

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

1. **CALL TO ORDER:** April 23, 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  
Commissioner Addie L. Greene  
Commissioner Mary McCarty  
Commissioner Karen T. Marcus  
Commissioner Tony Masilotti - Absent  
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:

**PAGE**            **ITEM**

10:30 am

**DELETED:** Creation of Hispanic/Latino Advisory Board (Administration) (Postponement requested by Hispanic Council)

1            7B-1

**REVISED TITLE & SUMMARY:** **Staff recommends motion to deny:** the request to ~~rescind~~ have Palm Beach County release the rights under the Agreement to Reserve Future Right-of-Way for Wabasso Drive at Westgate Avenue, and Westgate Avenue, West Palm Beach, as recorded in Official Record Book (ORB) 6643, Page 1543, Public Records of Palm Beach County. **SUMMARY:** Joe Pitts, Realtor, with the support of the Westgate CRA has requested that the County release a Right-of-Way Reservation for Wabasso Drive and Westgate Avenue ~~as it affects~~ associated with the property on the southeast corner of Westgate Avenue and Wabasso Drive. The square footage encumbered by this road Right-of-Way Reservation is in conformance with the current Thoroughfare Plan. Staff is considering changes to the Comprehensive Plan, which could negate the need for this reservation. On April 8, 2002, the Board initiated a reconsideration of the amount of needed right-of-way as part of the upcoming Comprehensive Plan round. Until this (and if) any proposed change is approved by the Board, staff feels it is premature to release this reservation. We strongly believe it is in the best interest of the property owner to keep this reservation in place and our reasons are discussed in detail in the following section. District 2 (PK)

1            7C-1

**ADD-ON:** Proclamation declaring Friday, May 3, 2002 as Polish Constitution Day in Palm Beach County. (Sponsored by Commissioner Newell)

1            7C-2

**ADD-ON:** Resolution regarding Israeli defense.

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

(CLERK'S NOTE: Items 7.C.2. and 7.C.1. were considered at this time; see page 4.)

- 3. **9:30 A.M. WORKSHOP** - See page 4.
- 4. **10:30 A.M. WORKSHOP** - Deleted.
- 5. **2:00 A.M. WORKSHOP** - See page 6.
- 6. **3:30 A.M. WORKSHOP** - See page 7.
- 7. **REGULAR AGENDA** - See pages 2-4 and 5.
- 8. **ADJOURNMENT** - See page 8.

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7. **REGULAR AGENDA**

7.A. **CLERK**

7.A.1.

WARRANT LIST DATED APRIL 19, 2002. APPROVED 4-23-2002

COMPUTER CHECKS	\$9,572,754.20
WIRE TRANSFERS	8,445,946.96
MANUAL	13,000.00
EDI TRANSFERS	<u>506.44</u>
	\$18,032,207.60

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

7.A.2.

CONTRACTS ON THE CONTRACT LIST EXECUTED BY THE PURCHASING DIRECTOR OR THE TOURIST DEVELOPMENT DIRECTOR, TOTALING \$1,080,878:

a.

TERM CONTRACT WITH 11 PRE-QUALIFIED VENDORS, AC&E PROPERTY, CAFEFREE PAINTING, C&F DECORATING, COAST TO COAST, DARREN BRYANT, FLEISCHERS, MCPoyLES, M&R & SONS, MASTER ENTERPRISE, SUN ART, AND VIP PAINTING, FOR \$237,000 FOR PAINTING SERVICES FROM MAY 5, 2002, THROUGH MAY 4, 2003, PER BID 99-124C. APPROVED 4-23-2002

b.

RENEWAL OF TERM CONTRACT WITH STEVE'S TOWING FOR \$115,000 FOR TOWING OF UNATTENDED VEHICLES AT PALM BEACH INTERNATIONAL AIRPORT FROM MAY 15, 2002, THROUGH MAY 14, 2003, PER BID 00-069/TE. APPROVED 4-23-2002

**REGULAR AGENDA – CONTINUED**

**7.A.2. - CONTINUED**

**c.**

TERM CONTRACT WITH DISTRIBUTOR TOOL, GRAINGER INDUSTRIAL SUPPLY, JIM & SLIM'S TOOL SUPPLY, SEARS, ROEBUCK AND CO., AND US FILTER DISTRIBUTION FOR \$432,000 FOR HAND TOOLS AND HAND-HELD POWER TOOLS FROM APRIL 24, 2002, THROUGH OCTOBER 23, 2003, PER STATE CONTRACT 445-001-02-1. APPROVED 4-23-2002

**d.**

TERM CONTRACT WITH MERRITT VETERINARY, MWI VETERINARY, AND SCHERING-PLOUGH ANIMAL HEALTH FOR \$120,000 FOR THE PURCHASE OF VETERINARY PHARMACEUTICALS AND SUPPLIES FOR ANIMAL CARE AND CONTROL FROM APRIL 23, 2002, THROUGH APRIL 22, 2003, PER BID 02-092/CB. APPROVED 4-23-2002

**e.**

TERM CONTRACT WITH MCARTHUR DAIRY FOR \$126,878 FOR MILK, DAIRY, AND ICE CREAM PRODUCTS FOR COMMUNITY SERVICES, PARKS AND RECREATION, AND PUBLIC SAFETY FROM JUNE 1, 2002, THROUGH MAY 31, 2003. APPROVED 4-23-2002

**f.**

**DOCUMENT R-2002-0604**

TOURIST DEVELOPMENT TAX CATEGORY G 2001-2002 GRANT AGREEMENT WITH PALM BEACH COUNTY SPORTS INSTITUTE FOR \$50,000 FOR FUNDING OF THE SUNSHINE STATE GAMES SCHEDULED FOR JUNE 13-16, 2002, FOR THE GRANT PERIOD OF JANUARY 1-JUNE 30, 2002. APPROVED 4-23-2002

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

**7.B. ENGINEERING AND PUBLIC WORKS**

**7.B.1.** See page 5.

**7.B.2. BUDGET TRANSFER 2002-1134**

BUDGET TRANSFER OF \$70,000 IN THE CAPITAL OUTLAY FUND FROM WALLIS ROAD AREA IMPROVEMENTS TO THE NORTHLAKE BOULEVARD FENCE REPLACEMENT, TO FUND 50 PERCENT OF THE ESTIMATED COST TO REPLACE THE FENCE ALONG NORTHLAKE BOULEVARD FROM THE BEELINE HIGHWAY TO THE IBIS DEVELOPMENT. APPROVED 4-23-2002

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

**REGULAR AGENDA – CONTINUED**

**7.C. COMMISSIONER-SPONSORED ITEMS**

(CLERK'S NOTE: Items 7.C.2. and 7.C.1. were considered earlier in the meeting; see page 2.)

**7.C.1.** See below.

**7.C.2. RESOLUTION R-2002-0605**

RESOLUTION RECOGNIZING THE RIGHT OF ALL NATIONS, SPECIFICALLY INCLUDING ISRAEL, TO DEFEND THEMSELVES AGAINST TERRORISM. ADOPTED 4-23-2002

**MOTION to waive the rule that resolutions must be staff-prepared and scheduled on the agenda in order to be considered by the board. Motion by Commissioner Roberts, seconded by Commissioner McCarty, and carried 6-0. Commissioner Masilotti absent.**

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

(CLERK'S NOTE: Commissioner Roberts asked that the resolution reflect sponsorship by the entire board. The board informally agreed.)

**7.C.1.**

PROCLAMATION DECLARING MAY 3, 2002, AS POLISH CONSTITUTION DAY. APPROVED 4-23-2002

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

**WORKSHOP ITEMS**

**3. 9:30 A.M. - LOCAL PREFERENCE. DISCUSSED WITH DIRECTION 4-23-2002**

The board earlier had asked staff to investigate the issue of local preference, which could provide an advantage to local vendors on county contracts.

Staff noted that the board was considering establishing a small business program that proposed a 10 percent preference for small businesses in Palm Beach County.

After lengthy discussion of the issue, the consensus of the board was for a local preference ordinance that could include a reciprocity agreement with adjacent counties.

STAFF WAS DIRECTED TO:

- Develop and bring back to the board a local preference ordinance.
- Develop a memorandum to the board regarding Worker's Compensation and health care requirements for contractors.

## WORKSHOP ITEMS - CONTINUED

### 3. - CONTINUED

- Prepare information regarding the local preference proposal for presentation at a joint meeting with Miami-Dade and Broward counties, to be held April 29.

### RECESS

At 10:25 a.m., the chair declared a recess.

### RECONVENE

At 2:05 p.m., the board reconvened with Commissioners Aaronson, Greene, Marcus, Masilotti, Newell, and Roberts present.

#### 7.B.1.

#### DOCUMENT R-2002-0604.1

REQUEST TO RESCIND AGREEMENT TO RESERVE FUTURE RIGHT-OF-WAY FOR PROPERTY IN THE AREA OF WABASSO DRIVE AT WESTGATE AVENUE. DISCUSSED 4-23-2002.

Realtor Joe Pitts had petitioned the county to rescind a right-of-way agreement on property near the southeast corner of Westgate Avenue and Wabasso Drive on behalf of owner Robert Lombardo. Staff originally had recommended denial of the request since pending changes to the Comprehensive Plan could negate the need for it. Mr. Pitts expressed to the board that the easement reservation had kept the property from being sold and that a potential buyer wanted to build a laundromat on it.

Commissioner Roberts said the county would be better off releasing rights to the property than facing the possibility of paying business damages. Commissioner Aaronson agreed.

After lengthy discussion, staff said the board could allow release of the agreement by waiving the base building line.

**MOTION to release the agreement by waiving the base building line. Motion by Commissioner Roberts, seconded by Commissioner Greene, and carried 6-0. Commissioner McCarty absent.**

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

Staff ultimately suggested releasing the rights under the agreement.

**MOTION to release the rights under the agreement for future right-of-way. Motion by Commissioner Roberts and seconded by Commissioner Masilotti.**

Robert Lombardo said he hoped the sale and development of his property would eventually provide tax revenue for the county.

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

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

## WORKSHOP ITEMS – CONTINUED

### 5. 2:00 P.M. - RETENTION PONDS. DISCUSSED WITH DIRECTION 4-23-2002

County Engineer George T. Webb asked the board for direction in landscaping or otherwise developing existing and anticipated drainage ponds created throughout the county in conjunction with the road program.

After lengthy discussion, the board generally favored the possibility of converting some of the larger ponds and the areas surrounding them into “passive parks.” Projects could be considered individually on a district-by-district basis, and gasoline tax allocations were a funding option.

Smaller ponds in residential areas could be blocked from neighborhood view with flame vines and cypress trees, as espoused by Mr. Webb, commissioners concluded.

Mr. Webb also sought approval of funding for the development of a six-acre concept park surrounding one of the ponds beside Coconut Boulevard near Northlake Boulevard. The project would be completed with the joint participation of the Indian Trail Improvement District, which would maintain the area, Mr. Webb noted.

(CLERK’S NOTE: Commissioner Marcus left the meeting.)

Commissioner Aaronson noted that the Indian Trail project showed a total cost of \$250,000 and called it a tremendous pilot program.

**MOTION to proceed on the Indian Trail retention pond park project with the help of Indian Trail Improvement District. Motion by Commissioner Aaronson and seconded by Commissioner Masilotti.**

Commissioner Roberts suggested that staff investigate if Indian Trail Improvement District ultimately would want to take over the property.

**AMENDED MOTION to direct staff to look into whether Indian Trail Improvement District ultimately would want to take over the property. The maker and seconder agreed.**

County Administrator Weisman confirmed that the board’s intention to allot as much as could be justified for the county’s share of the project from the road program and take the remainder out of general funds.

**UPON CALL FOR A VOTE, the motion passed 5-0. Commissioners McCarty and Marcus absent.**

STAFF WAS DIRECTED TO:

- Landscape retention ponds in residential areas at its discretion.
- Consider possible future development of larger retention ponds and their surrounding areas on an individual basis and to solicit local agency participation and stipulate municipal partnership where possible.

(CLERK’S NOTE: Commissioner Marcus rejoined the meeting.)

## RECESS

At 3:17 p.m., the chair declared a recess.

## RECONVENE

At 3:30 p.m., the board reconvened with Commissioners Aaronson, Greene, Marcus, Masilotti, Newell, and Roberts present.

## WORKSHOP ITEMS – CONTINUED

**6. 3:30 P.M. - MEETING WITH THERESA LEPORE, SUPERVISOR OF ELECTIONS, REGARDING ELECTIONS AND VOTING MACHINES. DISCUSSED 4-23-2002**

The board had submitted a series of questions to Supervisor of Elections Theresa LePore addressing concerns over elections issues and the operation of the new touch-screen voting machines.

Ms. LePore appeared before the board with John Krizka, representing Sequoia Voting Systems, vendor for the county's new touch-screen voting machines.

Ms. LePore said one of her biggest concerns was obtaining and training poll workers, 5,000 of whom were needed for the fall election. She thanked Property Appraiser Gary R. Nikolits for offering his staff to work at the polls and said she would be contacting other county officials to see if they would provide their employees as poll workers. Commissioners had suggested that poll workers with higher standards be found.

Commissioner Masilotti said in the Village of Wellington municipal election, of 2,600 voters, 78 were not recorded. He said he could not believe 78 people went to the polls and did not vote. He called the machines "suspect" and later inquired if the contract for them could be terminated prior to the November election. Ms. LePore reported that no voters had problems at the polls, according to precinct workers. State law provided for public testing of voting equipment before and after an election, she said.

Mr. Krizka said Sequoia stood behind the new voting machine system as 100 percent accurate and proven in like-size counties. A component to allow voters to automatically review their voting selections was expected to be added to the machines and in use by the fall election, he noted.

Commissioner Aaronson said he had been told that at an elections training session yesterday in south county, a voting machine failed to work. Ms. LePore said she was unaware of that, but if that were to happen during an actual election, an extra machine could be put into service.

Commissioner Marcus suggested the formation of a citizens review committee on election issues to communicate with the public. Commissioner Newell favored a review by the Collins Center on Public Policy.

Commissioner Aaronson proposed that the commission oversee a "mock vote" on the new machines.

Since Ms. LePore's appearance was restricted to 30 minutes as result of previous commitments, Commissioner Aaronson asked that she return for further discussion. She replied that she was extremely busy and though she would be happy to, "I can't just stop what I'm doing to come at your beck and call...."

**WORKSHOP ITEMS - CONTINUED**

**6. - CONTINUED**

STAFF WAS DIRECTED TO:

- Arrange a second meeting with Ms. LePore in June for further discussion of election issues and county employees serving as poll workers.
- Investigate the formation of a citizens review committee for election issues.
- Request that the Collins Center for Public Policy consider reviewing county ballot issues.

**7. ADJOURNMENT**

**The chair declared the meeting adjourned at 4:25 p.m.**

ATTESTED:

APPROVED:

Clerk

Chair