

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

**1. CALL TO ORDER:** March 26, 2002, at 9:40 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 - Arrived later  
Commissioner Addie L. Greene  
Commissioner Mary McCarty  
Commissioner Karen T. Marcus - Arrived later  
Commissioner Tony Masilotti - Arrived later  
County Administrator Robert Weisman  
County Attorney Denise Dytrych  
Deputy Clerk Joseph Smith

**2. AGENDA APPROVAL**

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

County Administrator Weisman noted the agenda changes as follows:

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**ADD-ON: Staff recommends motion to approve:** Change Order 8 in the amount of \$7,753,757 and a 120-day time extension to the Clark Construction Group, Inc., (R2001-0699) for the Palm Beach County Convention Center. **SUMMARY:** On May 1, 2001, the Board entered into a contract with the Clark Construction Group, Inc., in the amount of \$55,917,000 for the construction of the Palm Beach County Convention Center. Change Order No. 8 compensates the Contractor for additional scope and changes in the design between the Design Development Documents and the Final Construction Documents. With the 120-day time extension, the new Substantial Completion date is July 1, 2003. This change order represents the Final Price Adjustment to the contract amount allowed under the terms and conditions of the contract. Clark is currently proposing MWBE participation of 21.9% overall with 6.9% Black. However, three (3) of Clark's proposed subcontractors have not been certified by the Office of Small Business Assistance and may not be certifiable. Using only currently certified vendors, Clark has obtained a goal of 8.9% overall with 4.9% Black. The contract goal is 15% overall with 6% Black participation. (Capital Improvements Division) Countywide (JM) (FD&O)

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**ADD-ON: Staff requests Board direction:** On behalf of the Housing Finance (HFA) regarding how the Authority should conduct its business pending possible assumption of these responsibilities by the Board of County Commissioners. **SUMMARY:** At its meeting of March 18, 2002, HFA Members expressed concern about considering new projects in light of the possible assumption of their responsibilities by the Board. Specifically, a project known as Merry Place was seeking an initial approval (\$1.3M). This is a 136-unit rental project in West Palm Beach. Three other large projects are in process totaling \$28.6M (Abbey Park, Indian Trace, Westlake Phase II.) They are anticipated to close by July. Countywide (DD) (Admin)

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

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

3. [9:30 A.M. - Workshop. See pages 4-6.](#)
4. [10:30 A.M. - Workshop. See page 6.](#)
5. [2:00 P.M. - Workshop. See pages 7-8.](#)
6. [2:30 P.M. - Workshop. Postponed, see page 8.](#)
7. [REGULAR AGENDA. See pages 2-4.](#)
8. [ADJOURNMENT. See page 8.](#)

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7. **REGULAR AGENDA**

7.A. **CLERK**

7.A.1.

WARRANT LIST DATED MARCH 11, 2002. APPROVED 3-26-2002

COMPUTER CHECKS	\$17,004,893.88
WIRE TRANSFERS	27,541,637.26
MANUAL CHECKS	110,906.58
EFT TRANSFERS	<u>3,340,593.92</u>
	\$47,998,031.64

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

7.A.2.

CONTRACTS ON THE CONTRACT LIST EXECUTED BY THE PURCHASING DIRECTOR OR TOURIST DEVELOPMENT DIRECTOR, TOTALING \$570,000:

a.

RENEWAL OF TERM CONTRACT WITH A. GUTHRIE & ASSOCIATES, ALLIED CONTROLS AND A&B PIPE & SUPPLY FOR \$560,000 FOR FITTINGS OF CURB STOPS, METER YOKES, TAILPIPE COUPLINGS, CHECK VALVES AND PACK JOINTS FOR WAREHOUSE STOCK FROM MAY 18, 2002, THROUGH MAY 17, 2003, PER BID 01-101/TS. APPROVED 3-26-2002

b.

**DOCUMENT R-2002-0403  
(AMENDS R-2002-0153)**

AMENDMENT 1 TO TOURIST DEVELOPMENT TAX CATEGORY G GRANT AGREEMENT WITH THE PALM BEACH COUNTY SPORTS INSTITUTE, INC., FOR \$10,000 FOR FUNDING OF THE 2002 JUNIOR OLYMPIC BASEBALL CHAMPIONSHIP. APPROVED 3-26-2002

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

**REGULAR AGENDA - CONTINUED**

**7.B. RISK MANAGEMENT**

**7.B.1.**

PURCHASE OF AN EXCESS LIABILITY INSURANCE POLICY AT A COST OF \$307,230 FOR THE OPERATION OF THE PALM TRAN, INC., BUS FLEET FOR APRIL 1, 2002, THROUGH APRIL 1, 2003. APPROVED 3-26-2002

**MOTION to approve purchase of the excess liability insurance policy for Palm Tran. Motion by Commissioner McCarty, seconded by Commissioner Roberts, and carried 5-0. Commissioners Marcus and Masilotti absent.**

**7.B.2.**

**DOCUMENT R-2002-0404  
(AMENDS R-2001-1527)**

AMENDMENT 1 TO CONTRACT WITH GALLAGHER BASSETT SERVICES, INC., INCREASING THE CONTRACT BY \$58,560.48 FOR A NEW NOT-TO-EXCEED AMOUNT OF \$191,959.48 FOR PROFESSIONAL CLAIMS ADJUSTING SERVICES FOR THE COUNTY'S SELF-INSURED RETENTION PLAN. THE AMENDMENT INCLUDES A REDUCTION OF THE ORIGINAL CONTRACT AMOUNT FROM \$133,399 TO \$132,723.48 AS THE RESULT OF LOWERED ADMINISTRATION COSTS, AN INCREASE OF \$19,236 AS A RESULT OF ADDING PALM TRAN CLAIMS ADMINISTRATION FROM APRIL 1, 2002, THROUGH SEPTEMBER 30, 2002, AND AN INCREASE OF A NOT-TO-EXCEED AMOUNT OF \$40,000 FOR AN OMISSION FOR CLAIMS SERVICES FROM OCTOBER 1, 2001, THROUGH SEPTEMBER 30, 2002. APPROVED 3-26-2002

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

**7.C. FACILITIES DEVELOPMENT & OPERATIONS**

**7.C.1.**

**a.**

**DOCUMENT R-2002-0405  
(AMENDS R-99-1275-D)**

CHANGE ORDER 10 WITH E-COTT CONSTRUCTION SERVICES, L.C., FOR \$102,684 FOR 13 CHANGES TO THE WEST BOYNTON DISTRICT PARK "B" PROJECT AND A 138-DAY TIME EXTENSION. APPROVED 3-26-2002

**b.**

**DOCUMENT R-2002-0406  
(AMENDS R-99-1275-D)**

CHANGE ORDER 11 WITH E-COTT CONSTRUCTION SERVICES, L.C., FOR \$260,000 FOR LIQUIDATED DAMAGES FOR LATE COMPLETION OF THE WEST BOYNTON DISTRICT PARK "B" PROJECT. APPROVED 3-26-2002

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

(CLERK'S NOTE: Commissioners Marcus and Masilotti joined the meeting.)

**REGULAR AGENDA – CONTINUED**

**7.C.2.**

**DOCUMENT R-2002-0407  
(AMENDS R-2001-0699)**

CHANGE ORDER 8 WITH THE CLARK CONSTRUCTION GROUP, INC., FOR \$7,753,757 AND A 120-DAY TIME EXTENSION FOR THE PALM BEACH COUNTY CONVENTION CENTER. APPROVED 3-26-2002

County Administrator Weisman explained that under the terms of the contract for the construction of the Convention Center, Change Order 8 with the Clark Construction Group, Inc., was considered to be the final price adjustment for the facility. The contract allowed for cost changes that occurred between the design development drawings and construction drawings. The change keeps the contract within the original engineer's estimate for the project, Mr. Weisman said. With the 120-day time extension, the new substantial completion date is July 1, 2003, he noted. The board approved the change order after discussion regarding the contractor, sub-contractors and minority and local hiring.

**MOTION to approve the change order. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson and carried 7-0.**

**7.D.1.**

STAFF REQUEST FOR BOARD DIRECTION ON BEHALF OF THE HOUSING FINANCE AUTHORITY (HFA) AS TO HOW THE AUTHORITY SHOULD CONDUCT ITS BUSINESS PENDING POSSIBLE ASSUMPTION OF ITS RESPONSIBILITIES BY THE BOARD OF COUNTY COMMISSIONERS, SPECIFICALLY REGARDING THE MERRY PLACE 136-UNIT RENTAL PROJECT IN WEST PALM BEACH AND THREE OTHER PROJECTS (ABBEY PARK, INDIAN TRACE AND WESTLAKE PHASE II).

**MOTION to allow the Housing Finance Authority to continue until the commission dissolves that board and until further disposition is known. Motion by Commissioner Masilotti, seconded by Commissioner Greene, and carried 7-0.**

**7.E.**

PROCLAMATION DECLARING MARCH, 2002, AS "WOMEN'S HISTORY MONTH." APPROVED 3-26-2002

**MOTION to approve the proclamation. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 7-0.**

**WORKSHOP ITEMS**

- 3. 9:30 A.M.- COUNTYWIDE COMMUNITY REVITALIZATION TEAM (CCRT) ANNUAL REPORT AND PROPOSED FUNDING RECOMMENDATIONS. DISCUSSED WITH DIRECTION 3-26-2002**

Staff summarized efforts of the CCRT on a multitude of improvement projects in two target areas, the Lake Worth Road Corridor and San Castle, and in other communities, through a slide presentation, and outlined projects recommended for funding for fiscal year 2002.

## **WORKSHOP SESSION - CONTINUED**

### **3. - 9:30 A.M. WORKSHOP - CONTINUED**

#### **DISCUSSION INCLUDED:**

- That a variety of projects completed in the Lake Worth Road Corridor area included paving and drainage improvements, installation of water mains and installation of smoke detectors in residents homes through the cooperation of resident volunteers and Fire-Rescue staff. Current projects there included paving and drainage improvements, water improvements, construction of neighborhood parks and a neighborhood center. In the San Castle area, streetlights and smoke detector installations were among completed projects and current projects included water mains, drainage improvements and construction of a neighborhood park.
- That items recommended for funding for fiscal year 2002 included the Glades Water Treatment Plant Study; development of neighborhood parks in the Cabana Colony and Tradewinds Estates areas; the Neighborhood Partnership Grant program; acquisition of property for a neighborhood center in the San Castle area and paving, water and/or drainage improvements in the areas of Cinquez Park, the Lake Worth Corridor, Royal Palm Estates, Schall Circle, Dyson Circle, Edward Road, Forest Road, Vilma Lane, Kidd Street and Dillon Street.
- That the board had allocated \$2.5 million for fiscal 2002 for the CCRT program needs and that staff had leveraged that amount to over \$7 million by using other funding sources.
- Praise for CCRT staff and the communities involved for their successes. Commissioner Masilotti called CCRT funding “the best spent dollars that we spend in Palm Beach County” and noted that its projects revitalize communities, create a pride of ownership and increase the tax base.
- An observation by Commissioner Newell that the board needed to develop a policy to encourage annexation in some areas, such as San Castle and other areas west of West Palm Beach. Commissioners generally felt that cities needed to become more involved in that process.

#### **STAFF WAS DIRECTED TO:**

- Proceed with CCRT projects and to come back to the board with status reports on their implementation.
- Examine the zoning issues that have precluded the county from accepting donated land for a proposed neighborhood park in the area of Stacy Street. Commissioner Masilotti suggested changing the zoning code if necessary. Commissioner Newell asked for a status report from staff, including ramifications of a zoning code change.
- Approach the sheriff regarding his trust fund, which could be used in conjunction with CCRT projects, particularly involving community policing.
- Prepare a report of successes of the CCRT from its inception eight years ago.
- Consider Raderville in the Glades for review as a possible CCRT “subject area.”

## **WORKSHOP SESSION - CONTINUED**

### **3. - 9:30 A.M. WORKSHOP - CONTINUED**

#### **PUBLIC COMMENT:**

Kathy King of Lake Worth expressed support for the paving and drainage projects in the Maine Street and Vermont Street area through a Neighborhood Grant program. Loretta Rogers of Lantana thanked CCRT for its work on drainage, street lights and parks in the San Castle area and expressed a need for a community center there.

### **4. 10:30 A.M.- NON-PARTISAN ELECTIONS. DISCUSSED 3-26-2002**

At board request, staff presented information regarding non-partisan elections for the county commission and other elected officials. Assistant County Attorney Leonard Berger reported to the board that the Florida Constitution allows charter counties to hold non-partisan elections. Legislative Affairs Coordinator Todd Bonlarron told the board that three counties, Orange, Volusia and Brevard, had non-partisan elections.

#### **DISCUSSION INCLUDED:**

- An explanation from Commissioner Masilotti that he had requested exploring the issue, prompted largely by recent redistricting issues. He said he felt county residents should be given the option of whether they might want non-partisan elections for the county commission and that non-partisanship could “take politics out of the commission.” He said some other offices, such as the public defender, might serve better as non-partisan as well.
- A contention by Commissioner McCarty that most of the votes on the commission were not along party lines. She said she did not think party affiliation was an issue. Commissioner Aaronson said he felt non-partisan elections could happen in the future, but that all the current commissioners were identified with a party.
- A suggestion by Commissioner Roberts concerning the possible formation of a charter advisory committee, which could explore a variety of matters, perhaps including non-partisanship of constitutional officers. Commissioner Marcus observed that the last such committee the board authorized brought forth recommendations that the board did not support.

After informally polling the board, Commissioner Newell noted that there was no consensus to pursue either non-partisan elections for the commission or to form a charter group at this time.

#### **STAFF WAS DIRECTED TO:**

- Contact constitutional officers of the county to allow them the opportunity to explore running for office on a non-partisan basis, if they so choose.

## **RECESS**

**At 11:30 a.m., the chair declared a recess.**

## **RECONVENE**

**At 2:09 p.m., the board reconvened with Commissioners Aaronson, Greene, McCarty, Marcus, Masilotti and Newell present. Commissioner Roberts absent.**

## WORKSHOP SESSION – CONTINUED

### 5. 2:00 P.M.- REVIEW OF MINORITY/WOMEN BUSINESS ENTERPRISE (M/WBE) PROGRAM REPORT. DISCUSSED WITH DIRECTION 3-26-2002

Staff explained that the county's Minority/Women Business Enterprise (M/WBE) ordinance contained a "sunset" provision expected to take effect September 30, 2002. The board was scheduled to evaluate the M/WBE program six months prior to that date. Staff recommended a transition to a small business program while monitoring M/WBE requirements of race and gender-based goals.

An extensive report on the M/WBE program's goals since its inception in 1991 was given by G.L. Jackson, who had been hired by the county to evaluate the impact of the program to eradicate discriminatory practices.

The program had significantly increased participation of women and minority business enterprises in county procurement of goods and services, Mr. Jackson noted. If the county M/WBE program were to be terminated, that participation in county contracts and procurement activities would undoubtedly decrease significantly, he predicted.

### **MOTION to receive and file the Review of Palm Beach County's M/WBE Program FY 1991/1992 Through 2000/2001. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Roberts absent.**

Commissioner Greene asked why discontinuing the M/WBE program was even being discussed if the board could not find certified minority firms to participate in request for proposals. County Administrator Weisman responded that an office of small business could expand to include non-minority firms. Commissioner Newell added that the problem was that many of the minority businesses that get a large percentage of county business are large companies and that did not help the smaller companies.

After further discussion, Commissioner Masilotti said he was willing to make a motion. Commissioner Aaronson said that he would second it.

### **MOTION to maintain the existing program for 12 months, then abolish it for a business advocacy program. Motion by Commissioner Masilotti.**

Commissioner Aaronson said that was not the motion he had intended to second.

### **MOTION WITHDRAWN.**

Commissioner Marcus asked if the M/WBE program had to be discontinued as a result of its sunset provision.

Assistant County Attorney Tammy Fields said a "compelling governmental interest" was necessary to maintain the M/WBE program and conceded that might be difficult to establish since the goals of the program had been substantially met. Any extension past September 30 might be challenged and an extension would require an ordinance amendment, she noted.

**WORKSHOP SESSION - CONTINUED**

**5. - 2:00 P.M. – CONTINUED**

**PUBLIC COMMENT:**

Mason Brown, Lewis C. Graham, Gerald Kisner, Bruce Lewis, Ed McJobian, William B. Russell and Ralph Tyler all voiced opposition to sunsetting the M/WBE ordinance.

**MOTION to direct staff to come back with a small business program preference package within the next 180 days. After review and adoption of that by the board, the existing program would then sunset. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson.**

Commissioner Aaronson said he thought the ordinance should be continued until the board adopted a small business program.

Commissioner Masilotti said he would like a time frame included in the motion.

Mr. Weisman said staff needed to come back with an ordinance immediately to change the September 30 sunset date.

**AMENDED MOTION to direct staff to prepare a small business preference ordinance, maintaining the existing M/WBE ordinance, and within 90 days, to come back to advise how long they need to bring back a new ordinance. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson.**

Commissioner Marcus emphasized she did not want to pick a date to sunset the M/WBE ordinance until the new program was in place.

**UPON CALL FOR A VOTE, the motion carried 5-1. Commissioner Greene opposed. Commissioner Roberts absent.**

**WORKSHOP ITEMS - CONTINUED**

**6. 2:30 P.M.- LOCAL PREFERENCE. POSTPONED.**

(CLERK'S NOTE: Because the meeting ran longer than expected, the board postponed Workshop Item 6, the local preference issue, scheduled for 2:30 p.m.)

**7. ADJOURNMENT**

**The chair declared the meeting adjourned at 4:15 p.m.**

ATTESTED:

APPROVED:

Clerk

Chair