

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

1. **CALL TO ORDER:** February 20, 2001, at 9:38 a.m., in the Palm Beach County Governmental Center, West Palm Beach, Florida.

1.A. **ROLL CALL**

MEMBERS AND OFFICERS PRESENT:

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

2. **AGENDA APPROVAL**

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

<u>PAGE</u>	<u>ITEM</u>
1	11:30 A.M. <b>ADD-ON:</b> Department of Agriculture Citrus Canker Update

2.B. **ADOPTION**

**MOTION to adopt the agenda as amended. Motion by Commissioner Roberts, seconded by Commissioner Masilotti, and carried 5-0. Commissioners McCarty and Marcus absent.**

2.C. **UNSCHEDULED ITEM - See page 4.**

**WORKSHOP SESSIONS**

3. **9:30 A.M. - RURAL DESIGN STANDARDS - See page 4.**

3.A. **11:30 A.M. - DEPARTMENT OF AGRICULTURE CITRUS CANKER UPDATE - See pages 4-5.**

4. **2:00 P.M. - PEANUT ISLAND DISCUSSION - See pages 5-7.**

5. **REGULAR AGENDA - See pages 1-3.**

6. **ADJOURNMENT - See page 7.**

5. **REGULAR AGENDA**

5.A. **CLERK**

5.A.1.

WARRANT LIST DATED FEBRUARY 16, 2001. APPROVED 2-20-2001

COMPUTER CHECKS	\$19,327,982.03
WIRE TRANSFERS	37,477,649.94
MANUAL CHECKS	3,797,215.06
EDI TRANSFERS	<u>2,654,050.15</u>
	\$63,256,897.18

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

**REGULAR AGENDA - CONTINUED**

**5.A.2.**

CONTRACTS ON THE CONTRACT LIST EXECUTED BY THE PURCHASING DIRECTOR AND/OR THE TOURIST DEVELOPMENT DIRECTOR:

**a.**

RENEWAL OF TERM CONTRACT WITH SULFURIC ACID TRADING COMPANY FOR \$160,000 TO PROVIDE SULFURIC ACID 93 PERCENT SOLUTION TO WATER UTILITIES, SYSTEM 3 WATER TREATMENT PLANT, FROM MARCH 3, 2001, THROUGH MARCH 2, 2002. APPROVED 2-20-2001

**b.** **DOCUMENT R-2001-0230**

PURCHASE AGREEMENT WITH GENERAL GMC FOR \$804,128.20 TO PROVIDE THREE 1450 GROSS VEHICLE WEIGHT-RATED CAB AND CHASSIS FOR FREIGHT BODY AND LIFTGATE. APPROVED 2-20-2001

**c.**

INCREASED TERM CONTRACT WITH BV OIL, COASTAL REFINING, DIVERSIFIED OIL, MACMILLAN OIL, PETROLEUM TRADERS, AND PORT CONSOLIDATED FOR \$8,200,000 TO PROVIDE GASOLINE AND DIESEL FUEL FROM OCTOBER 1, 1999, THROUGH MARCH 31, 2001. APPROVED 2-20-2001

**d.** **DOCUMENT R-2001-0231**

PURCHASE AGREEMENT WITH SOUTHERN SEWER EQUIPMENT FOR \$204,950 FOR THE PURCHASE OF ONE 16-YARD STREET SWEEPER/CATCH BASIN CLEANER. APPROVED 2-20-2001

**e.**

TERM CONTRACT WITH POLYDYNE, INC., FOR \$235,000 FOR CATIONIC FLOCCULANT, POLYELECTROLYTE FROM FEBRUARY 26, 2001, THROUGH AUGUST 25, 2002. APPROVED 2-20-2001

**f.**

TERM CONTRACT WITH U.S. FILTER/DAVIS PROCESS FOR \$668,000 TO PROVIDE WATER UTILITIES WITH LIQUID FERROUS SULFATE, ODOPHOS FROM FEBRUARY 26, 2001, THROUGH AUGUST 25, 2002. APPROVED 2-20-2001

**g.** **DOCUMENT R-2001-0232**

PURCHASE AGREEMENT WITH CUES, INC., FOR \$159,850 TO PROVIDE ONE TV/SEAL TRUCK FOR THE WATER UTILITIES DEPARTMENT. APPROVED 2-20-2001

**h.**

TERM CONTRACT WITH IT CORPORATION AND ENVIRONMENTAL SAFETY & HEALTH FOR \$100,000 TO PROVIDE FOR INDUSTRIAL HYGIENE SERVICES (STUDIES AND TRAINING) FROM FEBRUARY 20, 2001, THROUGH JANUARY 5, 2002, PER PIGGYBACK CONTRACT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT. APPROVED 2-20-2001

**i.** **DOCUMENT R-2001-0233**

RENEWAL OF CONTRACT WITH BAKER & TAYLOR BOOKS FOR \$1,512,700 TO PROVIDE ADULT/JUVENILE BOOKS FROM MAY 20, 2001, THROUGH MAY 19, 2002. (AMENDS R-97-588-D) APPROVED 2-20-2001

**REGULAR AGENDA - CONTINUED**

**5.A.2. - CONTINUED**

**j.**

TERM CONTRACT WITH MCARTHUR DAIRY, INC., FOR \$126,326, TO PROVIDE MILK, DAIRY, AND ICE CREAM PRODUCTS FROM JUNE 1, 2001, THROUGH MAY 31, 2002. APPROVED 2-20-2001

**k.**

TERM CONTRACT WITH TIRESOLES OF BROWARD FOR \$290,000 TO PROVIDE TIRE SERVICE AND REPAIR FOR EMERGENCY ROAD SERVICE ONLY FROM MARCH 15, 2001, THROUGH MARCH 14, 2002. APPROVED 2-20-2001

**l.**

**DOCUMENT R-2001-0234**

CATEGORY G GRANT AGREEMENT WITH TWISTER GYMNASTICS OF BOCA RATON, INC., FOR \$5,000 FOR SANCTION/SITE FEES, AWARDS, RENTALS (INCLUDING TRANSPORTATION), INSURANCE, AND LABOR (MAINTENANCE, SECURITY, AND OFFICIALS), FOR THE PRESIDENTIAL CLASSIC 2001. APPROVED 2-20-2001

**m.**

**DOCUMENT R-2001-0235**

CATEGORY G GRANT AGREEMENT WITH STADIUM JUMPING, INC., FOR \$10,000 FOR TV PRODUCTION COSTS ONLY FOR THE 2001 WINTER EQUESTRIAN FESTIVAL-PALM BEACH SERIES. APPROVED 2-20-2001

**n.**

**DOCUMENT R-2001-0236**

CATEGORY G GRANT AGREEMENT WITH RAINBOW TENNIS ASSOCIATION, SOUTH FLORIDA RAINBOW TENNIS ASSOCIATION-TENNIS TOURNAMENT FOR \$2,500 FOR SANCTION/SITE FEES, AWARDS, RENTALS, INSURANCE, AND LABOR (MAINTENANCE, SECURITY, AND OFFICIALS). APPROVED 2-20-2001

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

**5.B.1.**

**a.**

**DOCUMENT R-2001-0237**

INTERLOCAL AGREEMENT WITH THE CITY OF PALM BEACH GARDENS TO REIMBURSE THE CITY AN AMOUNT NOT TO EXCEED \$312,585.50 TOWARD THE DESIGN OF LANDSCAPE PLANS FOR NORTHLAKE BOULEVARD FROM MILITARY TRAIL TO U.S. 1. APPROVED 2-20-2001

**b.**

**BUDGET TRANSFER 2001-0475**

BUDGET TRANSFER OF \$312,586 IN THE TRANSPORTATION TRUST FUND FROM RESERVES FOR DISTRICT 1 TO PALM BEACH GARDENS/NORTHLAKE BOULEVARD LANDSCAPING. (SEE R-2001-0237) APPROVED 2-20-2001

**MOTION to approve the agreement and the budget transfer. Motion by Commissioner Roberts, second by Commissioner Greene, and carried 5-0. Commissioners McCarty and Marcus absent.**

**9:30 A.M. WORKSHOP SESSION**

**3. RURAL DESIGN STANDARDS. DISCUSSED WITH DIRECTION 2-20-2001**

Executive Director of Planning, Zoning and Building Dominic Sims introduced Edward McMahon of The Conservation Fund, who made a presentation to the board on sustainable environmental design in rural areas. Following the presentation the board provided direction to staff on several items:

- Draft a referendum on the issue of reserving properties acquired by the county for whatever use in perpetuity
- Explore the means by which affordable housing units might be required in development approvals
- Study the issue of county/municipality planning coordination and identify ways in which to foster this cooperation
- Accelerate the work on architectural standards
- Find new ways to encourage the creation of open space
- Identify a method of encouraging the designers of commercial "big box" space to conform to county architectural standards

**2.C. UNSCHEDULED ITEM**

**2.C.1.**

UPGRADING OF COUNTY'S BOND RATING. DISCUSSED WITH DIRECTION 2-20-2001

County Administrator Weisman announced that Standard & Poors Rating Group had raised the county's bond rating to AAA. Commissioner Newell requested a listing of other counties rated AAA.

No backup submitted.

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

**11:30 A.M. WORKSHOP SESSION**

**3.A. DEPARTMENT OF AGRICULTURE CITRUS CANCER UPDATE. DISCUSSED WITH DIRECTION 2-20-2001**

(CLERK'S NOTE: In leaving the meeting as noted above, Commissioner Aaronson said that he was opposed to the ordinance passed in Broward County regarding citrus canker.)

Director Clayton Hutcheson of the Cooperative Extension Service introduced the speakers from the Florida Department of Agriculture and Consumer Services as follows: Richard Gaskella, director of the Division of Plant Industry; Richard Miranda; Mark Fagan, public information supervisor; and Timothy Riley, plant pathologist, U.S. Department of Agriculture.

Following a brief question-and-answer period between the board and the speakers, Commissioner Masilotti made the following motion:

**11:30 A.M. WORKSHOP - CONTINUED**

**MOTION to adopt a resolution stating that the county stands alone and does not join counties to the south in their opposition to the citrus canker eradication program. Motion by Commissioner Masilotti.**

Commissioner Marcus said she wished to have further details on the eradication program before deciding on one course of action or another. Commissioner Roberts said she supported the eradication effort. Commissioner Greene joined Commissioners Masilotti and Roberts in not wanting to side with Broward County.

PUBLIC COMMENT:

Nat Roberts, manager of Callery-Judge Groves, said he supported the eradication program and noted the removal of several infected trees in the vicinity of Callery-Judge. Had these infected trees not been removed, he emphasized, canker would have invaded Callery-Judge Groves with dire consequences.

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

County Administrator Weisman was directed to obtain information from Miami-Dade and Broward counties on the status of the eradication efforts there. Otherwise, the county would simply continue to monitor the citrus canker issue.

**RECESS**

**At 12:15 p.m., the chair declared a recess.**

**RECONVENE**

**At 2:08 p.m., the Board reconvened with Commissioners Aaronson, Greene, Marcus, Masilotti, Newell, and Roberts present.**

**2:00 P.M. WORKSHOP SESSION**

**4. PEANUT ISLAND. DISCUSSED WITH DIRECTION 2-20-2001**

Planning Director Frank M. Duke outlined the purpose of the workshop, which was for staff to return to the board with proposals designed to prohibit commercial uses of Peanut Island. Staff proposed to create a future land use (FLU) called "Spoil," which would apply to the center of the island, and to designate the perimeter of the island "Parks" FLU. Staff had also drafted a definition of "educational facility" and "tourist attraction," both designed to exclude tourist support uses such as hotels and restaurants, he concluded.

At Commissioner Masilotti's suggestion, the chair directed staff to look into the possibility of the county's buying out the interests of the Port of Palm Beach in Peanut Island. Commissioner Roberts asked Assistant County Attorney Banks his opinion of the impact of a buyout on contracts between the port and any other parties. Mr. Banks answered that nothing that had so far been proposed would have an effect on the port's contract with Triton-NR, Inc., to operate a restaurant since Triton would have to secure the necessary permits to proceed with construction of the facility.

Commissioner Newell called for assurance from Mr. Duke that nothing staff was proposing would threaten the spoils operation on Peanut Island. Mr. Duke said it would not.

PUBLIC COMMENT:

John Randolph, attorney for the Town of Palm Beach, said he was uneasy with the broadness of the definition of "tourist attraction" proposed by staff for inclusion in the Comprehensive Plan. It would allow any number of operations, he contended. He suggested that the Comprehensive Plan could entirely do without any definition of tourist attraction. Tom Bradford, assistant manager for the Town of Palm Beach, said he had nothing to add to Mr. Randolph's comments.

Ronald J. Zeller, representing the Palm Beach Maritime Museum, characterized the board's view of the uses of Peanut Island as "shortsighted." The new port facilities would call for development of many tourist attractions in the vicinity of the port, he contended. He then characterized the board's and the Planning Division's positions in denying operation of a restaurant on the island as "discriminatory." Citing several facilities managed by the county's Parks and Recreation Department that featured food services, Mr. Zeller expressed his perplexity at the board's failure to allow food service at the maritime museum. Given his client's contract with Triton-NR, Inc., to provide food services at that venue, Mr. Zeller warned the board that he would litigate the issue should the county deny the permits necessary for that enterprise.

Commissioner Marcus expressed her sense of offense at Mr. Zeller's remarks and dismissed his claim of shortsightedness. Commissioner Masilotti pointed out that his goals for Peanut Island did not include creating an amenity for cruise ship passengers but rather for the residents of the county.

Planning Director Duke, at Commissioner Masilotti's request, outlined the county's position, saying it was entirely within the county's right, and not discriminatory, to limit the intensity of use on a particular site.

Commissioner Aaronson also took exception to Mr. Zeller's remarks and advised him to allow the county to pursue its study of possible uses on Peanut Island. If, at the conclusion of that study, the county took a position with which Mr. Zeller's client disagreed, then, the commissioner concluded, litigation would be an appropriate avenue. Mr. Zeller pointed out that his client was entirely open to negotiation on the issue.

Commissioner Marcus called on Planning Director Duke to repeat his office's suggestions for future land use amendments. Mr. Duke outlined them as follows:

- Present for board approval a text amendment to the Comprehensive Plan to create a land use designation for "Spoil"; and, if the board so directed, definitions for "tourist attraction" and "educational facility"
- Draft a site-specific amendment to address the inconsistency between the text of the plan and the land use designation currently on Peanut Island. The board could then place additional restrictions on the island at that time

**2:00 P.M. WORKSHOP - CONTINUED**

Commissioner Marcus proposed an alternative, as follows:

- Treat the "Spoil" FLU as one amendment and the "Parks" as a second.
- Instead of adding "educational facility" and "tourist attraction" as definitions, do a site-specific amendment for Peanut Island that outlines what its uses are currently and in the future.

Mr. Duke said this would be entirely possible, and he would return to the board on March 26, 2001, for initiation on the next amendment round.

Commissioner Newell added the request that Mr. Duke include in his research concerning spoil operations any other mining operations in the county to avoid the creation of further problems through the wording of the proposed amendments.

**6. ADJOURNMENT**

**The chair declared the meeting adjourned at 3:03 p.m.**

ATTESTED:

APPROVED:

Clerk

Chair