

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

**1. CALL TO ORDER:** May 28, 2002, at 9:43 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 B Arrived later  
Commissioner Addie L. Greene  
Commissioner Mary McCarty  
Commissioner Karen T. Marcus - Arrived later  
Commissioner Tony Masilotti B 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:

<u>PAGE</u>	<u>ITEM</u>
1	7A-2

**DELETED:** Contracts and claims settlement list

1	7B-1
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**REVISED TITLE:** an Agreement with Scripps Howard Broadcasting d/b/a WPTV (Channel 5) to provide video images from the Traffic Division's traffic cameras to WPTV for traffic reports. (Eng)

3	7E-1
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**REVISED TITLE:**

**B) A)** a Waiver of the Competitive Selection process for a professional service as allowed pursuant to Section 2-54(c)(6)c of the Palm Beach County Code; and

**A) B)** a Contract for consulting and professional services with Weniger Lazar Associates Inc. to provide each County employee with a detailed benefits presentation in conjunction with Transamerica Life Occidental Life Insurance. The contract shall commence on May 1, 2002 until December 31, 2002. There is no fiscal impact; and (ER&P)

**2.B.**

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

**3. 9:30 A.M. WORKSHOP -** See pages 4-5.

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

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7. REGULAR AGENDA

7.A. CLERK

7.A.1.

WARRANT LIST DATED MAY 24, 2002. APPROVED 5-28-2002

COMPUTER CHECKS	\$9,441,155.28
WIRE TRANSFERS	9,735,673.36
MANUAL	00.00
EDI TRANSFERS	<u>3,113,338.94</u>
	\$22,290,167.58

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

7.A.2. DELETED

(CLERK-S NOTE: Commissioner Masilotti joined the meeting.)

7.B. ENGINEERING AND PUBLIC WORKS

7.B.1. DOCUMENT R-2002-0848

AGREEMENT WITH SCRIPPS HOWARD BROADCASTING, DBA WPTV (CHANNEL 5), TO PROVIDE VIDEO IMAGES FROM THE TRAFFIC DIVISION-S TRAFFIC CAMERAS TO WPTV FOR TRAFFIC REPORTS. THE COUNTY IS NOT CHARGING FOR THE ACCESS. APPROVED 5-28-2002

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

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

7.C. COUNTY ATTORNEY

7.C.1. DOCUMENT R-2002-0849

SETTLEMENT AGREEMENT IN THE AMOUNT OF \$81,000, INCLUDING ATTORNEY FEES AND COSTS, IN THE PERSONAL INJURY CASE OF KEVIN KELLY AND CAROLE DIANE KELLY V. PALM BEACH COUNTY (CASE CL-99-10935), WITH THE COUNTY TO RECOVER \$16,828.29 FROM THE

SETTLEMENT PROCEEDS, AND INCLUDING SETTLEMENT OF A WORKER-S COMPENSATION LIEN. THE CASE AROSE FROM A MOTOR VEHICLE ACCIDENT WHICH OCCURRED ON SEPTEMBER 2, 1998. APPROVED 5-28-2002

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

**REGULAR AGENDA B CONTINUED**

**7.D. ENVIRONMENTAL RESOURCES MANAGEMENT**

**7.D.1. DOCUMENT R-2002-0850**

INTERLOCAL AGREEMENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND MARTIN COUNTY ESTABLISHING A PARTNERSHIP FOR THE ACQUISITION OF ENVIRONMENTALLY SENSITIVE LAND KNOWN AS THE CYPRESS CREEK PROPERTY IN PALM BEACH AND MARTIN COUNTIES THROUGH THE STATE-S FLORIDA FOREVER PROGRAM. APPROVED AS AMENDED 5-28-2002

**MOTION to approve the interlocal agreement. Motion by Commissioner Roberts and seconded by Commissioner Masilotti.**

Staff noted that the acquisition of the 2,060 acres in Martin and Palm Beach counties was expected to be funded through the Florida Forever program of the Florida Department of Environmental Protection (FDEP) and Save Our Rivers (SOR) funds from the South Florida Water Management District as well as through the two counties.

Commissioner Masilotti said he had reservations about Palm Beach County paying the balance of the purchase price for the project as was stated in the agreement, without having specific dollar figures included. He asked that the motion to approve the agreement limit the cost of the land acquisition to the county, up to the appraised value (\$10,400 per acre).

**AMENDED MOTION to limit the cost of the land acquisition to the county to up to the appraised value of \$10,400 per acre. The maker and seconder agreed. Upon call for a vote, the motion carried 6-0. Commissioner Marcus absent.**

**7.D.2. DOCUMENT R-2002-0851  
(AMENDS R-2000-0806)**

AMENDMENT 2 TO THE INTERLOCAL AGREEMENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR THE SALE AND PURCHASE OF AN UNDIVIDED INTEREST IN 573.78 ACRES OF COUNTY-OWNED PROPERTY, PREVIOUSLY OWNED BY THE MCMURRAIN FAMILY, IN THE SOUTHWESTERN PORTION OF THE AGRICULTURAL RESERVE. THE AMENDMENT PROVIDES FOR EXTENSION OF THE NOTIFICATION AND CLOSING DATES ESTABLISHED IN AMENDMENT 1. APPROVED 5-28-2002

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

**7.E. EMPLOYEE REGULATIONS AND PERSONNEL**

**7.E.1.**

**a.**

WAIVER FOR THE COMPETITIVE SELECTION PROCESS FOR A PROFESSIONAL SERVICE AS ALLOWED PURSUANT TO SECTION 2-54(c)(6)c OF THE PALM BEACH COUNTY CODE. APPROVED 5-28-2002

**REGULAR AGENDA B CONTINUED**

**7.E.1. B CONTINUED**

**b.**

**DOCUMENT R-2002-0852**

CONTRACT FOR CONSULTING AND PROFESSIONAL SERVICES WITH WENIGER LAZAR ASSOCIATES INC. TO PROVIDE EACH COUNTY EMPLOYEE WITH A BENEFITS PRESENTATION IN CONJUNCTION WITH TRANSAMERICA OCCIDENTAL LIFE INSURANCE FOR MAY 1, 2002, THROUGH DECEMBER 31, 2002. NO FISCAL IMPACT. APPROVED 5-28-2002

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

**WORKSHOP ITEMS**

**3. 9:30 A.M. - REGIONAL TRANSPORTATION AUTHORITY (METROPOLITAN PLANNING ORGANIZATION). DISCUSSED 5-28-2002**

Staff explained that the Regional Transportation Organization (RTO) has proposed creating a regional transit authority (RTA) for Palm Beach, Broward, and Miami-Dade counties to focus on inter-county transit planning and operation.

Leo Noble, representing the Regional Business Alliance which included business interests from all three counties, said the proposal required regional cooperation in an effort to provide transit services comparable to other urban areas in the country. He voiced support for converting the existing Tri-Rail into an RTA.

As envisioned, funding would be through continuation of \$1.5 million granted to Tri-Rail annually by each county and a two-dollar additional license tag fee, which could raise \$8 million a year, Mr. Noble said. He asked for commission support of the proposal, which was expected to go before the state legislature next year.

Allen Harper, vice-chair of the Greater Miami Chamber of Commerce and a member of the Tri-Rail Board, said he could deliver votes for equal representation from each county, one of the commission-s concerns. The mission of Tri-Rail would be expanded to support its major north-south lane by adding east-west support and work using cross-county line bus services, he said.

Ralph Marrinson, chair of the Broward Workshop, also expressed support for the proposal.

Commissioners favored:

- Equal representation from each of the three counties, with no consolidation of county Metropolitan Planning Organizations;
- No additional tag fees on boats, trailers, or farm equipment, and that the new fees generated not be used for administrative costs; and
- Documentation and a yearly audit of where monies were being spent as well as language that allowed the county to withdraw from the authority if deemed warranted.

## **WORKSHOP ITEMS B CONTINUED**

### **3. - CONTINUED**

County Administrator Weisman noted that the state legislature would ultimately determine the rules for the RTA, so legislation needed to be monitored.

Commissioners agreed that regional transportation, the leveraging of federal dollars for south Florida, and the establishment of east-west corridors to transport people via Tri-Rail were high priorities.

Staff expected to bring the matter back to the board at a future meeting.

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

### **4. 10:30 A.M. - RURAL CHARACTER (PLANNING, ZONING AND BUILDING) DISCUSSED 5-28-2002**

Staff discussed elements and principles of rural character to determine the board's preferences, which were to be incorporated into the Central Western Communities Sector Planning process and the Managed Growth Tier System code revisions. Any new standards would not affect existing properties, but rather new development, staff emphasized.

Consultant David Barth narrated a slide presentation and sought board opinion in categories of roads, residences, and commercial centers.

After lengthy discussion, the board expressed a preference for:

- More and smaller roadways (preferably two lanes), medians for four-lane roads, swales, buffers, multipurpose pathways (particularly in areas of schools and shopping areas), natural landscaping, guardrails hidden with plant materials, small commercial centers; and
- In areas deemed to be town centers, limited master drainage and utilities, curbs, deciduous trees (rather than palm trees), on-street parking, and large residential lots.

The question of changes regarding unpaved roads and above-ground utility lines was deemed to need further study since they would require changes to subdivision code requirements.

While commissioners voiced support for equestrian-style wooden fencing, they said they were more inclined to restrict chain link and barbed wire fences rather than dictate other fencing styles.

PUBLIC COMMENT:

Kay Gates of the Loxahatchee Sierra Group expressed concern about western development and the possible extension of State Road 7. Kieran J. Kilday asked that any town centers be designed for the actual needs of the residents. Bill Lauda contended that the board's definition of Arural® would affect existing properties. Penny Riccio asked the board to protect the integrity of the Acreage.

Commissioners noted that any new standards would likely apply more readily to areas west of the Acreage. Mr. Barth said he would prepare a consensus summary of the board's opinions to submit to staff.

**WORKSHOP ITEMS B CONTINUED**

**5. 2:00 P.M. - TRANSPORTATION/TRAFFIC PERFORMANCE STANDARDS (TPS) (ENGINEERING AND PUBLIC WORKS) DISCUSSED WITH DIRECTION MAY 28, 2002**

Staff noted that the Traffic Performance Standards (TPS) Committee earlier had been directed by the board to prepare recommendations that could be included in the upcoming round of Comprehensive Plan amendments.

Several north county cities had been meeting regarding changes to TPS, and a draft of their recommendations was submitted to the board.

County Engineer George T. Webb said the main issue involved giving away road capacity more than once as a result of multiple development projects in the same area, and not reserving capacity for approved projects. He noted there also was a need to look at buildout.

PUBLIC COMMENT:

John Gary, who had represented developers, said the proposed changes were far-reaching and solutions were different from area to area in the county.

Jim Kuretski of Jupiter observed that with hundreds of roads over capacity in the county, something was wrong with the process. He said that TPS never has linked planning with engineering and that growth was not being reasonably managed.

Joe Russo, former mayor of Palm Beach Gardens, said the buildout issue needed to be looked at.

Sam Shannon of Jupiter noted that a proposed buildout policy would move it from a permitting program to a planning program, and adopting a mitigation plan now would provide for broader options.

Yvonne Ziel said other areas of county need studies similar to the North County Traffic Study and that the planning issue needed to be dealt with on a countywide basis.

STAFF WAS DIRECTED TO:

- \_ Head in the direction of a buildout test;

- \_ Pursue a five-year test regarding giving away capacity more than once;
- \_ Report back regarding costs of mitigation;
- \_ Develop criteria for a policy that requires developers to provide directional splits and traffic studies after completion of development in the area of a Constrained Roadway at a Lower Level of Service (CRALLS) or a transportation concurrency exemption area. The policy would verify that what developers had provided to the county to get approval actually had taken place; and
- \_ Report back after talking to Planning, Zoning and Building regarding what elements of the north county traffic proposal should go into the Comprehensive Plan and when an ordinance might come back.

#### **WORKSHOP ITEMS B CONTINUED**

#### **6. 3:00 P.M. - HURRICANE EVACUATION ROUTES (PUBLIC SAFETY) DISCUSSED MAY 28, 2002.**

Staff updated the board on hurricane preparedness with a slide presentation.

Discussion included:

- \_ That 150,000 people live in a hurricane-vulnerable surge area paralleling the coast of Palm Beach County and an additional 50,000 are in mobile homes.
- \_ That an estimated 1.8 million people who could be affected by a hurricane south of the county could pass through the county during an evacuation, affecting local evacuation. Local evacuation routes are basically those roads leading west, staff noted.
- \_ That buildings along Interstate 95 and the Florida Turnpike were being identified to accommodate motorists who might be stranded during a hurricane as a refuge of last resort plan. Staff was also considering partnering with other counties for a study of stability of vehicles and vehicles in parking garages during hurricanes.

Jim Lushine of the National Weather Service Forecast Office in Miami, said hurricane forecasts were improving as the result of increased computer power and better satellite and radar data.

The service was in the process of developing a five-day forecast for hurricanes since people actually on the ocean, such as Navy and offshore drilling personnel, need more than a 72-hour forecast, he told commissioners.

No major hurricane has struck the county directly since 1950, he noted.

#### **8. ADJOURNMENT**

**The chair declared the meeting adjourned at 4:30 p.m.**

ATTESTED:

APPROVED:

REGULAR/WORKSHOP  
2002

7

MAY 28,

Clerk

Chair