

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

1. **CALL TO ORDER:** September 24, 2002, at 9:37 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  
County Administrator Robert Weisman  
County Attorney Denise Dytrych  
Chief Deputy Clerk John W. Dame  
Recording Clerk Joseph Smith  
Condensing Clerk Joan Haverly

2. **AGENDA APPROVAL**

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

County Administrator Weisman read the agenda changes as follows:

<u>PAGE</u>	<u>ITEM</u>
1	6B-2

**REVISED TITLE:** Staff recommends Board either:

**A) reconsider** amending the previous Comp Plan round 02-02 language relating to Corridor Master Plans to delete specific references to what mitigation methods must be considered.

**OR**

**B) reaffirm** its previous position on the adoption language in the Comp Plan round 02-02 transmittal associated with the adoption of corridor master plans. (Eng)

1	6B-3
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**ADD-ON:** Staff recommends motion to approve: a Joint Agreement for Island Way (Phase I) with Schickedanz Capital Group L.L.C., in the amount of \$4,250,000. **SUMMARY:** Through this agreement, funds in the County adopted Five Year Road Program will be made available on a reimbursable basis to Schickedanz Capital Group L.L.C. (SCG) to construct the first phase of Island Way (a/k/a Western Corridor). The first phase of Island Way is from Indiantown Road to Limestone Creek Road. District 1 (ME) (Eng)

2.A. - CONTINUED

1 6B-4

**ADD-ON: Staff recommends motion to approve:** Joint Agreement for Island Way (Phase 2 and 3) with the Jupiter 95 North Land Trust, Schickedanz Capital Group, L.L.C. (SCG) and Communities Finance Company, L.L.C. **SUMMARY:** As part of this Agreement, the various land owners through which Island Way (a.k.a. Western Corridor) will pass, west of Limestone Creek Road, will dedicate the necessary right of way for this roadway within Palm Beach County at no cost to Palm Beach County. They will also fund the construction either through a Northern Palm Beach County Improvement District bond program, or direct funding by SCG. District 1 (ME) (Eng)

3 6G-1

**ADD-ON & REVISED SUMMARY: Staff requests Board direction:** regarding the use of County employees to assist in staffing the polls for the November 5, 2002, general election. **SUMMARY:** Theresa LePore, Supervisor of Elections, has requested assistance from the Board of County Commissioners to provide additional staffing using County employees for the November 5, 2002, general election. The requested staffing is as follows:

- A) 600 employees for poll workers. (Precinct Clerks & Advisors);
- B) 25 employees for telephone banks; and
- C) 20 employees to assist in the processing of data cartridges.

Payroll costs for additional pay are estimated to be approximately ~~\$120,000~~ \$150,000 countywide. Countywide (Admin)

3 6H-1

**ADD-ON:** Proclamation declaring Sunday, September 29, 2002 as the 194th Birthday Celebration of the St. John Missionary Baptist Church® in Palm Beach County. (Sponsored by Commissioner Greene)

2.B. ADOPTION

**MOTION to adopt the agenda as amended. Motion by Commissioner Roberts, seconded by Commissioner McCarty, and carried 50. Commissioners Aaronson and Marcus absent.**

- 3. **9:30 A.M. WORKSHOP** - See pages tk.
- 4. **2:00 P.M. WORKSHOP** - See pages tk.
- 5. **3:00 P.M. WORKSHOP** - See page tk.
- 6. **REGULAR AGENDA** - See pages tk.  
**10:30 A.M. TIME CERTAIN - 6.B.2.** - See pages tk.
- 7. **COMMISSIONER COMMENTS (UNSCHEDULED)** - See pages tk.
- 8. **ADJOURNMENT** - See pages tk.

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**6. REGULAR AGENDA**

**6.A. CLERK**

**6.A.1.**

WARRANT LIST DATED SEPTEMBER 9-20-2002. APPROVED 9-24-2002

COMPUTER	\$20,402,243.24
WIRE TRANSFERS	42,983,564.27
MANUAL CHECKS	193,711.86
EFT TRANSFER	<u>3,280,489.96</u>
	\$66,860,009.33

**MOTION to approve the warrant list. Motion by Commissioner Masilotti, seconded by Commissioner McCarty, and carried 50. Commissioners Aaronson and Marcus absent.**

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

**6.A.2.**

CONTRACTS ON THE CONTRACTS LIST EXECUTED BY THE PURCHASING DIRECTOR OR TOURIST DEVELOPMENT DIRECTOR, WHICH CUMULATIVELY TOTAL \$14,967,543, AS FOLLOWS:

**a.**

TERM CONTRACT WITH MULTICOM INC. AND WITH TW CABLE LLC FOR \$280,000 FOR THE PURCHASE OF FIBER OPTIC CABLE ON AN AS NEEDED BASIS FOR THE TRAFFIC DIVISION FOR OCTOBER 1, 2002-SEPTEMBER 30, 2003, PER BID 02-102R/KM. TWO 12-MONTH RENEWAL OPTIONS ARE INCLUDED. APPROVED 9-24-2002

**b.**

RENEWAL OF TERM CONTRACT WITH UNIFIRST CORPORATION FOR \$260,000 TO PROVIDE UNIFORM RENTAL SERVICE ON A WEEKLY BASIS TO VARIOUS COUNTYWIDE DEPARTMENTS FOR DECEMBER 1, 2002-NOVEMBER 30, 2003, PER BID 98-163/VMG. THIS IS THE CONTRACT'S FINAL ONE-YEAR RENEWAL OPTION. APPROVED 9-24-2002

**c.**

RENEWAL OF TERM CONTRACT WITH JAMES F. SCHNELL, JR., PE, DBA ENVIRONMENTAL MANAGEMENT AND ENGINEERING, FOR \$725,000 TO PROVIDE EXOTIC VEGETATION CONTROL AND REMOVAL AT PARKS AND RECREATION AND WATER UTILITIES LOCATIONS FOR DECEMBER 1, 2002-NOVEMBER 30, 2003, PER BID 00-184/VMG. THIS IS THE CONTRACT'S FINAL ONE-YEAR RENEWAL OPTION. APPROVED 9-24-2002

**d.**

TERM CONTRACT WITH ALTA FENCE CORPORATION AND WITH TROPIC FENCE INC. FOR \$143,000 TO PROVIDE SPLIT RAIL FENCING AND INSTALLATION FOR THE PARKS AND RECREATION DEPARTMENT FOR OCTOBER 19, 2002-OCTOBER 18, 2003, PER BID 02-167/MM. TWO ONE-YEAR RENEWAL OPTIONS ARE INCLUDED. APPROVED 9-24-2002

**REGULAR AGENDA - CONTINUED**

**6.A.2. - CONTINUED**

**e.**

TERM CONTRACT WITH ALLIANT FOOD SERVICE; CHENEY BROTHERS; CLEAN N FRESH PRODUCE; DANTOR, DBA CARVEL ICE CREAM; ERNESTON & SONS PRODUCE; FISHER FOOD CORPORATION, DBA MAZZONE SNACK FOODS; FRESHPOINT OF PALM BEACH; MUTUAL WHOLESAL COMPANY; PUBLIX STORES #50, #55, #143, #161, #297, #346, #421, AND #484; SYSCO FOOD SERVICE; TROPKIST FRUIT PRODUCTS; AND US FOODS FOR \$508,950 TO SUPPLY FRESH, FROZEN, AND/OR CANNED FOODS FOR VARIOUS PROGRAMS FOR NOVEMBER 21, 2002-NOVEMBER 20, 2003, PER BID 350526. APPROVED 9-24-2002

**f.**

RENEWAL OF TERM CONTRACT WITH WATTERS CARE CALL, INC., FOR \$119,000 FOR ON-CALL REMOVAL AND BODY TRANSPORTATION SERVICES FOR THE MEDICAL EXAMINER FOR NOVEMBER 1, 2002-OCTOBER 31, 2003, PER BID 98-206/MM. THIS IS THE CONTRACT'S FINAL ANNUAL RENEWAL OPTION. APPROVED 9-24-2002

**g.**

TERM CONTRACT WITH COMMUNITY TREE & LANDSCAPE FOR \$420,500 RE-AWARDING LOTS 3 AND 4 FOR COUNTYWIDE TREE REMOVAL SERVICES FOR FEBRUARY 1, 2002-JANUARY 31, 2003, PER BID 02-006/MM, BECAUSE OF THE TERMINATION OF P.J.'S LAND CLEARING & EXCAVATING, INC. APPROVED 9-24-2002

**h.**

RENEWAL OF TERM CONTRACT WITH KIMS FLORIDA GARDEN, TROIKA LANDSCAPING & LAWN, TROY'S LAWN SERVICE, AND VILA & SON LANDSCAPING FOR \$112,593 FOR LANDSCAPE MAINTENANCE OF SEVEN ROAD LOCATIONS FOR THE ENGINEERING AND PUBLIC WORKS DEPARTMENT FOR SEPTEMBER 25, 2002-SEPTEMBER 24, 2003, PER BID 01-139/KM. ONE 12-MONTH RENEWAL OPTION REMAINS. APPROVED 9-24-2002

**i.**

TERM CONTRACT WITH SIEMENS BUILDING TECHNOLOGIES FOR \$107,000 FOR SERVICE, REPAIR, EXPANSION, AND UPGRADES TO HEATING, VENTILATION, AND AIR CONDITIONING FOR FOUR BUILDINGS FOR THE FACILITIES MANAGEMENT DIVISION FOR OCTOBER 5, 2002-OCTOBER 4, 2003, PER SOLE SOURCE SS550115A. APPROVED 9-24-2002

**j.**

RENEWAL OF TERM CONTRACT WITH ALLIED UNIVERSAL CORPORATION FOR \$156,000 FOR THE PURCHASE AND DELIVERY OF SODIUM HYDROXIDE TO THE WATER UTILITIES DEPARTMENT FOR OCTOBER 2, 2002-OCTOBER 1, 2003, PER BID 01-136/MMG. ONE ONE-YEAR RENEWAL OPTION REMAINS. APPROVED 9-24-2002

**REGULAR AGENDA - CONTINUED**

**6.A.2. - CONTINUED**

**k.**

TERM CONTRACT WITH DISTRIBUTOR TOOL X-CHANGE, GRAINGER INDUSTRIAL SUPPLY, HUGHES SUPPLY INC., JIM & SLIMS TOOL SUPPLY, SEARS INDUSTRIAL SALES, AND SNAPON TOOLS COMPANY FOR \$250,000 FOR HAND TOOLS AND HAND-HELD POWER TOOLS ON AN AS-NEEDED BASIS COUNTYWIDE FOR SEPTEMBER 24, 2002-JULY 29, 2003, PER STATE OF FLORIDA CONTRACT 445-001-03-1. APPROVED 9-24-2002

**l.**

TERM CONTRACT WITH CULPEPPER PLUMBING AND WITH UNDERGROUND INDUSTRIES FOR \$120,000 TO PROVIDE RESIDENTIAL WATER AND/OR WASTEWATER INSTALLATION OF SERVICE LINES ON AN AS-NEEDED BASIS FOR THE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT FOR NOVEMBER 8, 2002-NOVEMBER 7, 2003, PER BID 97191. APPROVED 9-24-2002

**m.**

TERM CONTRACT WITH BV OIL COMPANY, F. H. FOSTER OIL, MACMILLAN OIL COMPANY, PETROLEUM TRADERS, AND PORT CONSOLIDATED FOR \$8,720,000 FOR THE PURCHASE OF GASOLINE AND DIESEL FUEL ON AN AS-NEEDED BASIS FOR THE FLEET MANAGEMENT DIVISION, PALM TRAN, AND PARKS AND RECREATION DEPARTMENT FOR OCTOBER 1, 2002-MARCH 31, 2004, PER BID 02-145/PP. APPROVED 9-24-2002

**n.**

TERM CONTRACT WITH HOWE ENTERPRISES FOR \$500,000 FOR AIRCRAFT INSECTICIDE SPRAYING FOR ENVIRONMENTAL RESOURCES MANAGEMENT'S MOSQUITO CONTROL PROGRAM FOR OCTOBER 1, 2002-SEPTEMBER 30, 2003, PER BID 02-154/JJ. TWO 12-MONTH RENEWAL OPTIONS ARE INCLUDED. APPROVED 9-24-2002

**o.**

**DOCUMENT R-2002-1636  
(AMENDS R-2000-1391)**

AMENDMENT 4 TO CONTRACT BETWEEN DISCOVER PALM BEACH COUNTY, INC., DBA PALM BEACH COUNTY CONVENTION AND VISITORS BUREAU, AND BEBER SILVERSTEIN PARTNERS, INC., FOR \$2,300,000 TO PROMOTE AND ADVERTISE PALM BEACH COUNTY TOURISM IN THE STATE OF FLORIDA, NATIONALLY, AND INTERNATIONALLY FOR OCTOBER 1, 2002-SEPTEMBER 30, 2003. APPROVED 9-24-2002

**p.**

**DOCUMENT R-2002-1637  
(AMENDS R-2001-1711)**

AMENDMENT 1 TO CONTRACT BETWEEN DISCOVER PALM BEACH COUNTY, INC., DBA PALM BEACH COUNTY CONVENTION AND VISITORS BUREAU, AND ALL WORLD S.R.L. FOR \$60,000 TO PROMOTE AND ADVERTISE PALM BEACH COUNTY TOURISM IN THE STATE OF FLORIDA, NATIONALLY, AND INTERNATIONALLY FOR OCTOBER 1, 2002-SEPTEMBER 30, 2003. APPROVED 9-24-2002

**REGULAR AGENDA - CONTINUED**

**6.A.2. - CONTINUED**

- q. DOCUMENT R-2002-1638  
(AMENDS R-2001-1714)**

AMENDMENT 1 TO CONTRACT BETWEEN DISCOVER PALM BEACH COUNTY, INC., DBA PALM BEACH COUNTY CONVENTION AND VISITORS BUREAU, AND TRAVEL & TOURISM MARKETING FOR \$120,500 TO PROMOTE AND ADVERTISE PALM BEACH COUNTY TOURISM IN THE STATE OF FLORIDA, NATIONALLY, AND INTERNATIONALLY FOR OCTOBER 1, 2002-SEPTEMBER 30, 2003. APPROVED 9-24-2002

- r. DOCUMENT R-2002-1638.1**

CONTRACT BETWEEN DISCOVER PALM BEACH COUNTY, INC., DBA PALM BEACH COUNTY CONVENTION AND VISITORS BUREAU, AND ABTD, INC., DBA ACTION MARKETING, FOR \$65,000 TO PROMOTE AND ADVERTISE PALM BEACH COUNTY TOURISM IN THE STATE OF FLORIDA, NATIONALLY, AND INTERNATIONALLY FOR OCTOBER 1, 2002-SEPTEMBER 30, 2003. APPROVED 9-24-2002

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

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

**6.B. ENGINEERING AND PUBLIC WORKS**

- 6.B.1. RESOLUTION R-2002-1639**

RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO EXECUTE A TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT, AND EACH YEAR THEREAFTER DEVELOP AND EXECUTE A NEW EXHIBIT A. THE COUNTY ANTICIPATES RECEIVING FROM THE STATE APPROXIMATELY \$150,000 THE FIRST YEAR AND, BY THE FIFTH YEAR OF THE AGREEMENT, OVER \$650,000 ANNUALLY. ADOPTED 9-24-2002

- 6.B.2.** See pages tk.

(CLERK'S NOTE: Commissioner Newell said that items 6.B.3. and 6.B.4. would follow the 2:00 p.m. item.)

- 6.B.3.** See pages tk.

- 6.B.4.** See pages tk.

**REGULAR AGENDA - CONTINUED**

**6.C. RISK MANAGEMENT**

**6.C.1. DOCUMENT R-2002-1640  
(AMENDS R-2001-1526)**

AMENDMENT 1 TO CONTRACT (CONTRACT 01-153/PR) WITH ARTHUR J. GALLAGHER & CO. FOR \$1,462,880 FOR BROKER SERVICES FOR AGGREGATE AND SPECIFIC EXCESS INSURANCE (EXCESS LIABILITY AND EXCESS CRIME INSURANCE AND A PORTION OF EXCESS PROPERTY COVERAGE) FOR OCTOBER 1, 2002-SEPTEMBER 30, 2003. THE INITIAL LAYER (\$1,500,000) OF PROPERTY COVERAGE WILL CONTINUE TO BE INTERRELATED WITH THE EXCESS PROPERTY INSURANCE PROGRAM, WHICH RESPONDS AFTER THIS \$1,500,000 IN COVERAGE IS EXHAUSTED. SUFFICIENT FUNDS ARE BUDGETED IN FY 2003 FOR THIS COVERAGE. APPROVED 9-24-2002

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

**6.C.2.**

RENEWAL OF THE EXCESS PROPERTY INSURANCE PROGRAM FOR OCTOBER 1, 2002-SEPTEMBER 30, 2003, PURCHASED THROUGH THE COUNTY'S CONTRACTED BROKER, ARTHUR J. GALLAGHER & CO., UNDER CONTRACT 00-106/MKP, FOR A COST OF \$7,838,648. SUFFICIENT FUNDS ARE BUDGETED IN FY 2003 FOR THIS COVERAGE. APPROVED 9-24-2002

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

**6.D. FIRE-RESCUE**

**6.D.1. DOCUMENT R-2002-1641**

COLLECTIVE BARGAINING AGREEMENT WITH PROFESSIONAL FIREFIGHTERS/PARAMEDICS OF PALM BEACH COUNTY, LOCAL 2928, IAFF, INC., FOR OCTOBER 1, 2002-SEPTEMBER 30, 2005. THE THREE-YEAR CUMULATIVE FISCAL IMPACT AMOUNTS TO \$43.4 MILLION. APPROVED 9-24-2002

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

**6.E. INFORMATION SYSTEMS SERVICES**

**6.E.1. DOCUMENT R-2002-1642**

CONFIRMING PURCHASE ORDER FOR COREL SOFTWARE MAINTENANCE AND TECHNICAL SUPPORT CHARGES APPLICABLE TO THE PERIOD OF NOVEMBER 1, 2001-OCTOBER 31, 2002, IN THE AMOUNT OF \$189,073.21. (REQUISITION: RX 021SS-94; VENDOR: SHI). APPROVED 9-24-2002

**MOTION to approve the confirming purchase order. Motion by Commissioner Masilotti, seconded by Commissioner Greene, and carried 7-0.**

**REGULAR AGENDA - CONTINUED**

**6.F. HOUSING AND COMMUNITY DEVELOPMENT**

**6.F.1. DOCUMENT R-2002-1643**

AGREEMENT WITH FLORIDA HOUSING CORPORATION FOR THE RENOVATION/CONVERSION OF THEIR BUILDING LOCATED AT 534 DATURA STREET, WEST PALM BEACH, IN THE AMOUNT OF \$92,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR SEPTEMBER 24, 2002-SEPTEMBER 30, 2003. NO LOCAL MATCHING FUNDS REQUIRED. APPROVED 9-24-2002

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

**6.G. ADMINISTRATION**

**6.G.1.**

USE OF COUNTY EMPLOYEES TO ASSIST IN STAFFING THE POLLS FOR THE NOVEMBER 5, 2002, GENERAL ELECTION AS FOLLOWS: (1) 600 EMPLOYEES FOR POLL WORKERS (PRECINCT CLERKS AND ADVISORS); (2) 25 EMPLOYEES FOR TELEPHONE BANKS; AND (3) 20 EMPLOYEES TO ASSIST IN THE PROCESSING OF DATA CARTRIDGES. ADDITIONAL PAYROLL COSTS ARE ESTIMATED TO BE \$150,000 COUNTYWIDE. APPROVED WITH DIRECTION 9-24-2002

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

Commissioner Masilotti suggested drafting a resolution to the school board requesting the identification of election day as teacher workshop day. This would result in schools closing for the day and freeing substitute teachers to work the polls. Commissioner Newell offered to write a letter to the chair of the school board about the matter.

Commissioner Newell asked County Administrator Weisman and Assistant County Administrator Brad Merriman to meet with Supervisor of Elections Theresa LePore and Channel 20 staff about preparing joint public service announcements with Broward and Miami-Dade counties encouraging citizens to vote early as absentees.

Ms. LePore announced her plan to publish a sample ballot in the newspapers two Sundays before election day rather than mail one to voters, since the cost of mailing was close to \$1 million. Commissioner Roberts recommended that the county underwrite the cost of the mailing since the circulation of both county newspapers did not equal the number of voters, many of whom did not read the newspapers. Commissioner Newell asked that Mr. Merriman and Ms. LePore prepare the mailing as a budget item and that Mr. Weisman have the item brought back for board consideration.

**UPON CALL FOR A VOTE, the motion carried 7-0.**



**REGULAR AGENDA - CONTINUED**

**6.H. PUBLIC INFORMATION**

**6.H.1.**

PROCLAMATION DECLARING SEPTEMBER 29, 2002, AS THE 94TH BIRTHDAY CELEBRATION OF THE ST. JOHN MISSIONARY BAPTIST CHURCH. APPROVED 9-24-2002

**MOTION to approve the proclamation. Motbn by Commissioner Masilotti, seconded by Commissioner Roberts, and carried 70.**

Commissioner Greene said she planned to present the proclamation at the church on September 29.

(CLERK'S NOTE: A commissioner comment was made at this time; item 7.A.1., see page tk.)

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

**3.**

CONSERVATION EASEMENTS AND OTHER METHODS FOR LONG-TERM PROTECTION OF CONSERVATION LANDS. DIRECTION IS REQUESTED ON METHODS OF PROTECTION AND ON RELATED ISSUES THAT HAVE BEEN IDENTIFIED CONCERNING THE POTENTIAL SALE, LEASEBACK, AND USE OF LANDS ACQUIRED IN THE AGRICULTURAL RESERVE FOR WHICH STATE MATCHING FUNDS MAY BE RECEIVED THROUGH THE FLORIDA FOREVER PROGRAM. DISCUSSED WITH DIRECTION 9-24-2002

Henry Dean, executive director of South Florida Water Management District (SFWMD), offered to answer questions about the district's policy on district owned lands in the Agricultural Reserve. He said he did not want the district to take any position that was inconsistent with county policy on transfer of development rights (TDR) or changes in land use in the reserve. Mr. Dean agreed with Commissioner Masilotti that TDR revenue should stay within the county and not be used for outside land purchases. Commissioner Aaronson observed that given this position, the district would be consistent with county policy not to transfer within the reserve.

Richard E. Walesky, director of Environmental Resources Management, gave staff's presentation on the item.

Commissioner Aaronson expressed concern about the county, as the taxpayers' representative, losing its rights in a funding partnership with the state. Commissioner Masilotti agreed, stating that the county already had partners--the 1.1 million people who voted for the conservation lands bond issue to purchase and preserve environmentally sensitive lands.

Commissioner Masilotti proposed a contractual agreement with SFWMD and 1000 Friends of Florida or The Nature Conservancy and an unidentified third party as equal partners in protecting the lands. He objected to swapping property, as is done by the state. Assistant County Attorney Heidi Juhl advised that the county could combine with any number of partners and that the more parties there were to the agreement, the harder it would be to change since the concurrence of the same number of parties would have to be obtained.

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

**3. - CONTINUED**

Commissioner Roberts supported the use of deed restrictions to prevent the lands from being used for anything other than what was intended under the bond issue, unless otherwise agreed to by the county and its partners.

Commissioner Roberts recommended a policy that would ensure that the county keep in perpetuity the lands it has acquired or manages and that no part of any property should be used for any other purpose than that for which it was bought. If the board agreed to such a policy, Ms. Roberts proposed that staff come back with recommendations that meet that policy, including its financial aspects.

Commissioner Marcus recommended withholding a decision until management plans were completed.

**PUBLIC COMMENT:**

Michael Yustin recalled his shock upon learning that land purchased with bond referendum money could be used for a purpose other than conservation and urged the board to protect all such acquired property in whatever protection plan they finally decided upon. County Administrator Weisman said that whenever any of these lands is used for another purpose, such as surplus, money is recovered and returned to the fund.

Kathleen Gates asked if Pond Cypress was purchased with the intent that part of it would be used for a purpose other than conservation. Mr. Walesky explained the southern end of Pond Cypress was less attractive than the northern end and would not have been purchased but for the seller's insistence upon selling the entire property intact. Ms. Gates cautioned the board to keep in mind that voters see as governmental deceit the use of bond-acquired lands for a purpose other than conservation.

Catherine Dwore characterized having as many partners as possible as a "good thing." She urged the board, prior to coming to a decision concerning the maximum protection of the conservation lands, to make no concessions (such as roads or utilities easements) regarding their use.

Rosa Durando supported establishing the policy proposed by Commissioner Roberts and recommended conservation easements on those lands for which the county lacked partners.

Stella Rossi observed that citizens who paid for the acquisition of environmentally sensitive lands did so under the impression that the lands would be protected forever. They were not now aware of the truth of the matter; otherwise, there would be more people at this meeting. Ms. Rossi said the lands should be kept free of roads, pipe lines, parking lots, nature centers, and other uses. She advocated perpetual protection to be on the title, perhaps to run with the land, and noted that the City of Boca Raton's preserve language included "shall be established as a platted preserve with a conservation land use category." When questioned by Commissioner Newell, Ms. Rossi clarified that she was not opposed to nature centers as such but to buildings with the concomitant parking lots and rest rooms.

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

**3. - CONTINUED**

Edward Tedtmann suggested that if the board continued the discussion of perpetual preservation, they postpone further discussion of approval of the proposed rights-of-way for the reliever road from Persimmon Boulevard to Okeechobee Boulevard. The two staff-recommended roadway alignments would have a tremendous impact on the entire Pond Cypress natural area. Mr. Tedtmann expressed concern about the ramifications of the planned development area designation not having been removed from the Palm Beach Gardens land preserved by the county.

Commissioner Newell stated that the referendum language for the conservation lands bond issue was not definitive as to how the lands would be used in perpetuity. Mr. Walesky commented that while the language was not detailed, there was a perception that the county was buying land for conservation and that it would remain that way. Commissioner Newell remarked that the concept of conservation was different in different minds. For example, he saw nature centers and environmental education as part of conservation, which might include a kiosk, parking lot, and rest rooms.

Commissioner Marcus asked staff to bring back recommendations concerning county-managed properties: what the county wanted and did not want, conditions of purchase, time frames, and conservation easements.

Mr. Walesky discussed the issue of the sale to the state of lands acquired in the Agricultural Reserve, the unique characteristics of the currently negotiated multi-party acquisition agreement, the potential of \$35 million to be reimbursed to the county by the state for \$70 million worth of property acquired by the county, and staff's answer of "yes" to the following questions: (1) Is the county willing to sell these lands to the state and not share title; (2) Is the county willing to lease these lands from the state and manage them; (3) Is the county willing to share revenues from agricultural subleases with the state; and (4) is the county concerned about protecting these lands from non-agricultural uses that the state, as owner, might want. The bottom line, he said, was that there was no certainty in any of the funding. Mr. Walesky said that staff would bring the agreement to the board for consideration and for agreement or non-agreement to staff's answers of the questions.

**REGULAR AGENDA - CONTINUED**

(CLERK'S NOTE: Items 6.B.3. and 6.B.4. were considered together.)

**6.B.3.**

JOINT AGREEMENT WITH SCHICKEDANZ CAPITAL GROUP, L.L.C., FOR \$4,250,000 TO CONSTRUCT PHASE 1 OF ISLAND WAY, AKA WESTERN CORRIDOR, FROM INDIANTOWN ROAD TO LIMESTONE CREEK ROAD. POSTPONED 9-24-2002

**REGULAR AGENDA - CONTINUED**

**6.B.4.**

JOINT AGREEMENT WITH JUPITER 95 NORTH LAND TRUST, SCHICKEDANZ CAPITAL GROUP, L.L.C. (SCG), AND COMMUNITIES FINANCE COMPANY, LLC, FOR PHASES 2 AND 3 OF ISLAND WAY, AKA WESTERN CORRIDOR, AS FOLLOWS: (1) DEDICATION OF NECESSARY RIGHT-OF-WAY FOR ISLAND WAY, WEST OF LIMESTONE CREEK ROAD, AT NO COST TO THE COUNTY; AND (2) FUNDING THE CONSTRUCTION THROUGH EITHER A NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT BOND PROGRAM OR DIRECT FUNDING BY SCG. POSTPONED 9-24-2002

Commissioner Marcus said that she had met with representatives of Northern Palm Beach County Improvement District this morning who had offered additional options on behalf of the district. She recommended a postponement until either October 1 or October 22, 2002, in order to arrange a meeting with Engineering and Public Works staff to discuss the issue.

**MOTION to POSTPONE items 6.B.3. and 6.B.4. Motion by Commissioner Marcus, seconded by Commissioner Masilotti, and carried 7-0.**

**10:30 A.M. TIME CERTAIN**

**6.B.2.**

TRAFFIC PERFORMANCE STANDARDS: (1) CONSIDER AMENDING THE PREVIOUS COMPREHENSIVE PLAN AMENDMENT ROUND (AR) 200202 LANGUAGE RELATING TO CORRIDOR MASTER PLANS (TRANSMITTED TO FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS ON JULY 24, 2002) IN ORDER TO DELETE SPECIFIC REFERENCES TO WHAT MITIGATION MEASURES MUST BE CONSIDERED; OR (2) REAFFIRM THE BOARD'S PREVIOUS POSITION ON THE ADOPTION LANGUAGE IN AR 200202 TRANSMITTAL ASSOCIATED WITH THE ADOPTION OF CORRIDOR MASTER PLANS. DISCUSSED WITH DIRECTION 9-24-2002

County Engineer George T. Webb gave the staff presentation of the item.

**PUBLIC COMMENT:**

Carmine Priore, council member of the Village of Wellington and president of Palm Beach County League of Cities, supported the Traffic Performance Standards Committee recommendation for policy 1.1-n and urged the board to reinsert language requiring adoption of corridor master plans by the county and affected municipalities.

Mr. Webb stated that staff recommended the following revision of paragraph 2 of policy 1.1-n:

The Corridor Master Plans will be accomplished in cooperation with the affected local governments and property owners within each Corridor. ~~At a minimum, the Corridor Master Plans will consider mitigation methods to maintain good mobility within the corridor, including but not limited to: land use modifications, connectivity, mixed use developments, alternative modes of transportation and increased roadway capacity.~~

**REGULAR AGENDA - CONTINUED**

**6.B.2. - CONTINUED**

Mr. Webb said that the second to last sentence in the third paragraph of the policy was the key sentence and why League of Cities representatives were present: "Nothing in this policy shall be used to limit the issuance of any Development Orders until the Corridor Master Plan has been adopted." When that language was considered earlier by the board, he said, they considered "adopted by the county" and "adopted by the county and affected municipalities." The League of Cities supported "adopted by the county and affected municipalities." Staff, on the other hand, recommended "adopted" because of the consensus factor, the ability of one party to say no.

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

Commissioner Roberts contended it was a "huge mistake" to leave out municipalities.

Commissioner Marcus observed that affected municipalities were not excluded from the process as shown in the first sentence of paragraph 2 (quoted above). She pointed out that under the 1988 charter, the county was the final jurisdiction on level of service, so municipalities could not do it anyway, and suggested putting the language pertaining to municipal sign-off into an ordinance.

**MOTION to direct staff to draft a letter to the Florida Department of Community Affairs informing them that the board intended to consider revised language at the Amendment Round 2002-02 adoption hearing in December. Motion by Commissioner McCarty.**

Commissioner Newell remarked that the letter needed to include the revised language.

Commissioner Masilotti said he would second the motion if it included affected municipalities having input.

**SECOND TO MOTION by Commissioner Masilotti.**

**CLARIFICATION by the chair that the motion included the addition of the municipal reference and the deletion of land use.**

Mr. Webb further clarified that the added language was "by the county and affected municipalities."

Commissioner McCarty said that, between now and December, the Intergovernmental Coordinating Council should meet with planners from representative municipal agencies to start talking about the process.

Commissioner Masilotti said that if something could not be worked out between the League of Cities and the county by December, he would reconsider his position.

Commissioner Roberts proposed the following revision to paragraph 2 of policy 1.1-n:

**REGULAR AGENDA - CONTINUED**

**6.B.2. - CONTINUED**

The Corridor Master Plans will consider mitigation methods to maintain good mobility within the corridor, including but not limited to: consideration by the Intergovernmental Coordinating Council process of land use modifications, connectivity, mixed-use developments, alternative modes of transportation and increased roadway capacity.

**AMENDED MOTION to include the revised language. The maker and seconder agreed.**

Commissioner Newell requested County Administrator Weisman or Planning, Zoning and Building Executive Director Barbara Alterman to bring to the next board meeting land use disputes between two municipalities that had been brought to a resolution by the Intergovernmental Coordinating Council and agreed upon by the parties.

Commissioner Newell requested Mr. Webb, before the revised amendment was brought back for consideration, to start the process of developing a corridor master plan for one roadway from the list of 28 congested corridors in the backup. He suggested 10th Avenue North between Kirk Road and Interstate 95 since it would involve multiple municipalities.

Commissioner Newell read the names of the following persons on the comment cards, each of whom who indicated support for the motion from the audience: Linda Bolton, vice-mayor of Wellington; Michael Bornstein; James Cherof, city attorney of Boynton Beach; John Corbett; David B. Farber, manager of Royal Palm Beach; Clyde F. Farmer, mayor pro tem of Atlantis; William Howell, mayor of Atlantis; Thomas J. Lanahan; John McKirchy; Matty Mattioli, council member of Royal Palm Beach; Bill Morris; Paul J. Nicoletti, attorney for Palm Springs; David W. Schmidt, mayor of Delray Beach; William W. ("Wes") Smith III, police chief of Lake Clarke Shores; Carmela Starace, vice-mayor of Royal Palm Beach; Mo Thornton, city manager of Atlantis; Thomas Wenham, mayor of Wellington; Trela J. White, attorney for Atlantis, Golf, Lantana, Manalapan, Mangonia Park, Palm Beach Shores, and Royal Palm Beach. Commissioner Newell noted that Annie Marie Delgado, council member of Palm Beach Gardens, who had left, would be in agreement as well.

**UPON CALL FOR A VOTE, the motion carried 51. Commissioner Marcus opposed. Commissioner Aaronson absent.**

Commissioner Masilotti requested confirmation that the motion included sending the letter to DCA. Commissioner Roberts responded that sending the letter was the whole motion. County Engineer Webb commented that the motion included deleting the language in the second paragraph. Commissioner Roberts said that the motion included her recommended language. Mr. Webb said he would have to listen to the tape. Commissioner Roberts remarked that no one had disagreed when the chair stated the motion and that everything was for consideration only, nothing was passed.

**RECESS**

**The chair recessed the meeting at 12:10 p.m.**

**RECONVENE**

**At 2:05 p.m., the meeting reconvened with Commissioners Aarorson, Greene, Marcus, Masilotti, and Roberts present.**

**WORKSHOP SESSION: 3:00 P.M.**

**5.**

COMMUNITY DEVELOPMENT BLOCK GRANT. CANCELLED 9-24-2002

Commissioner Roberts stated that the workshop was informational only and requested board consensus on cancelling and rescheduling it. The board informally agreed.

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

**4.**

CONSIDERATION OF: (1) CRITERIA FOR REVIEW OF PETITIONS TO ESTABLISH COMMUNITY DEVELOPMENT DISTRICTS; AND (2) SPECIAL DISTRICT ROAD BUILDING FUNDING. DISCUSSED WITH DIRECTION 9-24-2002

Staff presentation was given by Senior Planner Isaac Hoyos.

Staff was directed to:

- Limit the approval of community development district (CDD) petitions to non-residential development projects only.
- Delete limiting CDDs to areas permitted by the Comprehensive Plan to have urban services but where they are not currently available.
- Combine the mixed-use developments and limited acreage recommendations and bring the resulting recommendation back.
- Require much tighter disclosure of CDD obligations.
- Require a separate signature page in the disclosure document.
- Schedule a workshop to consider special districts with recommendations.
- Incorporate Planning, Zoning and Building's Monitoring Section in the process to make sure that the disclosure requirements are being implemented and that any other special conditions, which will be added, are being complied with.

**UNSCHEDULED ITEMS**

**7. COMMISSIONER COMMENTS**

(CLERK'S NOTE: The following comment was made earlier in the meeting; see page tk.)

**COMMISSIONER COMMENTS - CONTINUED**

**7.A. COMMISSIONER MCCARTY**

**7.A.1.**

DEDICATION OF BANYAN ELEMENTARY SCHOOL BIKE PATH. APPROVED 9-24-2002

Commissioner McCarty announced that Banyan Elementary School in Delray Beach would hold Walk Your Child day on October 2 and relayed the school's request to dedicate the adjoining bike path to a child who was killed on his bicycle a year before. The board informally agreed.

No backup provided.

**7.B. COMMISSIONER MASILOTTI**

**7.B.1.**

DONATION OF LOG CABIN ON SOUTHERN BOULEVARD FOR YESTERYEAR VILLAGE. APPROVED 9-24-2002

Commissioner Masilotti informed the board that the Florida Department of Transportation (DOT) offered to donate an old log cabin on Southern Boulevard to the county to be turned over to Yesteryear Village. DOT would pay all moving expenses, he said.

**MOTION to write a letter to the Florida Department of Transportation accepting their offer of the log cabin and requesting permission to move it. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 5-0. Commissioners McCarty and Newell absent.**

No backup provided.

**7.C. COMMISSIONER GREENE**

**7.C.1.**

TRESPASSING ON COUNTY PROPERTY. DISCUSSED 9-24-2002

Commissioner Greene said that people were being arrested and fined for waking on county property and asked that the ordinance that states persons can walk on county property be disseminated to the court and sheriff's office.

No backup provided.

**8. ADJOURNMENT**

**The vice-chair declared the meeting adjourned at 2:55 p.m.**

ATTESTED:

APPROVED:

Clerk

Chair