998, by the department.

- The notifications for the public hearing were mailed to the property owners during the middle of January in accordance with Ordinance 94-10.

**PUBLIC HEARINGS - CONTINUED**

**4.F. - CONTINUED**

- All property owners were sent a copy of the petition they had signed regarding their property. If staff did not receive a petition from a property owner, a form was sent to notify the owner.

- If a new owner requested to change the vote regarding the property he or she was allowed to do so. As a result, the percentage of yes votes had increased from 54 percent to 59 percent. The no votes increased from 9 percent to 12 percent. The remaining persons were undecided and had not submitted votes.

- Staff verified the signatures at the time a 51 percent majority had been reached in 1996.

- On August 5, 1996, the property owners were notified by letter that staff had received 51 percent petitions in favor of the project.

- A cost of the project had been calculated after the 51 percent majority had been reached, and staff informed each owner of the cost.

- It took from August 5, 1996, to February 4, 1998, to reach a 51 percent majority. It was two years since the final petitions had reached a 51 percent majority, not eight years as stated by Mr. Naugle.

- There was a typographical error on the petition form. The form referenced Project 95-

152; it should have been Project 95-142. The error had nothing to do with the cost of the project.

- Although the original petition had the incorrect project number, it did contain the proper description of the project.
- The project boundaries were described in the public notices giving the section, township, and range.
- There were several property owners located from Lexington Avenue east who were in a contiguous area and had voted no. It was County policy that if there were no affirmative votes received in a contiguous area, those residents could be excluded from a project. Although a 59 percent majority had been reached for the overall area, staff would not impose any special assessment on those property owners from Lexington Avenue east.
- Water mains would be installed on Carver Street, Clinton Boulevard, Weymouth Street, and approximately 80 percent of Cambridge Street. There was a point on Cambridge Street at which staff could provide a looping of the hydraulic water system to improve the water quality and make pipe sizes and fire hydrant flows to the maximum advantage of the utility.

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

#### **4.F. - CONTINUED**

- In response to Mr. Naugle's allegations that no report of existing right-of-way and easements was included in the cost estimates, staff stated that no easements were required. The report of costs indicated the water mains would be installed within the platted public rights-of-way, and the plats were referenced.
- Property owners were not mandated by the Utilities Department to connect to the public water supply.
- A single-family home owner was not required to connect to the water system. The owner would have to pay the special assessment, however, because public water service would be available to the property should the owner decide to connect in the future. The service initiation fee, which was in addition to the assessment, would not have to be paid by the owner until he or

she connected to the water system. The special assessment process had been upheld in circuit court on numerous occasions.

- Since the original petition was circulated, 58 properties had changed ownership. Of those, 17 owners voted yes and 4 voted no for the assessment.
- Staff sent a letter, which included a notice of special assessment, to each property owner at the address of record in the Property Appraiser's Office. The letter served as public notice.
- Staff would request that the Information Systems Services Department investigate to see if Mr. Naugle's electronic mail was received by the Water Utilities Department.
- There were two assessment projects consisting of the Kenwood area and Jackson Avenue. There were two separate petitions describing each project. The projects were combined because they were located very close to each other, their costs were similar, and combining them let the County avoid having to obtain two separate construction bids as well as hold two separate public hearings. Having one bid and one contractor would keep the costs down.
- Staff had met all of the legal requirements for the project.

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

#### **REORDER THE AGENDA**

**MOTION to reorder the Agenda to consider Item 5.A.4. next.  
Motion by Commissioner Newell, seconded by Commissioner Roberts, and carried 6-0. Commissioner Masilotti absent.**

(CLERK'S NOTE: The following item was deleted from the Consent Agenda as Item 3.D.2. See Page 8.)

#### **5.A.4.**

PRELIMINARY READING AND ADVERTISE FOR PUBLIC HEARING ON  
REGULAR 38 FEBRUARY 15, 2000

FEBRUARY 29, 2000, AT 2:00 P.M., AN ORDINANCE AMENDING CHAPTER 16 OF THE COUNTY CODE, ARTICLE III (ORDINANCE 99-74), PERTAINING TO BURGLAR ALARMS; AMENDING THE DEFINITION OF FALSE ALARM; AMENDING ALARM PERMITS REQUIRED; FEE; RENEWAL; AMENDING APPLICATION FOR ALARM PERMIT; EMERGENCY NOTIFICATION; REPORTING SERVICE INFORMATION; AND AMENDING APPEALS. APPROVED AS AMENDED 2-15-2000

On December 21, 1999, the Board held a public hearing on the burglar alarm ordinance and discussed adopting the ordinance presented with several changes consisting of: (1) clarifying references to alarms serviced by private security firms; (2) including in the definition of false alarms those alarms caused by weather or power outages of less than two hours; and (3) requiring that, after the fifth false alarm, the Sheriff's Office must provide written notice to the alarm user that the sixth alarm would result in a \$250 fine and suspension of the Sheriff's Office response for one year. During the year, however, the Sheriff shall continue to respond to 911 calls and robbery or panic alarms.

Staff commented that:

- There was some confusion regarding adoption of the ordinance on December 21, 1999. The item was being brought back to ensure inclusion of the three items in Ordinance 99-74.
- The Sheriff's Office had asked that the item not be reconsidered. They recommended that Ordinance 99-74 remain in its current form and that consideration be given to the proposed changes during the six-month review of Ordinance 99-74.
- The Board was concerned that Ordinance 99-74 contained language that might put residential communities such as Century Village and Kings Point who had their own security, which was not a formal security service, in a position to be sued.

**REGULAR AGENDA - CONTINUED**

**5.A.4. - CONTINUED**

- Language would be added on Page 2, Section 2 of the proposed ordinance that would read, "with the exception of those alarm users in gated communities serviced by private security firms which are required to respond to alarms."
- The gated communities that have private companies such as the Wackenhut Corporation respond to alarms would not be required to get an alarm permit from the Sheriff's Office.
- Commissioner Marcus wanted the reference to in-house security included in the language that would be added to Page 2 of the proposed ordinance.

**MOTION to approve the ordinance on preliminary reading as amended to include the language recommended by staff, with the exception of those alarm users in gated communities serviced by private security firms or in-house security which are required to respond to alarms, and to advertise for public hearing on February 29, 2000, at 2:00 p.m. Motion by Commissioner Newell and seconded by Commissioner Aaronson.**

**PUBLIC COMMENT:**

Gary Brandenburg, representative for several of the alarm companies, stated the ordinance contained language that would have an adverse impact on the alarm industry. Commissioner Aaronson said the ordinance would be monitored for six months. The industry could report back to the Board when the ordinance was readdressed.

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

**PUBLIC HEARINGS - CONTINUED**

**4.G.**

**a. ORDINANCE 2000-010**

ORDINANCE AMENDING CHAPTER 17 OF THE CODE, ARTICLE VIII (ORDINANCE 95-7) KNOWN AS THE MOVING ORDINANCE; PROVIDING INTENT AND APPLICATION; REQUIRING OPERATING PERMIT AND DECAL; PROVIDING FOR DENIAL, SUSPENSION, AND REVOCATION OF PERMIT; HEARING, APPEALS; REQUIRING EVIDENCE OF CARGO LEGAL LIABILITY VALUATION AND INSURANCE COVERAGE; REQUIRING MOVING VEHICLE SIGNAGE; REQUIRING ESTIMATES OF MOVING COSTS; REQUIRING CONTRACT FOR SERVICE/BILL OF LADING; REQUIRING DISCLOSURE STATEMENT; PROVIDING FOR CHARGES IN EXCESS OF WRITTEN ESTIMATE, UNLAWFUL CHARGES, PROHIBITING REFUSAL TO RELINQUISH GOODS; PROVIDING FOR PAYMENT OF CHARGES IN EXCESS OF WRITTEN ESTIMATE OR CONTRACT FOR SERVICE; PROVIDING FOR AN INVENTORY; PROVIDING ACCEPTABLE FORMS OF PAYMENT; PROVIDING FOR REASONABLE DISPATCH; PROVIDING FOR LIABILITY OF MOVERS, LIMITATION, AND DISCLOSURE; PROVIDING FOR RECORDS, INQUIRY OR COMPLAINT HANDLING, AND INSPECTIONS; PROHIBITING COLLECTION OF FREIGHT CHARGES ON SHIPMENTS LOST OR DESTROYED IN TRANSIT; REGULATING CLAIM PROCEDURES; PROVIDING FOR CONSUMER COMPLAINTS; PROHIBITING FRAUDULENT TRANSFERS OF MOVING COMPANIES; AND PROVIDING ENFORCEMENT AND PENALTIES, CIVIL AND CRIMINAL. (AMENDS ORDINANCE 95-7) (P.O.P. 699467) ADOPTED 2-15-2000

**b. RESOLUTION R-2000-0246**

RESOLUTION ESTABLISHING REQUIRED FEES AND A SCHEDULE OF CIVIL FINES FOR VIOLATING MOVING ORDINANCE 2000-010. (P.O.P. 699467) ADOPTED 2-15-2000

**c. BUDGET AMENDMENT 2000-0431**

BUDGET AMENDMENT IN THE GENERAL FUND FOR \$100,000 TO ESTABLISH REVENUE AND AN EXPENDITURE BUDGET FOR MOVING ORDINANCE 2000-010. (P.O.P. 699467) APPROVED 2-15-2000

**d.**

AUTHORIZE AN ADDITIONAL COMPLIANCE OFFICER POSITION (PAYGRADE 22) TO THE COMPLEMENT OF THE CONSUMER AFFAIRS DIVISION IN ORDER TO ENFORCE AND ADMINISTER THE MOVING ORDINANCE 2000-010 PROGRAM. (P.O.P. 699467) APPROVED 2-15-2000

**MOTION to adopt the ordinance and resolution, and to approve the budget amendment and an additional compliance officer position. Motion by Commissioner Roberts and seconded by Commissioner Newell.**

**PUBLIC HEARINGS - CONTINUED**

**4.G. - CONTINUED**

**PUBLIC COMMENT:**

Hugo Litersky and William Litersky opposed the item because they said the smaller company owners could not afford the \$1,000 fee. Mr. Litersky suggested that agencies such as Consumer Affairs, small claims court, and the Better Business Bureau were entirely adequate to address consumer complaints against the moving industry. Mr. Litersky said that deregulation had provided conditions that were equitable to both large and small moving businesses. Returning to regulation was unnecessary.

Commissioner Roberts stated the item was in response to the many complaints from consumers about poor service and business practices in the moving industry. Staff reported that this year telephone complaints about moving companies had increased 300 percent over previous years. Moving complaints ranked fifth in the total number of complaints received by the Consumer Affairs Department. Staff had worked with the moving industry to come up with a solution that was fair for everyone involved, she concluded.

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

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

**4.H. ORDINANCE 2000-011**

ORDINANCE AMENDING SECTION 17-116 OF THE CODE RELATING TO THE TOURIST DEVELOPMENT TAX. PURSUANT TO THE LOCAL OPTION TOURIST DEVELOPMENT ACT; PROVIDING FOR AUTHORIZATION TO EXPEND ADDITIONAL TOURIST DEVELOPMENT TAX REVENUES FOR THE  
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PROMOTION OF THE COUNTY AS A SPORTS DESTINATION. IT WILL PROVIDE FOR A REVISION TO THE TOURIST DEVELOPMENT PLAN, WHICH PROVIDES THE PALM BEACH SPORTS COMMISSION WITH AN ADDITIONAL \$250,000 IN TOURIST DEVELOPMENT (BED) TAX REVENUES TO EXPEND ON SPORTS EVENTS AND ACTIVITIES TO PROMOTE COUNTY TOURISM FOR FOUR YEARS BEGINNING FISCAL YEAR 2000-2001. (AMENDS ORDINANCE 98-52) (P.O.P. 699425)  
ADOPTED 2-15-2000

**MOTION to adopt the ordinance. Motion by Commissioner Roberts and seconded by Commissioner Aaronson.**

PUBLIC COMMENT: None

Commissioner Marcus recalled that during earlier discussions, the Board wanted to ensure that the Beaches and Shores Program remained at a certain funding threshold. Deputy County Administrator Patrick Miller said the Board had directed staff to report back if any of the tourist development programs began to fall below threshold. Commissioner Aaronson commented that he had previously said that because of the increase of heads and beds, all would benefit. If there was a decrease in the economy, then a threshold should be established.

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

#### **4.H. - CONTINUED**

Commissioner Marcus commented that a lot of people were more comfortable knowing the funding threshold of the agencies was protected. She asked that something be put in writing and that copies be sent to all of the affected agencies. Mr. Miller said staff would attach a memorandum to the item noting that.

**UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Masilotti and Newell absent.**

#### **RECESS**

At 12:34 p.m, the Chair declared a recess.

#### **RECONVENE**

At 2:15 p.m., the Board reconvened with Commissioners Aaronson, Lee, McCarty, Marcus, and Roberts present.

#### **5. REGULAR AGENDA**

#### **5.A. COUNTY ATTORNEY**

REGULAR 43 FEBRUARY 15, 2000

**5.A.1. RESOLUTION R-2000-0247**

RESOLUTION AUTHORIZING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$2 MILLION, PURSUANT TO INTERLOCAL AGREEMENT R-97-1077 WITH FLORIDA DEVELOPMENT FINANCE CORPORATION APPROVING THE SALE OF SUCH BONDS, AND RESCINDING RESOLUTION R-99-2053 WHICH APPROVED ISSUANCE OF THE BONDS AT ANOTHER LOCATION. THE BONDS ARE BEING ISSUED TO FINANCE THE COSTS OF ACQUIRING LAND AND CONSTRUCTING A 35,000-SQUARE-FOOT MANUFACTURING FACILITY FOR USE AS A COMMERCIAL PRINTING OPERATION. THE BONDS WILL BENEFIT DSLA REALTY, L.C., AND THE PROJECT WILL BE OPERATED BY MAJESTIC GREETING CARD COMPANY, INC. NEITHER THE TAXING POWER NOR THE FAITH AND CREDIT OF THE COUNTY NOR ANY COUNTY FUNDS SHALL BE PLEDGED TO PAY THE PRINCIPAL, REDEMPTION PREMIUMS, IF ANY, OR INTEREST ON THE BONDS. (RESCINDS R-99-2053) ADOPTED 2-15-2000

**MOTION to adopt the resolution. Motion by Commissioner Marcus, seconded by Commissioner McCarty, and carried 5-0. Commissioners Masilotti and Newell absent.**

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

**5.A.2. RESOLUTION R-2000-0248**

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT-TO-EXCEED \$3 MILLION IN SOLID WASTE DISPOSAL REVENUE BONDS BY THE CAPITAL PROJECTS FINANCE AUTHORITY TO FINANCE A SOLID WASTE FACILITY LOCATED AT 6911 WALLIS ROAD, WEST PALM BEACH, FOR STAR SERVICES GROUP, INC. AND AUTHORIZING THE CHAIR TO EXECUTE AN INTERLOCAL AGREEMENT IN SUBSTANTIVELY THE FORM ATTACHED HERETO. THE BONDS WILL BE PAYABLE SOLELY FROM REVENUES DERIVED FROM THE PROJECT, AND NEITHER THE TAXING POWER NOR THE FAITH AND CREDIT OF THE COUNTY NOR ANY COUNTY FUNDS ARE PLEDGED TO PAY THE BONDS. ADOPTED 2-15-2000

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

**REGULAR AGENDA - CONTINUED**

**5.A.3. DOCUMENT R-2000-0249**

INTERLOCAL AGREEMENT WITH THE SOLID WASTE AUTHORITY FOR THE PROVISION OF LEGAL SERVICES TO THE AUTHORITY BY THE COUNTY ATTORNEY'S OFFICE AT THE HOURLY RATE OF \$125 FOR ATTORNEYS AND \$60 FOR PARALEGALS, FROM JANUARY 1, 2000, THROUGH SEPTEMBER 30, 2000, WITH AUTOMATIC RENEWALS OF FOUR ONE-YEAR TERMS. APPROVED 2-15-2000

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

**5.A.4. See Pages 33-34.**

**5.B. ENGINEERING AND PUBLIC WORKS**

**5.B.1.**

RIGHT-OF-WAY USE AGREEMENT WITH METRICOM, INC., WHO WISHES TO INSTALL AND OFFER FOR SALE A MOBILE DIGITAL DATA COMMUNICATIONS NETWORK. THE NETWORK ENABLES SUBSCRIBERS TO ACCESS WIRELESS INTERNET, PRIVATE INTRANET, E-MAIL, AND LOCAL AREA NETWORKS. IN EXCHANGE FOR ALLOWING METRICOM TO ENTER COUNTY RIGHT-OF-WAY FOR THIS PURPOSE, THE COMPANY AGREES TO PAY TO THE COUNTY 1 PERCENT OF ITS REVENUES DERIVED FROM COUNTY USERS, \$60 PER YEAR IN RENT FOR EACH COUNTY-OWNED OR /-MAINTAINED POLE THE COMPANY MAY USE, AND 10 FREE SUBSCRIPTIONS TO THE NETWORK FOR THE LIFE OF THIS AGREEMENT. THE TERM OF THE AGREEMENT IS FOR 10 YEARS AND ALLOWS FOR THREE FIVE-YEAR EXTENSIONS. POSTPONED TO FEBRUARY 29, 2000 -- 2-15-2000

Commissioner McCarty asked for a postponement for 30 days so that staff could address the issues noted in a memorandum received from Ron Ferris, town manager for the Town of Lantana.

**MOTION to POSTPONE the item for 30 days. Motion by Commissioner McCarty and seconded by Commissioner Newell.**

Marta Zimring, representative of Metricom, said they received a copy of the memorandum that morning and could address the issue noted within it. The company did not wish for the item to be postponed because of the loss of time. Commissioner McCarty stated no one was present as a municipal representative to participate in the discussion. Commissioner Roberts suggested that the item be postponed until February 29, 2000.

**AMENDED MOTION to POSTPONE the item to February 29, 2000. The maker and seconder agreed. Upon call for a vote, the motion carried 6-0. Commissioner Masilotti absent.**

**5.B.2. DELETED**

**REGULAR AGENDA - CONTINUED**

**5.B.3.**

**a.**

DIRECT STAFF TO INSTALL "NO THRU TRUCKS OVER 7 TONS" SIGNS  
REGULAR 45 FEBRUARY 15, 2000

ON LOXAHATCHEE RIVER ROAD, A FLASHING SIGNAL, AND A FOUR-WAY STOP AT ROEBUCK ROAD AND LOXAHATCHEE RIVER ROAD, AND "EXCEEDING SPEED LIMIT WHEN FLASHING" SIGNS. APPROVED AS AMENDED 2-15-2000

**b.**

DIRECT STAFF TO INVESTIGATE AND INSTALL, AS APPROPRIATE, A PATHWAY OR PORTIONS OF A PATHWAY ON THE EAST SIDE OF LOXAHATCHEE RIVER ROAD, INCLUDING SEPARATE LOCATIONS FOR PAVED WAITING AREAS FOR BUS STUDENTS. APPROVED 2-15-2000

**c. RESOLUTION R-2000-0250**

RESOLUTION TO BE KNOWN AS THE LOXAHATCHEE RIVER ROAD SAFETY RESOLUTION, OUTLINING WHAT THE COUNTY WILL BE DOING IN THE FUTURE PERTAINING TO EXISTING AND FUTURE ROADS IN THE NORTHERN PART OF THE COUNTY AND THE SOUTHERN PART OF MARTIN COUNTY, REQUESTING THAT MARTIN COUNTY COMMIT TO CERTAIN ACTIVITIES, SOME IN THE IMMEDIATE FUTURE AND SOME TIED TO THE NEXT ACTION OF THE MARTIN COUNTY SECTION 28 LAWSUIT, AND AUTHORIZING THE TRANSMITTAL OF THE RESOLUTION TO MARTIN COUNTY. ADOPTED AS AMENDED 2-15-2000

**d.**

DIRECT STAFF TO BRING BACK AN ALIGNMENT FOR THE COUNTY'S PORTION OF THE WESTERN CORRIDOR IN COOPERATION WITH THE PROPERTY OWNER, AND BEGIN TO OBTAIN RIGHT-OF-WAY, DESIGN, AND CONSTRUCTION COMMITMENTS FROM THE DEVELOPER/PROPERTY OWNER. APPROVED 2-15-2000

**MOTION to approve the staff directions and to adopt the resolution. Motion by Commissioner Aaronson and seconded by Commissioner Marcus.**

Commissioner Marcus pointed out that, during previous Board discussion, it had been determined that the weight limit for trucks would be 6 tons. She requested the weight limit be changed from 7 tons to 6 tons in order to be consistent with Martin County. Also, there was no reference to a 12-month time frame for Martin County to amend its comprehensive plan to add connection of the Western Corridor to Island Way.

**AMENDED MOTION to change the weight limit for trucks from 7 tons to 6 tons and to include language that Martin County had 12 months from today to amend its comprehensive plan to add connection of the Western Corridor to Island Way. The maker and seconder agreed.**

**REGULAR AGENDA - CONTINUED**

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

Martin County's Senior Assistant County Attorney David Acton commented that:

- Martin County asked that Island Way be replaced with Jupiter River Drive for the installation of speed humps and other traffic calming devices.
- Geographically, speed humps on Island Way were unnecessary because all of the access points onto Loxahatchee River Road were covered.
- The installation of speed humps on Island Way required staff review and approval by the Martin County Commissioners.
- Funding for improvements to Jupiter River Drive, Loxahatchee River Road, and Pine Tree Street had been approved.
- Commissioner Janet Gettig wanted it to be known that she had not agreed to having the funding of the Western Corridor included in the Martin County comprehensive plan funding element as referenced under Subsection 4 of the resolution. Martin County requested that language be removed from the resolution.

**PUBLIC COMMENT:**

Judy Daversa, chair of Loxahatchee River Road Community Coalition, commented that they desired traffic to be detoured from the residential area. She requested there be provisions for other traffic-calming measures if in the interim it was determined that the results of the current measures did not turn out as expected. She also requested school crossing signs. Andy Rafkin suggested the creation of a no-truck zone between the Martin County line and the Loxahatchee Point community and that a Sheriff's deputy be stationed in that area to enforce it.

During the discussion that ensued it was brought out that:

- The Board did not want to remove the language under Subsection 4 of the resolution that referenced having the funding of the Western Corridor included in the Martin County comprehensive plan funding element.
- The Board could not dictate where the Sheriff's Office patrols. Mr. Rafkin could speak with the Sheriff's Office regarding enforcement of

a no-truck zone between the Marin County Line and the Loxahatchee Point community, however.

**REGULAR AGENDA - CONTINUED**

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

- The County did not install school crossing signs at every bus stop location.
- Staff would add language under Section 4, 2(a) to read, "Install speed humps and other traffic calming measures on Jupiter River Drive, Pine Tree Lane, and Loxahatchee River Road, north of Palm Beach County Line within no more than 120 days of the date of this resolution," and 2(b) "Monitor traffic fines and speeds on Island Way to determine if the installation of traffic calming measures may be appropriate."
- Staff would add language under Section 3, Item 4, to read, "Review the possibility of installing warning signs for pedestrians/school children," and Item 5, "Continue to look at other traffic calming devices."
- Staff would consider Countywide installation of warning signs for pedestrians/school children.

**AMENDED MOTION to add the language as recommended by staff. The maker and seconder agreed. Upon call for a vote, the motion carried 6-0. Commissioner Masilotti absent.**

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

**5.C.1.**

PRELIMINARY READING AND ADVERTISE FOR PUBLIC HEARING ON MARCH 21, 2000 AT 9:30 A.M., AN ORDINANCE AMENDING ORDINANCE 95-10 ENTITLED THE SURPLUS PROPERTY ORDINANCE; AMENDING SECTION 7, RECORDATION AND INVENTORY OF CERTAIN PROPERTY BY INCREASING THE CAPITALIZATION LEVEL FOR TANGIBLE PERSONAL PROPERTY ASSETS FROM \$500 TO \$750. APPROVED 2-15-2000

**MOTION to approve on preliminary reading and to advertise for public hearing on March 21, 2000, at 9:30 a.m. Motion by Commissioner Roberts, seconded by Commissioner McCarty, and carried 6-0. Commissioner Masilotti absent.**

**5.C.2.**

NEGOTIATED SETTLEMENT OFFER IN THE AMOUNT OF \$32,500 FOR FULL SATISFACTION OF A CODE ENFORCEMENT LIEN THAT WAS ENTERED AGAINST ANNE PETTERSEN ON OCTOBER 11, 1996, FOR CODE VIOLATIONS INVOLVING ACCUMULATIONS OF WASTE, YARD TRASH, RUBBLE, DEBRIS, AND UNCULTIVATED VEGETATION GREATER THAN 18 INCHES IN HEIGHT. THE ACCUMULATED FINES AND INTEREST THROUGH DECEMBER 22, 1999, TOTALED \$121,449 OF WHICH MS. PETTERSEN AGREED TO PAY \$32,500. APPROVED 2-15-2000

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

**REGULAR AGENDA - CONTINUED**

**5.D. ENVIRONMENTAL RESOURCES MANAGEMENT**

**5.D.1.**

PRELIMINARY READING AND ADVERTISE FOR FIRST PUBLIC HEARING ON MARCH 7, 2000, AT 9:30 A.M., AN ORDINANCE AMENDING ORDINANCE 92-20, THE UNIFIED LAND DEVELOPMENT CODE, AS AMENDED; AMENDING THE ZONES OF INFLUENCE MAPS AS SET FORTH IN SECTION 9.3.E. APPROVED AS AMENDED 2-15-2000

**MOTION to approve on preliminary reading and to advertise for first public hearing on March 7, 2000, at 9:30 a.m. Motion by Commissioner McCarty and seconded by Commissioner Roberts.**

Assistant County Attorney Berger informed the Board of a correction in the ordinance title which would be changed from "inclusion in the code of laws and ordinances" to "inclusion in the Unified Land Development Code."

(CLERK'S NOTE: The title had been corrected on the Additions, Deletions and Substitutions Sheet but not in the Agenda item.)

**AMENDED MOTION to change the ordinance title as recommended by staff. The maker and seconder agreed. Upon call for a vote, the motion carried 6-0. Commissioner Masilotti absent.**

**5.E. PUBLIC SAFETY**

**5.E.1.**

DIRECTION REGARDING ENTERING INTO A TWO-YEAR AGREEMENT WITH  
REGULAR 49 FEBRUARY 15, 2000

BROWARD COUNTY AND MIAMI-DADE COUNTY FOR \$140,000 (\$70,000 ANNUALLY) FOR THE CREATION OF A REGIONAL PEDIATRIC PATHOLOGIST PROGRAM, WHICH INCLUDES THE SERVICES OF A REGIONAL PEDIATRIC PATHOLOGIST, TO BE LOCATED AND OPERATED OUT OF THE BROWARD COUNTY MEDICAL EXAMINER'S OFFICE. POSTPONED TO MARCH 21, 2000 -- 2-15-2000

**MOTION to approve entering into a two-year agreement.  
Motion by Commissioner Roberts.**

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

Commissioner Roberts emphasized that entering into an agreement would better the lives of children through unique research that would be conducted by the program. Commissioner Lee concurred with Commissioner Roberts and passed the gavel to Commissioner Newell.

**MOTION to approve entering into a two-year agreement.  
Motion by Commissioner Roberts and seconded by Commissioner Lee.**

## **REGULAR AGENDA - CONTINUED**

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

Commissioner Marcus asked how the budget for the program was determined. Staff replied that Broward County presented the original contract, which contained a proposal of \$175,000 per year for the salary of a pediatric pathologist, as well as additional costs to run the office. Commissioner Marcus said it was difficult to make a determination when insufficient data was provided. Staff advised that it would probably be difficult to hire a board-certified forensic pathologist who specialized in pediatric pathology for \$175,000. There would be costs associated with operating the department in addition to paying for the transport of bodies to the facility. The County's Medical Examiner was of the opinion that this would probably be a good program. He did not know how it would be activated or what kind of data would be generated. He would not participate but would occasionally utilize the services of the pediatric pathologist on a consultant basis. Commissioner Aaronson said the costs for participation should be based upon the size of each county, not divided equally.

**SUBSTITUTE MOTION to POSTPONE the item to March 7, 2000.  
Motion by Commissioner Marcus and seconded by Commissioner  
Aaronson.**

Commissioner Aaronson said the Board would be leaving for Tallahassee on March 7 and there may be insufficient time to consider all of the items on the Agenda for that day.

**AMENDED MOTION to POSTPONE to March 21, 2000. The maker and  
seconded agreed.**

Commissioner Newell recommended a one-year contract. Commissioner McCarty stated concern that the Board could set a precedent by approving the item. She suggested consideration be given to the role of County government paying money to gather data for research when the County had other very specific responsibilities for which there was insufficient money.

STAFF WAS DIRECTED TO:

- Submit the proposed agreement, a breakdown of the costs, and the anticipated results from the program to the Board for review.

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

**REGULAR AGENDA - CONTINUED**

**5.F. PALM TRAN**

**5.F.1.**

**a.**

AMENDED REQUEST FOR PROPOSAL (RFP) FOR A NEW PRIVATIZED BUS SHELTER PROGRAM WHICH INCORPORATES THE RECOMMENDED CHANGES TO THE SPECIFICATION DIRECTED BY THE BOARD ON AUGUST 24, 1999. APPROVED 2-15-2000

**b.**

INCORPORATE, AS A SEPARATE REQUEST FOR PROPOSAL (RFP) OPTION, THE INCLUSION OF A NEW BUS BENCH ADVERTISING PROGRAM INTO THE BUS SHELTER RFP. APPROVED 2-15-2000

**c. DOCUMENT R-2000-0251**

AMENDMENT 1 TO THE CONTRACT WITH THE WEST PALM BEACH JAYCEES; THE BOYS AND GIRLS CLUB OF PALM BEACH COUNTY, INC.; BIG BROTHERS/BIG SISTERS OF PALM BEACH COUNTY, INC.; PALM BEACH COUNTY SPECIAL OLYMPICS, INC.; AND METROPOLITAN SYSTEMS, INC., TO EXTEND THE JULY 16, 2000, EXPIRATION DATE OF THE CURRENT BUS BENCH CONTRACT TO COINCIDE WITH THE NOVEMBER 30, 2000, EXPIRATION DATE OF THE EXISTING BUS SHELTER ADVERTISING CONTRACT. (AMENDS R-88-2139-D)  
APPROVED AS AMENDED 2-15-2000

**d.**

NEW POLICY ALLOWING THE CITIES, AS AN INCENTIVE TO SUPPORT BUS SHELTER CONSTRUCTION WITHIN THEIR CITY, TO RECEIVE THE REVENUE GENERATED FROM SUCH SHELTERS. APPROVED 2-15-2000

**MOTION to approve an amended Request for Proposal, incorporate a new bus bench advertising program, approve the contract amendment, and approve a new policy. Motion by Commissioner Roberts and seconded by Commissioner Newell.**

**PUBLIC COMMENT:**

Stanley Voice said that 100 new bus shelters in the first year were unnecessary, although the current shelters needed to be replaced. He said that bus benches had not been Americans with Disabilities Act (ADA)-compliant. Geoffrey Sluggett, stated his concern that there was insufficient right-of-way to build 300 shelters. He said that 100 for the first year would be an adequate number. He suggested the County ask that the industry build as many as possible but with the stipulation that they be built only where there were buildable locations with adequate right-of-way.

During the discussion that ensued it was brought out that:

- Commissioner Aaronson wanted 300 benches constructed.
- The benches would be ADA-compliant.

**REGULAR AGENDA - CONTINUED**

REGULAR 52 FEBRUARY 15, 2000

5.F.1. - CONTINUED

- Staff would ensure that the materials specified in the bid were used for construction of the shelters and benches.
- Staff requested a new policy to allow municipalities to keep the revenue derived from the bus shelters as an incentive for their support of locating additional bus shelters within the municipalities.
- U.S. 1 was the busiest bus route that went through many municipalities.
- The Board wanted more than 100 shelters constructed within the first year.
- The Facilities Development and Operations Department had completed preliminary assessments on approximately 300 sites. There were 87 sites Countywide that could be easily constructed because they did not have right-of-way or utility relocation problems. It would take some time for the contractor to mobilize and get the shelters built, which was the reason staff recommended 100 shelters for the first year.
- In addition to the 87 sites, staff had located another 120 sites believed to be available right away.
- Staff proposed to have approximately 50 sites ready for construction annually beginning the second year.
- Commissioner Roberts suggested 175 bus shelters for construction the first year and 100 for the second year.
- The current plan called for construction of 100 new shelters in the first year. During the second year, 50 new shelters would be constructed plus the replacement of 40 old shelters.
- There was a need for more bus shelters Countywide. The number of new shelters to be constructed in the first year needed to be increased. If a small company could not meet that quota, then a larger company would be utilized.

**REGULAR AGENDA - CONTINUED**

**5.F.1. - CONTINUED**

- During previous discussions, it had been determined that approximately 400 shelters were needed immediately.
- The RFP should be amended to award bonus points for any company who could construct more than the minimum number of requested shelters within a year.
- If Palm Tran were to expand, the buses had to run on time and there had to be bus shelters for the passengers.
- The bus shelter site project should be handled by some other department or some outside company because the Facilities Development and Operations Department currently was overburdened.
- An outside consultant had done an assessment of the proposed sites to identify right-of-way and utility easements. The 300 proposed sites were all buildable.
- There were some municipalities that did not want bus shelters, even if they did not contain advertising.
- There were more stringent requirements for construction of a bus shelter than of a house.
- Commissioner Newell was of the opinion that constructing 50 shelters per year was an accomplishment because of the stringent requirements and costs associated.
- Commissioner Aaronson did not believe that Palm Tran's ridership would improve with the construction of 100 bus shelters the first year and 50 each year thereafter.
- Communities that utilize federally funded buses had to provide a certain number of bus shelters.
- The vendors could contact the

municipalities regarding construction of bus shelters and advertising within the municipal boundaries.

**REGULAR AGENDA - CONTINUED**

**5.F.1. - CONTINUED**

- The Board wanted companies to be able to produce as many shelters as possible within the first year.

**AMENDED MOTION to amend the language to allow a minimum of 150 new shelters to be constructed the first year and 100 the second year and to amend the RFP to allow a point system for each additional bus shelter above the minimum number requested. The maker and seconder agreed.**

- The County had provided funds through the Metropolitan Planning Organization (MPO) for municipalities to build shelters without advertising in their communities.
- Staff would amend the RFP and submit the changes in the form of a memorandum to the Board for their review and comments.
- There was concern that if the RFP contained a point system, a company could submit an unrealistic bid and return after being chosen with excuses as to why the specified number of shelters could not be built.
- It was recommended that a penalty clause be placed in the contract whereby the company could be penalized if it did not construct the number of shelters stated.
- Prospective advertising companies had received copies of the consultant's report and

said the figures were much too aggressive and agreed that 100 shelters the first year was a realistic number.

- Commissioner Marcus suggested leaving the minimum number of shelters at 100 for the first year instead of giving bonus points to companies during the bid process. Based on construction performance for the first year, the Board could change the minimum for the second year from 50 to 100.
- Commissioner McCarty suggested adding a staff position to handle the acquisition of right-of-way and oversee the preparation of shelter sites. County Administrator Weisman said it was an incentive for the vendors to perform these functions themselves. The vendors would get the advertising as quickly as possible because that was where they made their money. He did not recommend the additional staff position because vendors could blame the County for not providing them with good sites or not doing the work fast enough. Furthermore, the companies could not acquire land. That had to be done by the County.

#### **REGULAR AGENDA - CONTINUED**

#### **5.F.1. - CONTINUED**

STAFF WAS DIRECTED TO:

- Submit letters informing the municipalities that funds were available through the MPO for bus shelters.

**REVISED AMENDED MOTION to amend the minimum number of shelters for construction to 100 for the first and second years and 50 for the third, fourth, and fifth years. Facilities Development and Operations would turn the 150 problem bus shelter sites over to the consultant. Language was to be included in the RFP for the vendors to contact the municipalities regarding the construction of bus shelters and advertising within the municipalities. The maker and seconder agreed. Upon call for a vote, the motion carried 6-0. Commissioner Masilotti absent.**

#### **5.G. HOUSING AND COMMUNITY DEVELOPMENT**

#### **5.G.1.**

REGULAR 56 FEBRUARY 15, 2000

**a.**

CONCEPTUALLY APPROVE THE COMMISSION ON AFFORDABLE HOUSING CYCLE V COMPETITIVE RENTAL PROGRAM AWARD FOR \$218,000 IN FUNDING FOR HTF COMP99 - 1R - MARINA BAY APARTMENTS (192 UNITS). THESE ARE STATE HOUSING INITIATIVE PARTNERSHIP PROGRAM FUNDS AND REQUIRE NO MATCHING AD VALOREM DOLLARS. CONCEPTUALLY APPROVED FOR ELDERLY ONLY 2-15-2000

**b.**

CONCEPTUALLY APPROVE THE COMMISSION ON AFFORDABLE HOUSING CYCLE V COMPETITIVE RENTAL PROGRAM AWARD FOR \$132,000 IN FUNDING FOR HTF COMP99 - 2R - PRESIDENTIAL APARTMENTS (132 UNITS). THESE ARE STATE HOUSING INITIATIVE PARTNERSHIP PROGRAM FUNDS AND REQUIRE NO MATCHING AD VALOREM DOLLARS. DISCUSSED WITH DIRECTION 2-15-2000

**c.**

CONCEPTUALLY APPROVE THE COMMISSION ON AFFORDABLE HOUSING CYCLE V COMPETITIVE RENTAL PROGRAM AWARD FOR \$150,000 IN FUNDING FOR HTF COMP99 - 3R - AZALEA PLACE (150 UNITS). THESE ARE STATE HOUSING INITIATIVE PARTNERSHIP (SHIP) PROGRAM FUNDS AND REQUIRE NO MATCHING AD VALOREM DOLLARS. CONCEPTUALLY APPROVED 2-15-2000

**MOTION to conceptually approve the Commission on Affordable Housing Competitive Rental Program awards and to establish a home ownership program utilizing the State Home Ownership Program as a pattern but with a 7.5 percent rent set-aside to be used for the purchase of a home by the tenant. Motion by Commissioner Roberts.**

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

**REGULAR AGENDA - CONTINUED**

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

Commissioner Roberts said that for the last five years the state had had a home ownership program that had been accepted by the Florida Housing Finance Corporation.

**MOTION 1 to conceptually approve Items A, B, and C in the amounts listed. Motion by Commissioner McCarty and seconded by Commissioner Marcus.**

Commissioners McCarty said it was her understanding that the  
REGULAR 57 FEBRUARY 15, 2000

Marina Bay Apartments would be for the elderly and would not participate in the home ownership program.

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

Commissioner Roberts said the Commission on Affordable Housing (CAH) also recommended establishment of a home ownership program. She recommended the County pattern its program after the state's current program but with a 7.5 percent rent set-aside instead of the 5 percent required by the state.

**MOTION 2 to establish a home ownership program utilizing the State Home Ownership Program as a pattern but with a 7.5 percent rent set-aside to be used for the purchase of a home by the tenant. Motion by Commissioner Roberts and seconded by Commissioner McCarty.**

Assistant County Attorney Tammy Fields explained the CAH had recommended that a certain amount of the contract rent be set aside for the tenants toward home ownership. Assistant County Administrator Baker said that staff would review the state program and submit a report when the contract for the Competitive Rental Program awards was brought back. The recommendation was that the 7.5 percent set-aside be held in an interest-bearing escrow account for a deposit toward purchase of a home. The tenants would go before the CAH with the deposit to get subsidy for a home. It would take four to six years at 7.5 percent to accumulate enough money to qualify for subsidy for a home.

Commissioner Roberts noted that the state program did not allow for money to be taken up front and put into an escrow account. The tenant had to rent for two years and have the money available within two years. Housing and Community Development Director Remar M. Harvin commented that the contract rent for the Azalea Place property would be paid by the tenant. Some of the developments had subsidies, and it would be unfair to require the developer to pay the rent and a portion toward the set-aside. Staff had reservations about an escrow account because, if anything unfortunate happened to the development, those funds would be lost. Therefore, the set-aside dollars should be in the County's control. If a tenant left within five years or was evicted, he or she would not receive any of the set-aside money. That money would go to the developer.

**REGULAR AGENDA - CONTINUED**

REGULAR 58 FEBRUARY 15, 2000

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

Commissioner Aaronson said he would not support the recommended program until he had reviewed adequate information to make a determination. Mr. Harvin said the projects were on a fast track and staff would return with contracts for the rental program awards. Two of the developers' proposals had to be submitted to the state by March 8, 2000, and the County had to have the funds expended by June 30, 2001. Staff would meet with Commissioner Roberts and address the Board's concerns. Commissioner Marcus said she was uncomfortable giving any direction until the CAH made a formal recommendation regarding the home ownership program. Commissioner Roberts said that, although there may not have been a quorum at the CAH meeting when the home ownership program was discussed, the committee did submit a recommendation that was listed as Attachment 4 to the item.

Paula Ryan, president of White Oak, said the CAH recommendation was not presented to them in the original agenda item and they had not been able to attend the CAH workshop. She was later contacted and had agreed to the recommended 7.5 percent set-aside. There was a question of what consideration would be placed upon the elderly projects since there was nothing about them in the Request for Proposal, Ms. Ryan continued. She said the other two projects had deadlines because they were trying to acquire additional funds from the state. Her company had closed on its financing with the Palm Beach County Housing Finance Authority and with the equity provider. The home ownership program already existed in their land use restrictions agreement. She agreed to the recommended set-aside as long as it worked within the financing parameters of the project.

Ms. Fields recommended that staff discuss the issue with the CAH and negotiate with the developer. Staff would not submit contracts to the Board before March 7, 2000. Based on the Board's actions today, staff would issue a letter of commitment to the developers, which would be used in their application for state funding. A contract would not be submitted to the Board until the developers had received all of the other funding for the projects, Ms. Fields said.

Commissioner Marcus stated that the appropriate time for the Board to discuss the home ownership program would be after the CAH had its next meeting and submitted its formal recommendation. Staff would then make a recommendation regarding the contract for the developers. Commissioner Roberts wanted assurance that the home ownership program did not prohibit the developer from paying off the mortgage. She was concerned that the \$3.2 million in state funding might not be expended by the July 2000 deadline.

**REGULAR AGENDA - CONTINUED**

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

**SECOND TO MOTION 2 WITHDRAWN.**

Commissioner McCarty withdrew her second to Motion 2. She said that when the County and the municipalities had similar funds available it was Board policy to expend County dollars toward projects in the unincorporated area and to let the municipalities expend their funds for projects located within the municipalities. Ms. McCarty had a concern that the City of West Palm Beach had obtained federal funds that were used for the funding of Azalea Place but not for Presidential Apartments. Both projects were located within the city. She suggested the Board reconsider Motion 1 and approve the item contingent upon the City of West Palm Beach assisting with the funding of Presidential Apartments.

Commissioner Roberts said that the Presidential Apartments project would assist in the reduction of traffic in the area because seniors did less driving. She asked that the approval not be contingent upon the city's participation but that the city be urged to participate in the funding. Commissioner Aaronson concurred that the approval should be contingent upon the city's participation in the funding of Presidential Apartments. Mr. Harvin informed the Board of a federal mandate that required municipalities to sign an agreement to provide funding for qualified projects in order to participate under the County's funding program. He noted that state funds would be used for the Competitive Rental Program awards, however. There was no legal mandate as for federal funds, though the Board could choose to make it a policy requirement.

Commissioner Roberts explained that the projects would move forward without the additional funding from the County or city. The additional funding was an incentive to encourage low-income housing and to make the low-income projects better and more attractive. Ms. Fields said that Form 5 had to be attached to the developer's application for funding. She expressed concern with Mr. Weisman signing Form 5 unless the Board's commitment to funding of the projects was made contingent upon matching funding from West Palm Beach. The intent was to prevent legal repercussions if the Board did not approve the loan agreement. Commissioner Newell recommended a delay in the signing of the form. Commissioner Roberts said that it would be unfair to senior residents not to move forward with the projects.

MOTION 3 to reconsider Motion 1. Motion by Commissioner McCarty, seconded by Commissioner Aaronson, and carried 4-2. Commissioners Newell and Roberts opposed. Commissioner Masilotti absent.

MOTION 4 to conceptually approve Items A and C in the amounts listed. Motion by Commissioner McCarty, seconded by Commissioner Newell, and carried 5-1. Commissioner Roberts opposed. Commissioner Masilotti absent.

#### REGULAR AGENDA - CONTINUED

##### 5.G.1. - CONTINUED

Commissioner Newell recommended the record indicate that Marina Bay was for the elderly.

MOTION 5 to reconsider Motion 4. Motion by Commissioner McCarty, seconded by Commissioner Newell, and carried 6-0. Commissioner Masilotti absent.

MOTION 6 to conceptually approve Items A and C at the amounts listed, with A only for the elderly. Motion by Commissioner McCarty, seconded by Commissioner Newell, and carried 6-0. Commissioner Masilotti absent.

#### STAFF WAS DIRECTED TO:

- Meet with the City of West Palm Beach to discuss the Board's desire for a partnership in the funding of Presidential Apartments and report back on February 29, 2000.
- Schedule a joint workshop with the Commission on Affordable Housing.

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

#### 5.H. COUNTY ADMINISTRATION

5.H.1. See Page 23.

#### 6. BOARD APPOINTMENTS

##### 6.A. PLANNING, ZONING AND BUILDING

##### 6.A.1.

REAPPOINTMENTS OF BRIAN BROWN, MAURICE JACOBSON, AND RICHARD  
REGULAR 61 FEBRUARY 15, 2000

KLEISLEY TO THE BUILDING CODE ADVISORY BOARD FOR THREE YEARS. APPROVED 2-15-2000

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

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

#### **BOARD APPOINTMENTS - CONTINUED**

##### **6.B. COMMUNITY SERVICES**

###### **6.B.1.**

APPOINTMENTS OF L. PAUL BROWN (TERM TO EXPIRE NOVEMBER 13, 2002) AND IVAN GOLDBERG (TERM TO EXPIRE NOVEMBER 13, 2002) AND THE REAPPOINTMENTS OF ANITA R. FINLEY (TERM TO EXPIRE NOVEMBER 13, 2002), RICHARD L. GALETA (TERM TO EXPIRE NOVEMBER 13, 2002), AND JOSÉ R. THOMAS-RICHARDS (TERM TO EXPIRE NOVEMBER 13, 2001) TO THE CITIZENS ADVISORY COMMITTEE ON HEALTH AND HUMAN SERVICES. STAFF RECOMMENDED MOVING JOSÉ R. THOMAS-RICHARDS FROM THE HUMAN SERVICES/SOCIAL AND ECONOMIC SERVICES CATEGORY TO THE HEALTH SERVICES/PHYSICAL HEALTH CATEGORY TO ENABLE A BALANCED REPRESENTATION ON THE COMMITTEE. APPROVED 2-15-2000

**MOTION to approve the appointments and reappointments. Motion by Commissioner Marcus, seconded by Commissioner Roberts, and carried 4-0. Commissioners McCarty, Masilotti, and Newell absent.**

###### **6.B.2.**

APPOINTMENT OF STEVEN TURNER AND THE REAPPOINTMENTS OF RHONDA CLINTON, WILLIAM FEAMAN, ETHEL HENRY, W. WAYNE MONROE, JR., AND MURIEL WILLIAMS TO THE HEAD START POLICY COUNCIL FOR A TERM OF THREE YEARS. APPROVED 2-15-2000

**MOTION to approve the appointment and reappointments.**

**Motion by Commissioner Marcus, seconded by Commissioner Aaronson, and carried 4-0. Commissioners McCarty, Masilotti, and Newell absent.**

**6.C. COMMISSION DISTRICT APPOINTMENTS - See Commissioner Comments**

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

**ITEM PULLED FROM THE CONSENT AGENDA**

**3.A.1.**

RECEIVE AND FILE ANNUAL REPORTS FOR THE OFFICE OF SMALL BUSINESS ASSISTANCE WHICH PROVIDES STATISTICAL DATA ON MINORITY/WOMEN BUSINESS ENTERPRISE (M/WBE) PROGRAM PARTICIPATION DURING FISCAL YEAR 1998 AND STATISTICAL DATA ON THE SMALL BUSINESS PROGRAM DURING FISCAL YEAR 1999.  
APPROVED 2-15-2000

County Administrator Weisman said that Commissioner Newell had pulled the item to note that the County had met its M/WBE goals for the prior years.

**MOTION to receive and file the annual reports. Motion by Commissioner Marcus, seconded by Commissioner Aaronson, and carried 4-0. Commissioners Masilotti, Newell, and Roberts absent.**

**7. STAFF COMMENTS**

**7.A. ADMINISTRATION**

**7.A.1.**

LETTER OF DEFAULT TO AAA WHEEL CHAIR AND WAGON SERVICES, INC., DBA AMBULETTE OF THE PALM BEACHES. APPROVED TO RATIFY COUNTY ADMINISTRATOR'S ACTIONS 2-15-2000

County Administrator Weisman noted receipt of letters from Karen Caputo, president of Ambulette of the Palm Beaches, questioning the County's notice of default sent to her last week regarding the company's paratransit services. Two weeks ago the Board discussed the issue of the poor quality of services and gave all of the SpecTran providers 90 days to improve their services. Staff said they did not believe that Ms. Caputo had responded properly to the prior warning notice given to her and therefore issued the notice of default. Staff would meet with Ms. Caputo and, if the company's services improved, the contract would not be canceled. Mr. Weisman requested confirmation from the Board that, in trying to ensure that the providers meet their

contract obligations, staff was not in violation of Board direction. The Board informally agreed that if the services provided by Ambulette of the Palm Beaches did not meet contract requirements, staff was to terminate the contract.

No backup submitted.

**MOTION to ratify staff's actions regarding Ambulette of the Palm Beaches noncompliance with contract requirements. Motion by Commissioner Aaronson, seconded by Commissioner Marcus, and carried 4-0. Commissioners Masilotti, Newell, and Roberts absent.**

7.B. COUNTY ATTORNEY - None

8. COMMISSIONER COMMENTS

8.A. COMMISSIONER KAREN T. MARCUS

8.A.1.

EVERGLADES RESTORATION FUNDING. DISCUSSED 2-15-2000

Commissioner Marcus said the Board needed to take a position on the Everglades Restoration Program funding. Governor Jeb Bush had proposed that South Florida Water Management District (SFWMD) pay \$100 million as its portion of the \$2 billion program cost. There were efforts to organize the counties and South Florida Water Management District because of the governor's proposal. The concern was that SFWMD did not have \$100 million to expend annually from its budget, which meant the counties would have to pay the cost. The concept was unrealistic, she said. The most appropriate way to fund the program would be with document stamps, and Representative Sharon Merchant had proposed a bill for such funding. Ms. Marcus asked that staff place an item regarding the use of document stamps to fund the Everglades Restoration Program on the Agenda for the February 29, 2000, Board meeting.

No backup submitted.

**COMMISSIONER COMMENTS - CONTINUED**

8.A.2.

COORDINATION BETWEEN THE BOARD AND STAFF REGARDING THE LEGISLATIVE PROCESS. DISCUSSED 2-15-2000

Commissioner Marcus stated concern that staff had been making recommendations to the Legislative Delegation regarding bills without coordinating with the Board. There was a local bill being sponsored to change the makeup of the Seminole Trails Water Control District. The Board was unaware of certain items contained in the bill with which

staff was in agreement. She asked if the matter could be scheduled for the February 29, 2000, meeting.

No backup submitted.

**8.A.3.**

REAPPOINTMENT OF PAUL ACKERMAN TO THE AVIATION AND AIRPORT ADVISORY BOARD. APPROVED 2-15-2000

No backup submitted.

**MOTION to approve the reappointment. Motion by Commissioner Marcus, seconded by Commissioner McCarty, and carried 4-0. Commissioners Masilotti, Newell, and Roberts absent.**

**8.B. COMMISSIONER CAROL A. ROBERTS - None**

**8.C. COMMISSIONER WARREN H. NEWELL - None**

**8.D. COMMISSIONER MARY MCCARTY**

**8.D.1.**

REMOVAL OF ILLEGAL BILLBOARDS. DISCUSSED 2-15-2000

Commissioner McCarty asked if staff could address the issue of the removal of illegal billboards sooner than May 2000. County Administrator Weisman said that staff would report back on what could be done to expedite the matter.

No backup submitted.

**8.E. COMMISSIONER BURT AARONSON - None**

**8.F. COMMISSIONER TONY MASILOTTI**

**8.F.1. DELETED**

**8.F.2.**

REAPPOINTMENT OF DIANA ECCLESTONE TO THE TOURIST DEVELOPMENT COUNCIL. APPROVED 2-15-2000

No backup submitted.

**MOTION to approve the reappointment. Motion by Commissioner Aaronson on Commissioner Masilotti's behalf, seconded by Commissioner Marcus, and carried 4-0. Commissioners Masilotti, Newell, and Roberts absent.**

**COMMISSIONER COMMENTS - CONTINUED**

**8.F.3.**

REAPPOINTMENT OF HERBERT HOFFMAN TO THE AVIATION AND AIRPORT ADVISORY BOARD. APPROVED 2-15-2000

REGULAR 65 FEBRUARY 15, 2000

No backup submitted.

**MOTION to approve the reappointment. Motion by Commissioner Aaronson on Commissioner Masilotti's behalf, seconded by Commissioner Marcus, and carried 4-0. Commissioners Masilotti, Newell, and Roberts absent.**

**8.G. COMMISSIONER MAUDE FORD LEE**

**8.G.1.** See Page 20.

**8.G.2.**

REQUESTS FOR COMMISSIONERS TO SERVE AS REPRESENTATIVES ON COMMITTEES. DISCUSSED 2-15-2000

Commissioner Lee noted her receipt of several requests for Commissioners to serve as County representatives on committees. Senator Ron Klein had requested a representative on the Technology Industry Committee and Commissioner Aaronson had agreed to serve. The Department of Children and Family Services had requested a representative to serve on the Community Health Alliance coordinated by the Child Welfare Services Committee and Commissioner McCarty had agreed to serve. Commissioner Lee asked for someone to replace her on the Canvassing Board and Commissioner McCarty recommended Commissioner Roberts. Ms. Lee said that she would ask Commissioner Roberts to serve.

No backup submitted.

**8.G.3.**

APPOINTMENT OF LIA GAINES TO THE TOURIST DEVELOPMENT COUNCIL. APPROVED 2-15-2000

No backup submitted.

**MOTION to approve the reappointment. Motion by Commissioner Marcus, seconded by Commissioner Aaronson, and carried 4-0. Commissioners Masilotti, Newell, and Roberts absent.**

**9. ADJOURNMENT**

The Chair declared the meeting adjourned at 5:05 p.m.

ATTESTED:

APPROVED:

Clerk

Chair