

MEETING OF JANUARY 11, 2005

(The meeting convened at 10:00 a.m.; recessed at 12:33 p.m.; reconvened at 2:31 p.m. and adjourned at 4:42 p.m.)

PLEDGE OF ALLEGIANCE was led by Broward County Vice Mayor Ben Graber, District 3.

MOMENT OF SILENCE

In memory of the victims of the Tsunami Disaster.

In memory of Samuel "Sam" Panetz, President of the Wynmoore Community Council in Coconut Creek.

In memory of Vicky Coceano, former Mayor of Miramar.

In memory of Eugene Walker Stoner, founder of the firm, Williams, Hatfield and Stoner, Broward County surveyors.

In memory of Etta and Michael Bickler's son, Jacob Bickler, 20-years old from Coral Springs.

CALL TO ORDER

CONSENT AGENDA

BOARD APPOINTMENTS

1. A. MOTION TO APPROVE appointment of Karen Dickerhoff to the Advisory Board for Individuals With Disabilities. (Commissioner Wexler)
ACTION: (T-10:08 AM) Approved.
- B. MOTION TO APPROVE appointment of S. Amy Schwartz Parker to the Advisory Board for Individuals with Disabilities. (Commissioner Wexler)
ACTION: (T-10:08 AM) Approved.
- C. MOTION TO APPROVE appointment of Hillary Tescher to the Human Rights Board. (Commissioner Wexler)
ACTION: (T-10:08 AM) Approved.



Icon indicates that the item is related to an established Commission Challenge Goal.

- D. MOTION TO APPROVE appointment of Sam Subramani, Ph.D to the Diversity Advisory Council. (Commissioner Wexler)

ACTION: (T-10:08 AM) Approved.

- E. MOTION TO APPROVE appointment of Diane B. Weinbrum to the Broward Cultural Council. (Commissioner Wexler)

ACTION: (T-10:08 AM) Approved.

- F. MOTION TO APPROVE appointment of Vice Mayor William (Bill) Julian to the Historical Commission. (Commissioner Wexler)

ACTION: (T-10:08 AM) Approved.

- G. MOTION TO APPROVE appointment of Representative Franklin Sands to the Homeless Initiative Partnership Advisory Board. (Commissioner Wexler)

ACTION: (T-10:08 AM) Approved.

- H. MOTION TO APPOINT Edith Allen Kelson to the Advisory Board for Individuals with Disabilities. (Commissioner Eggelletion)

ACTION: (T-10:08 AM) Approved.

- I. MOTION TO RE-APPOINT Jacob Greene to the Municipal Services Advisory Board. (Commissioner Eggelletion)

ACTION: (T-10:08 AM) Approved.

- J. MOTION TO APPROVE appointment of Patricia Kramer to the Homeless Initiative Partnership Advisory Board. (Commissioner Wexler)

ACTION: (T-10:08 AM) Approved.

AVIATION DEPARTMENT

2. **MOTION TO APPROVE** settlement agreement between Broward County and Hellmuth, Obata + Kassabaum, Inc. (Consultant) the designer of the North Terminal Project at the Fort Lauderdale–Hollywood International Airport, by payment from the Consultant HOK to the County the amount of \$725,000; and other waivers of liability to the County; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:08 AM) Withdrawn for further staff review.

3. **MOTION TO APPROVE** Agreement No. 20031016-0-AV-02 for materials testing and inspection services for the Airport Expansion Program (AEP) at the Fort. Lauderdale-Hollywood International Airport between Broward County and Intercounty Laboratories-USL, Inc., for an initial two year period, effective January 17, 2005 and ending January 16, 2007, for an amount of \$3,116,500; with three one-year renewal options, and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:08 AM) Approved.

PUBLIC WORKS AND TRANSPORTATION DEPARTMENT

FACILITIES MAINTENANCE DIVISION

4. **MOTION TO APPROVE** nondisclosure agreement between Broward County and MAXIMUS, INC. OF VIRGINIA, allowing for the exchange and safeguarding of confidential and proprietary information relating to the development of facility management software known as “FacilityMAX”, for a one-year term effective upon execution; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:08 AM) Approved.

HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION

5. MOTION TO APPROVE tri-party agreement among Broward County, Florida, The Florida Department of Transportation (FDOT) and Florida East Coast Railway LLC, for the installation of the automatic grade crossing traffic control devices at Dixie Highway; and authorize the Mayor and Clerk to execute same. **(Commission District 6)**

ACTION: (T-10:08 AM) Approved.

6. MOTION TO APPROVE agreement between Broward County and the City of Coconut Creek for Right-of-Way Beautification for an area along Lyons Road, from its intersection with Coconut Creek Parkway for a distance of approximately 575 feet to the south, and an area along Coconut Creek Parkway, from its intersection with Lyons Road for a distance of approximately 230 feet to the east, and authorize the Mayor and Clerk to execute same. **(Commission District 2)**

ACTION: (T-10:08 AM) Approved.

REAL PROPERTY SECTION

7. MOTION TO APPROVE business lease agreement between Broward County, (Tenant) and Iglesia Cristiana La Gran Comision, Inc., a Florida Corporation, (Landlord) for a 4,176 square foot office facility currently leased to the County at 4350 West Hallandale Beach Boulevard, Pembroke Park, for the South County Neighborhood Improvement Project (SCNIP), extending occupancy for a term of one year, commencing April 1, 2005 and terminating March 31, 2006; full service (Landlord being responsible for payment of all building operating costs) at a rental rate of \$15.88, per square foot (2.5% increase over current rental rate of \$15.49, per square foot); \$9,461.66, monthly; \$66,314.88, annually. Tenant has the unilateral right to terminate lease by providing 60 days prior written notice; and authorize the Mayor and Clerk to execute same. **(Commission District 8)**

ACTION: (T-10:08 AM) Approved, as corrected. (Scrivener's error - See County Administrator's memorandum: Monthly rent payment of \$9,461.66 should be \$5,526.24; the annual cost and PSF amounts are correct. This is incorrect in both the motion and in Exhibit B to the Lease.)

8. MOTION TO ADOPT Resolution 2005-1 authorizing the conveyance by quit claim deed of a Tax Deed property that is unbuildable and has escheated to Broward County for delinquent real estate taxes to the Jacaranda Cay Homeowners' Association pursuant to Florida Statutes Chapter 197.592. This particular property is within the City of Plantation; authorize the Mayor and Clerk to execute deed, and authorize recordation of same. **(Commission District 1)**

ACTION: (T-10:08 AM) Approved.

9. MOTION TO APPROVE contract for sale and purchase executed by MJS Holdings II LLC, a Florida limited liability company, successor in interest to West Lake Associates I, LP, a Delaware limited partnership, in the amount of \$25,000 for West Lake Outparcel S-58. The Parks and Recreation Division authorizes Real Property Section to acquire this property using Park funds from the 1989 Bond Program; authorize the Mayor and Clerk to execute contract; and authorize acceptance and recordation of deed. **(Commission District 6)**

ACTION: (T-10:08 AM) Approved.

10. MOTION TO APPROVE contract for sale and purchase executed by Richard L. Whitney and Patricia Whitney, husband and wife, Lawrence E. Whitney and Stacey L. Whitney, as tenants in common in the amount of \$13,920; for the purchase of Westlake parcel No. 125 located in Hollywood Central Beach Business Section 6-16 B, Lot 27, Block 51. The Parks and Recreation Division authorizes Real Property to acquire this property using Park funds from the 1989 Bond Program; authorize the Mayor and Clerk to execute contract for sale and purchase, and authorize recordation of deed. **(Commission District 6)**

ACTION: (T-10:08 AM) Approved.

11. MOTION TO APPROVE contract for sale and purchase executed by Leroy Alexander Smith and Harry Allen Smith, in the amount of \$5,500; for the purchase of property located in Washington Park Fourth Addition Lot 24, Block 47, southeasterly of NW 15 Court and NW 27 Avenue, as a part of Roosevelt Gardens Neighborhood Enhancement Plan; Department of Urban Planning and Redevelopment authorizes Real Property to acquire this property using Urban Planning funds; authorize the Mayor and Clerk to execute contract for sale and purchase, and authorize recordation of deed. **(Commission District 9)**

ACTION: (T-10:08 AM) Approved.

WATER AND WASTEWATER SERVICES / WATER AND WASTEWATER ENGINEERING DIVISION

12. MOTION TO APPROVE settlement agreement between Broward County and Ric Man International, Inc. (RMI) to finalize claim for Central County Neighborhood Improvement Project Saint George West Bid Package No. 8; Contract No. Q102022CF in the amount of \$227,972.44; and authorize the Mayor and Clerk to execute same. (WWS 1149/8559) **(Commission District 9)**

ACTION: (T-10:08 AM) Approved.

13. MOTION TO APPROVE Change Order No. 18 to Bid No. N-6-00-138-CF with Foster Marine Contractors, Florida for the construction of Central County Neighborhood Improvement Project – Bid Package 4, Phase 2 for a decrease of \$944,137.22; from \$5,666,768.45, to \$4,722,631.23, with no change in contract time; and authorize the Mayor and Clerk to execute same. (BCOES Project No. 1149/8559) **(Commission District 7)**

ACTION: (T-10:08 AM) Approved.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

ACCOUNTING DIVISION

14. MOTION TO APPROVE travel for County employees on the attached list, in accordance with Volume 1 of the Administrative Code Chapter 3, Part II, Section 3.10 – County Employee Travel.

ACTION: (T-10:08 AM) Approved.

PURCHASING DIVISION

For Public Works and Transportation Department

15. A. MOTION TO ADOPT budget Resolution 2005-2 transferring within the Library Bond Capital Outlay Fund 3180 the amount of \$872,178 from the Library Bond Fund Reserve for the Tyrone Bryant Branch Library.

ACTION: (T-10:08 AM) Approved.

- B. MOTION TO APPROVE agreement between Broward County and D. Stephenson Construction, Inc., for Managing General Contractor (Phase II) Construction Services for the Tyrone Bryant Branch Library, RLI 041700-RB for a guaranteed maximum price (GMP) of \$2,130,516; with a contract time of 425 calendar days, subject to receipt and acceptance of performance and payment guaranty; and authorize the Mayor and Clerk to execute same. (Project No. 6056-99-01) **(Commission District 9)**

ACTION: (T-10:08 AM) Approved.

For Finance and Administrative Services Department

16. MOTION TO AWARD open-end contracts to low responsive, responsible bidders, Smith Office & Computer Supply, Groups 1, 3 and 5, in the estimated annual amount of \$212,770.90; Martin Associates of South Florida, Inc., Group 2, in the estimated annual amount of \$28,251.10; Galloway Office Supplies, Group 4, in the estimated annual amount of \$68,148.00, for office supplies; Bid No. W504092B1 (Re-Bid), for a total estimated annual amount of \$309,170.00, for the Purchasing Division Central Warehouse; and authorize the Purchasing Director to renew the contract for a one year period. The initial contract period shall start on date of award and shall terminate one year from that date.

ACTION: (T-10:08 AM) Approved.

17. MOTION TO ADOPT budget Resolution 2005-3 within the General Fund (0010) transferring \$150,000 from the Fiscal Year 2005 Commission Reserve for the settlement in the case of Chi-Ada Corporation and Bart Okoro v. Broward County, Circuit Court Case 02-07774 (08), approved by the Board on November 16, 2004.

ACTION: (T-10:08 AM) Approved.

HUMAN SERVICES DEPARTMENT

CHILDRENS' SERVICES ADMINISTRATION DIVISION



18. A. MOTION TO APPROVE grant agreement between Broward County and the National Children's Alliance, from date of execution through December 31, 2005, in the amount of \$6,000 for the purpose of purchasing replacement forensic interview recording equipment for the Children's Services Administration Division Sexual Assault Treatment Center, and authorize the Mayor to execute same. No County funds are required.

ACTION: (T-10:08 AM) Approved, as corrected. (Scrivener's error - See County Administrator's memorandum: The purchase does not include a Medscope as referenced in the agenda background on page 2, paragraph 2.)

- B. MOTION TO ADOPT unanticipated revenue Resolution 2005-4 within General Fund 0010-024-8400-4800 of the Children's Services Administration Division, Sexual Assault Treatment Center, in the amount of \$6,000 for the purpose of purchasing replacement forensic interview recording equipment.

ACTION: (T-10:08 AM) Approved, as corrected. (Scrivener's error - See County Administrator's memorandum: The purchase does not include a Medscope as referenced in the agenda background on page 2, paragraph 2.)



19. MOTION TO APPROVE Amendment No. 001 to Contract No. TEMXB/Renewal No. 002 between the State of Florida Department of Health, (DOH) Children's Medical Services and Broward County from date of execution though June 30, 2005, for the purpose of revising the Performance Measures and authorize the Mayor to execute same. All other terms and conditions of the original agreement remain in full force and effect.

ACTION: (T-10:08 AM) Approved.



20. A. MOTION TO APPROVE first grant renewal to Grant Agreement No. Q4504 between Broward County and the State of Florida, Department of Juvenile Justice in the amount of \$200,000; from date of execution through December 31, 2005, for the purpose of continuing the Broward Sheriff's Office, Leadership Academy Program; and authorize the Mayor to execute same. The required in-kind match will be provided by the Broward Sheriff's Office.

ACTION: (T-10:08 AM) Approved.

- B. MOTION TO ADOPT unanticipated revenue Resolution 2005-5 within the Human Services Department General Fund 9732 024 1491, in the amount of \$200,000 for the purpose of continuing the Broward Sheriff's Office Leadership Academy Program.

ACTION: (T-10:08 AM) Approved.

COMMUNITY SERVICES DEPARTMENT

CULTURAL DIVISION

21. MOTION TO APPROVE South Florida Cultural Consortium (SFCC) Fiscal Year 2005 budget, in accordance with Section 7 of the SFCC's interlocal agreement, in the amount of \$210,748. (Broward County's contribution is \$72,500).

ACTION: (T-10:08 AM) Approved.

MASS TRANSIT DIVISION



22. MOTION TO APPROVE first amendment to agreement between Broward County and the City of Miramar for Public Transportation Services; providing for the lease of two additional wheelchair-accessible passenger vehicles (one as a spare and one for regular route service) from the County at a cost of \$10 per vehicle annually; for a maximum annual total amount of \$236,691 for this amendment; and authorize the Mayor and Clerk to execute same. The term of this amendment is effective from the date of execution through September 30, 2006, and may be extended for up to two additional one-year periods upon written approval of the Contract Administrator. **(Commission District 8)**

ACTION: (T-10:08 AM) Approved.

PARKS AND RECREATION DIVISION



23. MOTION TO ADOPT budget Resolution 2005-6 transferring from the Parks and Recreation Automation Reserve the amount of \$330,000 to the General Capital Outlay Fund for the Parks and Recreation Division, for the purpose of connecting additional park sites to the County's information technology network (\$170,000) and purchasing advance warning lightning prediction systems for certain regional park sites containing aquatic facilities, athletic/ball fields, and a golfing range (\$160,000). **(Commission Districts 1, 2, 4, 5, 6)**

ACTION: (T-10:08 AM) Approved.

ENVIRONMENTAL PROTECTION DEPARTMENT

BIOLOGICAL RESOURCES DIVISION

24. MOTION TO ACKNOWLEDGE use of the Loxahatchee Mitigation Bank by Cleghorn Shoe Corporation as the site for a portion of compensatory mitigation associated with a commercial development, known as the Cleghorn Property Project, with wetland impacts, located in Miramar along Miramar Parkway between Hiatus Road and Flamingo Road. **(Commission District 8)**

ACTION: (T-10:08 AM) Approved.

EMERGENCY MANAGEMENT AGENCY

25. MOTION TO APPROVE agreement between Broward County and the City of Miami for the purpose of participating in and supporting the implementation of the Urban Area Security Initiative (UASI) from the U.S. Department of Homeland Security (DHS), through its Office of Domestic Preparedness (ODP) and the State of Florida Division of Emergency Management (DEM) effective from date of execution through December 31, 2006, or until all Fiscal Year 2003 and Fiscal Year 2004 grant funding requirements have been satisfied, whichever occurs later in time; authorize the Mayor to execute same; and authorize the County Administrator to take all necessary administrative actions to implement the agreement.

ACTION: (T-10:08 AM) Withdrawn for further staff review.

26. A. MOTION TO APPROVE grant agreement between Broward County and the Florida Department of Law Enforcement in the total amount of \$125,520, for the purpose of supporting the implementation of Florida's Homeland Security Strategy through June 30, 2005; and authorize the Mayor to execute same.

ACTION: (T-10:08 AM) Withdrawn for further staff review.

- B. MOTION TO ADOPT unanticipated revenue Resolution within the Grant Fund for the Broward Emergency Management Agency in the amount of \$125,520 for the purpose of supporting the implementation of Florida's Homeland Security Strategy.

ACTION: (T-10:08 AM) Withdrawn for further staff review.

PORT EVERGLADES DEPARTMENT

27. MOTION TO APPROVE renewal of a one-year lease agreement between Broward County and Gunilla Lundstrom North, Vice Consul, Consulate of Sweden, for Suite No. 310 in Building 611 (Amman Building) at Port Everglades, consisting of 272 square feet of office space, effective March 1, 2005 through February 28, 2006, with rent in the amount of \$4,760 over the lease term; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:08 AM) Approved.

28. MOTION TO APPROVE renewal of a lease agreement between Broward County and International Warehouse Services, Inc., for a reduction in space from 20,000 square feet of vacant land to 10,000 square feet of vacant land in Foreign Trade Zone No. 25 at Port Everglades, for a two-year term effective March 1, 2005 through February 28, 2007, with rent in the approximate amount of \$22,330 over the lease term; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:08 AM) Approved.

29. MOTION TO APPROVE renewal of a one-year lease agreement between Broward County and J.P. Reynolds Co., Inc., for Suite 401 in the Port Administration Building at Port Everglades, consisting of 2,880 square feet of office space, effective February 1, 2005 through January 31, 2006, with rent in the amount of \$67,271.64, over the lease term; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:08 AM) Approved.

OFFICE OF MANAGEMENT AND BUDGET

30. MOTION TO ADOPT unanticipated revenue Resolution 2005-7 within the Fire Fund for the Broward Sheriff's Office (BSO) in the amount of \$65,000 for the purpose of acquiring new equipment related to the upgrade of Firefighter/Paramedic positions in the City of Weston.

ACTION: (T-10:08 AM) Approved.

31. A. MOTION TO ADOPT unanticipated revenue Resolution 2005-8 within the General Fund for the Broward Sheriff's Office (BSO) in the amount of \$161,869 for the purpose of increasing the contract for Police Services in the City of Weston.

ACTION: (T-10:08 AM) Approved.

- B. MOTION TO ADOPT unanticipated revenue Resolution 2005-9 within the General Fund for the Broward Sheriff's Office (BSO) in the amount of \$279,427 to adjust Fiscal Year 2005 operating costs in accordance with the agreement between BSO and the City of Cooper City.

ACTION: (T-10:08 AM) Approved.

32. MOTION TO ADOPT unanticipated revenue Resolution 2005-10 within the General Fund for the Broward Sheriff's Office (BSO) in the amount of \$125,205 for the purchase of a vessel for local border protection.

ACTION: (T-10:08 AM) Approved.

33. MOTION TO ADOPT unanticipated revenue Resolution 2005-11 within the Law Enforcement Trust Fund in the amount of \$10,000 to sponsor the Broward County School Board Human Relations Council (HRC) Fourth Annual Conference held November 18, 2004.

ACTION: (T-10:08 AM) Approved.

34. A. MOTION TO ADOPT budget Resolution 2005-12 transferring funds within the General Capital Outlay Fund in the amount of \$921,500 for one-time regional communications projects.

ACTION: (T-10:08 AM) Approved.

- B. MOTION TO ADOPT unanticipated revenue Resolution 2005-13 within the General Fund for the Broward Sheriff's Office (BSO) in the amount of \$921,500 for one-time regional communications projects.

ACTION: (T-10:08 AM) Approved.

OFFICE OF ECONOMIC DEVELOPMENT

35. MOTION TO ADOPT Resolution 2005-14 recommending that Citrix Systems, Inc. ("Citrix"), be approved as a qualified applicant for participation in the State of Florida Qualified Target Industry Tax Refund Program (QTI) for Fiscal Years 2005 through 2008, based on the creation of the minimum requisite jobs within Broward County. **(Commission District 7)**

ACTION: (T-10:08 AM) Approved.

COUNTY AUDITOR

36. A. MOTION TO FILE County Auditor's Interim Review of the Crane Maintenance and Repair Agreement between Broward County and G.F.C. Crane Consultants, Inc.

ACTION: (T-10:10 AM) The County Auditor, County Attorney and County Administrator will continue to work through outstanding issues with G.F.C. Crane Consultants, Inc. and return before the Board with recommendations. (Refer to minutes for full discussion.)

- B. MOTION TO ADOPT County Auditor's recommendations.

ACTION: (T-10:10 AM) The County Auditor, County Attorney and County Administrator will continue to work through outstanding issues with G.F.C. Crane Consultants, Inc. and return before the Board with recommendations. (Refer to minutes for full discussion.)

COUNTY ADMINISTRATION

37. MOTION TO AUTHORIZE staff to allocate the entire County owned facility located at 1801 NW 64th Street, Fort Lauderdale to the Supervisor of Elections, and seek an alternative site for the Revenue Collection Division's mail order agency warehouse, and call center operations.

ACTION: (T-10:14 AM) Approved. (Refer to minutes for full discussion.)

COUNTY COMMISSION

38. MOTION TO SET interviews for County Attorney at 12:30 p.m., on Tuesday, February 8, 2005 and cancel Public Hearing for 2 p.m. on February 8, 2005. (Mayor Jacobs)

ACTION: (T-10:16 AM) Approved. (Refer to minutes for full discussion.)

39. MOTION TO FILE Ordinance No. 2004/036 of the City Commission of the City of Deerfield Beach vacating and abandoning a portion of SE 2nd Street and SE 19th Avenue, lying adjacent to lots 11 and 12, block 15 of the Deerfield Beach Plat, more particularly described in the file; determining the necessity therefore; and directing that a copy be filed with the Broward County Property Appraiser's and County Recorder's offices. (Mayor Jacobs)

ACTION: (T-10:08 AM) Approved.

40. A. MOTION TO AUTHORIZE County Attorney's Office to amend Section 1-485 of the Broward County Code relating to the membership requirements of the Children's Services Board. (Mayor Jacobs)

ACTION: (T-10:08 AM) Approved.

- B. MOTION TO ADOPT Resolution 2005-15 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, January 25, 2005, at 2:00 p.m., in Room 422 of the Governmental Center to consider enactment of a proposed Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA,

AMENDING SECTION 1-485, RELATING TO THE MEMBERSHIP REQUIREMENTS OF THE CHILDREN'S SERVICES BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-10:08 AM) Approved.

41. A. MOTION TO APPOINT County Commissioners to Boards/Authorities/Agencies for a one year term expiring November 15, 2005 (unless otherwise noted) as detailed in Exhibit 1. (Mayor Jacobs)

ACTION: (T-10:25 AM) Approved, as amended. Commissioner Rodstrom will serve on the Airport Task Force instead of Commissioner Wexler. In addition, if a County Commissioner is unable to attend their respective board meeting, he or she should notify the Mayor's office, at which time, the Mayor can name an alternate for the meeting. Further, to correct that the Children's Services Council is a four-year term, not a one-year term. (Refer to minutes for full discussion.)

- B. MOTION TO APPOINT County Commissioner as Mayor's designee to various Boards/Authorities/Agencies for a one year term expiring November 15, 2005 as detailed in Exhibit 2.

ACTION: (T-10:25 AM) Approved. (Refer to minutes for full discussion.)

REQUEST TO SET FOR PUBLIC HEARING

42. MOTION TO DIRECT County Administrator to publish notice of Public Hearing to be held Tuesday, January 25, 2005, at 2:00 p.m., in Room 422 of the Governmental Center, to consider new Nonemergency Medical Transportation Service (NEMTS) license to Bell Well Transportation, Inc.

ACTION: (T-10:08 AM) Approved.

43. MOTION TO DIRECT County Administrator to publish notice of Public Hearing to be held Tuesday, January 25, 2005, at 2:00 p.m., in Room 422 of the Governmental Center to consider the renewal of a Nonemergency Medical Transportation Service (NEMTS) license to Tender Care Centers, Inc.

ACTION: (T-10:08 AM) Approved.

44. MOTION TO ADOPT Resolution 2005-16 directing the County Administrator to publish a Notice of Public Hearing to be held January 25, 2005 at 2:00 p.m., to consider an application from Caribbean Ship Services, Inc. to provide steamship agent services for a one-year term at Port Everglades.

ACTION: (T-10:08 AM) Approved.

45. MOTION TO ADOPT Resolution 2005-17 directing the County Administrator to publish a Notice of Public Hearing to be held January 25, 2005 at 2:00 p.m., to consider an application from World Petroleum Corp. to provide vessel sanitary waste water removal services for a one-year term at Port Everglades.

ACTION: (T-10:08 AM) Approved.

46. MOTION TO ADOPT Resolution 2005-18 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, February 22, 2005, at 2:00 p.m., in Room 422 of the Governmental Center to consider the adoption of a proposed Resolution, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 37, PART IV, OF THE BROWARD COUNTY ADMINISTRATIVE CODE; PROVIDING A REVISED PARKS SYSTEM FEE SCHEDULE FOR FY 2005; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE BROWARD COUNTY ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-10:37 AM) Approved, as amended, under Reservation/Cancellation fee, relating to non-refundable reservation fee for the use of the park pavilions, add language: "Except if the cancellation results from inclement weather, a death in the family or certain unusual circumstances." (Refer to minutes for full discussion.)

47. MOTION TO ADOPT Resolution 2005-19 directing the County Administrator to publish Notice of Public hearing to be held on Tuesday, January 25, 2005, at 2:00 p.m., in Room 422 of the Governmental Center to consider enactment of a proposed Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING THE SPECIAL PURPOSE FUNDS OF THE BROWARD CULTURAL COUNCIL, SECTION 1-90, BROWARD COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Commissioner Sue Gunzburger and Commissioner Jim Scott)

ACTION: (T-10:39 AM) Approved. The Board directed staff to provide the following: The last three (3) years of the revenues, whether they have increased or decreased; the amount of revenues committed by Palm Beach and Miami-Dade Counties' horticultural councils, and what other initiatives are under the County's umbrella, such as animal care, homeless, children, etc. that also tap into this type of a revenue source. (Refer to minutes for full discussion.)

QUASI-JUDICIAL CONSENT HEARING

DEPARTMENT OF URBAN PLANNING AND REDEVELOPMENT

DEVELOPMENT MANAGEMENT DIVISION

- 48. DISCUSSION: of plat entitled "Sundance Marine Plat" - **Commission District 2, (026-MP-04).**

ACTION: (T-10:08 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

- 49. DISCUSSION: of plat entitled "Merrill Gardens II" - **Commission District 3, (105-MP-01).**

ACTION: (T-10:08 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

- 50. DISCUSSION: of plat entitled "Champion Plat" - **Commission District 7, (074-MP-03).**

ACTION: (T-10:08 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

- 51. DISCUSSION: of plat entitled "Lakeside Village At Davie" - **Commission District 7, (011-MP-04).**

ACTION: (T-10:08 AM) Deferred to August 16, 2005 or sooner, under Section 5-181(j) of the Land Development Code to study compliance with the Land Use Plan.

52. DISCUSSION: of plat entitled "Liberty Belle" - **Commission District 9**, (021-MP-04).

ACTION: (T-10:08 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

53. DISCUSSION: of New Findings of Adequacy for plat entitled "Dixie Landmark Plat" - **Commission District 4**, (073-MP-91).

ACTION: (T-10:08 AM) Deferred to August 16, 2005 or sooner, under Section 5-181(j) of the Land Development Code to study compliance with the Land Use Plan.

54. DELEGATION: Doug McIntee regarding request to amend the note on the Pavex Plat - **Commission District 2**, (021-UP-90). (Deferred from December 14, 2004).

ACTION: (T-10:08 AM) Deferred to August 16, 2005 or sooner, under Section 5-181(j) of the Land Development Code to study traffic concurrency.

55. DELEGATION: Leigh R. Kerr, regarding request to amend the note on the Hillsboro Associates Plat - **Commission District 2**, (138-MP-89). (Deferred from December 14, 2004).

ACTION: (T-10:08 AM) Deferred to August 16, 2005 or sooner, under Section 5-181(j) of the Land Development Code to study bus bay requirements.

56. DELEGATION: Gregory Mire, representing the Deerfield Beach Housing Authority, regarding request to place a note on The Palms of Deerfield Plat - **Commission District 4**, (128-MP-81).

ACTION: (T-10:08 AM) Deferred to August 16, 2005 or sooner, under Section 5-181(j) of the Land Development Code to study waiver of educational impact fees.

57. DELEGATION: Gregory A. Rogers regarding request to amend the note on the John P. Rogers and Gregory A. Rogers Plat - **Commission District 4**, (023-MP-88).

ACTION: (T-10:08 AM) Approved subject to staff's recommendations.

58. DELEGATION: Susan P. Motley regarding request to place a note on the Sunrise Industrial Park Phase I Plat - **Commission District 5**, (035-MP-81).

ACTION: (T-10:08 AM) Approved subject to staff's recommendations.

59. DELEGATION: Edward P. Ploski regarding request to amend the note on the Village Marina Plat - **Commission District 7**, (037-MP-85). (Deferred from November 16, 2004).

ACTION: (T-10:13 AM) Deferred to February 1, 2005 or sooner, under Section 5-181(j) of the Land Development Code to study staff recommendations pertaining to the runway protection zone and compliance with the Land Use Plan. (Refer to minutes for full discussion.)

60. DELEGATION: Nectaria M. Chakas, representing the City of Fort Lauderdale, regarding request to amend the note on the Barefoot Mailman Plat - **Commission District 7**, (038-MP-91). (Deferred from December 14, 2004).

ACTION: (T-10:45 AM) Approved subject to staff's recommendations. (Refer to minutes for full discussion.)

61. DELEGATION: John D. Voigt regarding request to amend the note on the Main Street Plat - **Commission District 7**, (049-MP-85). (Deferred from September 28, 2004).

ACTION: (T-10:08 AM) Denied per staff's recommendations.

62. DELEGATION: Neal R. Kalis regarding request to amend the note on the Nova Plaza Addition Plat - **Commission District 7**, (177-MP-84).

ACTION: (T-10:08 AM) Approved subject to staff's recommendations.

63. DELEGATION: Charlie Jones regarding request to amend the note on the Strok Plat - **Commission District 9**, (058-MP-89).

ACTION: (T-10:08 AM) Approved subject to staff's recommendations.

64. DELEGATION: Karen A. Lynch, representing the School Board of Broward County, regarding request to amend the non-vehicular access line on the Country Lakes West Plat - **Commission District 8**, (047-MP-95).

ACTION: (T-10:08 AM) Deferred to August 16, 2005 or sooner, under Section 5-181(j) of the Land Development Code to study access.

END OF QUASI-JUDICIAL CONSENT HEARING

REGULAR AGENDA

PUBLIC HEARING

- 65. MOTION TO CONSIDER adoption of a Resolution 2005-20 amending the Administrative Code, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 35 BY AMENDING SECTION 35.20, "COPYING FEES," SUBSECTION a. 3., TO AMEND THE FEE FOR CERTIFIED COPIES OF INSTRUMENTS IN THE PUBLIC RECORDS; BY AMENDING SECTION 35.21, "DOMESTIC PARTNERSHIP REGISTRATION FEES," TO INCREASE THE FEES RELATED THERETO; CREATING A NEW SECTION 35.22, ENTITLED, "SERVICE CHARGE FOR RECORDING DOCUMENTS AND INSTRUMENTS," TO PROVIDE THAT THE COUNTY SHALL CHARGE FOR SERVICES RENDERED BY THE BROWARD COUNTY RECORDS DIVISION FOR THE RECORDING OF DOCUMENTS AND INSTRUMENTS AND IN PERFORMING THE DUTIES RELATED THERETO; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE BROWARD COUNTY ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-10:48 AM) Approved. (Refer to minutes for full discussion.)

END PUBLIC HEARING

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

PURCHASING DIVISION

For Public Works and Transportation Department

66. MOTION TO APPOINT Selection Committee (S/C) to recommend the most qualified firm to provide Construction Manager at Risk (CM@Risk) services for construction of a laboratory building for the Environmental Protection Department (EPD), and approve Request for Letters of Interest (RLI) No. 20041115-7-CM-01.

ACTION: (T-10:48 AM) Approved the following to serve on the Selection Committee (S/C): Director, Construction Management Division, Public Works and Transportation Department (Chair); Director, Environmental Protection Department, and Director, Parks and Recreation Division, Community Services Department. Plus, administrative support staff from the offices of the County Attorney, County Auditor, Equal Opportunity, Risk Management, Purchasing and the requesting agency.

67. MOTION TO APPOINT Selection/Committee (S/C) to recommend the most qualified firms to provide bids for three Neighborhood Improvement Projects, Central County Melrose Park NE Bid Package 10, North Central County Rock Island West Bid Package 3, and Broadview Park Bid Package 1, as Construction Manager at Risk Modified (CM@Risk Modified) for Water and Wastewater Engineering Division, and approve Request for Letters of Interest (RLI) No. 20041202-0-EVEE-01. **(Commission Districts 7 and 9)**

ACTION: (T-10:48 AM) Approved the following to serve on the Selection Committee (S/C): Commissioners: Eggelton, Rodstrom and Wexler; Director, Water and Wastewater Engineering Division, Department of Public Works and Transportation (Chair); Director, Project Management and Construction, Department of Public Works and Transportation, and Director, Department of Urban Planning and Redevelopment. Plus, administrative support from the offices of the County Attorney, County Auditor, Equal Opportunity, Risk Management, Purchasing and the requesting agency.

PORT EVERGLADES DEPARTMENT

68. MOTION TO APPOINT Staff Negotiation Committee to negotiate amendments to the Daily Passenger Cruise Wharfage Agreements with SeaEscape Entertainment, Inc., Florida Entertainment, LLC, and Discovery Cruise Services, Inc., and suspend the taking of any enforcement action/remedies (without prejudice) against the referenced Daily Cruise Operators under the terms and conditions of their respective agreements with Broward County.

ACTION: (T-10:49 AM) Approved, as amended, the following to serve on the Staff Negotiation Committee: The addition of Commissioner Eggelletion, Vice Mayor Graber and Commissioner Rodstrom. Port Director, Port Everglades Department; CFO and Director, Finance and Administrative Services Department, and Director, Office of Economic Development. Additional staff from the County Attorney's Office, County Auditor, Risk Management, and Port staff. (Refer to minutes for full discussion.)

COUNTY ATTORNEY

69. MOTION TO RATIFY third amendment to agreement between Broward County and Moskowitz, Mandell, Salim & Simowitz, P.A.

ACTION: (T-10:15 AM/11:00 AM) Approved. (Refer to minutes for full discussion.)

COUNTY ADMINISTRATION

70. MOTION TO APPROVE staff's recommended form agreement with the four pari-mutuel facilities in Broward County for the operation of slot machines in existing pari-mutuel facilities.

ACTION: (T-11:19 AM/2:31 PM) The Board agreed, in principle, to staff's recommended form agreement, as amended.

The Board gave the County Administrator and appropriate staff the authority to: 1) Require the County's collection of 2 percent on behalf of the cities until they have formulated their own agreements (Section 4.1.5). 2) Require a bond for the \$2.5 million guaranteed payments (Section 4.1.1) or liening their property for failure to pay (Section 4.1.4). 3) Require that equitable and comparable language be included in the agreement between Broward County and Miami-Dade (Miami-Dade "Me Too") (Section 9.16). 4) Allow staff to negotiate the difference in revenue between 1 percent and 1.5 percent of gross slot revenues for Broward County (Section 4.1.2). Staff will return before the Board, Tuesday, January 18, 2005 with the final agreement for the Board's consideration.

In addition, the Board directed staff to make the following amendments to the agreement: Regarding the issue of statute of limitations, to add a revival clause that in the event after the statute has run on all claims discussed, as each statute of limitations comes into play, if the County is sued and the statute has run, and it was properly raised as a defense in either a motion to dismiss, summary judgment or other legal document, that their obligation to indemnify for defense and damages revives to the extent of that particular case.

Change ballot language by adding: "Shall slot machines be authorized within "the four" existing, licensed pari-mutuel facilities in Broward County. . ."

The Board directed staff to have the County's outside counsel specializing in contract law review the agreement.

(Refer to minutes for full discussion.)

71. MOTION TO ADOPT Resolution providing for a Special Referendum Election to be held on March 8, 2005, for the purpose of determining whether slot machines shall be authorized at existing licensed pari-mutuel facilities located within Broward County as provided in Article X, Section 19, of the Florida Constitution.

ACTION: (T-4:02 PM) Deferred to Tuesday, January 18, 2005. The ballot language was amended as follows: "Shall slot machines be authorized within "the four" existing, licensed pari-mutuel facilities in Broward County . . ." (Refer to minutes for full discussion.)



72. A. MOTION TO APPROVE loan in the amount of \$3,600,000 to the Broward County Office of Housing Finance ("HFA"), from Broward County, for the purpose of enabling the HFA to loan this sum to Reliance-Andrews, LLC, for the acquisition of land, a portion of which is to be used for an affordable housing project.

ACTION: (T-11:01 AM) Approved. (Refer to minutes for full discussion.)

- B. MOTION TO APPROVE form of the following loan documents for the \$3,600,000 loan from Broward County for the HFA/Reliance-Andrews, LLC transaction: letter agreement between the County Administrator and the HFA; summary of terms; mortgage; promissory note; loan agreement; agreement not to encumber or transfer property; right of first refusal agreement; declaration of restrictive covenants; and escrow agreement.

ACTION: (T-11:01 AM) Approved. (Refer to minutes for full discussion.)

COUNTY COMMISSION

73. A. MOTION TO CONFIRM County Administrator's plan to allow employees to provide financial support for relief efforts associated with the Asian earthquake and Tsunami by allowing the cash out of accrued Annual Leave and the creation of a specific payroll deduction. (Mayor Jacobs)

ACTION: (T-11:02 AM) Approved.

ACTION: (T-11:16 AM) Reconsidered and approved, as amended, to allow Broward County employees to make a donation on the relief efforts associated with the Asian earthquake and tsunami and/or the Haiti flood victims. (Refer to minutes for full discussion.)

- B. MOTION TO APPROVE designation of the International Red Cross as the recipient of funds collected by the County for the Asian Earthquake and Tsunami relief effort.

ACTION: (T- 11:02 AM) Approved.

74. MOTION TO ADOPT Resolution 2005-21 directing the County Administrator to publish notice of Public Hearing to be held on Tuesday, January 25, 2005, at 2:00 p.m., in Room 422 of the Governmental Center to consider adoption of a Resolution the title of which is as follows: (Mayor Jacobs)

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING THE BROWARD COUNTY ADMINISTRATIVE CODE, CHAPTER 12, ORGANIZATION, COUNCILS, BOARDS, AND COMMITTEES, BY CREATING PART XXV, BROWARD COUNTY PLANNING COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE BROWARD COUNTY ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-11:02 AM) Approved. (Refer to minutes for full discussion.)

75.

MAYOR'S REPORT

➤ **STATUS REPORT – COUNTYWIDE LAND USE ISSUES**

ACTION: (T-4:08 PM) Mayor Jacobs presented the Board with a “draft” Status Report on Countywide Land Use Issues. She stated that significant progress has been made towards resolving the City/County land use issues that were debated during the '04 Legislative Session. Further, the Mayor advised the Board that a jointly-signed letter by Hazelle Rogers, President, Broward League of Cities and the Mayor, on behalf of the County Commission, dated January 11, 2005, will be sent to Tallahassee advising them of the progress between the County and the Cities. The Board agreed that a workshop is necessary to discuss issues of concern. The Mayor and Commissioner Lieberman thanked staff for all the time and efforts they have spent on the Countywide Land Use issues. (Refer to minutes for full discussion.)

76.

COUNTY COMMISSION LIAISON REPORT

➤ **UPDATE – MANAGEMENT AND EFFICIENCY STUDY COMMITTEE – COMMISSIONER LIEBERMAN**

ACTION: (T-4:35 PM) Commissioner Lieberman advised the Board that Wednesday, January 12, 2005, will be the last full meeting for some time. The group is now breaking into subcommittees. The MESC has met with all the constitutional officers and department directors and are addressing a list of items that will be studied in terms of areas for efficiency. Commissioner Lieberman stated that the meetings are open and anybody can attend. (Refer to minutes for full discussion.)

77.

COUNTY ADMINISTRATOR'S REPORT

ACTION: (T-4:32 PM) County Administrator Roger J. Desjarlais informed the Board there was nothing to report.

SUPPLEMENTAL AGENDA

COUNTY COMMISSION

78. MOTION TO APPROVE straw ballot referendum in the March, 2005 election for the residents of the unincorporated neighborhood of Broadview Park to vote their preference for annexation to the City of Plantation or the Town of Davie. (Commissioner Rodstrom)

ACTION: (T-10:08 AM) Approved. (Transferred to the Consent Agenda.)

COUNTY COMMISSION

79. MOTION TO APPROVE international travel to the Republic of South Africa for County Commissioner Josephus Eggleton, Jr. from January 27, 2005 through February 6, 2005. This mission seeks to promote increased international trade and investment between Florida's seaports, including Port Everglades, and the South African region. (Commissioner Eggleton)

ACTION: (T-4:07 PM) Approved. (Refer to minutes for full discussion.)

NON AGENDA

80. THANKED EVERYONE FOR SENDING LETTERS OF CONDOLENCE AND CARDS – COMMISSIONER EGGELLETION

ACTION: (T-4:33 PM) Commissioner Eggleton thanked the Board and everyone who sent letters of condolence and cards to him and his family on the death of his grandmother. (Refer to minutes for full discussion.)

81. CLARIFICATION ON BOARD ATTENDANCE – COUNTY ATTORNEY INTERVIEWS – FEBRUARY 8, 2005 – COMMISSION WEXLER

ACTION: (T-4:34 PM) Commissioner Wexler asked board members for clarification regarding full board member attendance at the County Attorney Interviews. The Mayor confirmed that all nine commissioners will attend the interviews on Tuesday, February 8, 2005. (Refer to minutes for full discussion.)

82. INVITATION TO ATTEND ARTSERVE – COMMISSIONER GUNZBURGER

ACTION: (T-4:34 PM) Commissioner Gunzburger invited everyone to attend a retrospective of the works of photograph artist Clyde Butcher, at ArtServe, Inc. Recently, the Broward Cultural Council sponsored “A Weekend with Clyde Butcher.” Commissioner Gunzburger commented that Mr. Butcher’s works are magnificent. Mr. Butcher has been commissioned for three photographs to be exhibited at a Fort Lauderdale-Hollywood International Airport terminal. (Refer to minutes for full discussion.)

83. UNDERGROUND POWER LINES – COMMISSIONER LIEBERMAN

ACTION: (T-4:36 PM) Commissioner Lieberman referred to a memorandum dated December 23, 2004, from Cynthia Chambers, director, Department of Urban Planning and Redevelopment, relating to the feasibility of requiring underground electrical lines in new development and redevelopment. Staff identified several options that the County could pursue. Commissioner Lieberman asked the board members if there was any objection to staff beginning the process. Mayor Jacobs asked to include the issue of placement of underground power lines during the redevelopment of roads. There was no objection. (Refer to minutes for full discussion.)

84. SOUTH FLORIDA PLANNING COUNCIL – LAND USE AMENDMENTS COMMISSION LIEBERMAN

ACTION: (T-4:37 PM) Commissioner Lieberman explained a situation at the last South Florida Planning Council meeting, where a Broward County land use amendment, which was a compilation of several city land use amendments, was to be adopted. Two of the land use amendments which generated the County’s land use amendment, were not adopted by the city. Commissioner Lieberman commented that when a city initiates a land use amendment, the County should not adopt the comparable County land use amendment to the city’s until the city has adopted its land use amendment. She asked staff to address the issue. (Refer to minutes for full discussion.)

85. UPDATE – MEDICAID/MENTAL HEALTH ISSUES – VICE MAYOR GRABER

ACTION: (T-4:39 PM) Vice Mayor Graber advised that he has recruited the help of Senator “Skip” Campbell and Representative Franklin Sands to create a bill to amend the Florida Statutes relating to MediPass to create a mental health component to the program. Further, Vice Mayor Graber commented that many prisoners have mental health problems and receive Medicaid benefits. When they are incarcerated, they lose their benefits. He asked staff to research the feasibility of adding language to the bill to exempt prisoners, who have mental health problems and who are on Medicaid, from losing their Medicaid benefits. Commissioner Wasserman-Rubin advised that she would like to work with the Vice Mayor on the issue.

She invited Vice Mayor Graber to attend the next Mental Health and Substance Abuse Coalition meeting. (Refer to minutes for full discussion.)

MEETING/WORKSHOP NOTICES

SELECTION/NEGOTIATION COMMITTEE

**Managing General Contractor Services
For Projects Under the Library Bond Program
(CM @ Risk – South Regional Library)
RLI No. 041700-RB / 1999 Library Bond Program
Tuesday, January 11th in Room 430 at 9:00 AM**

GOAL SETTING WORKSHOP

**MANGROVE HALL, ANN KOLB NATURE CENTER
(WEST LAKE PARK) 751 Sheridan Street, Hollywood, FL
Thursday, January 13th at 9:00 AM**