

## MEETING OF JANUARY 14, 2003

(The meeting convened at 10:00 a.m.; recessed at 1:05 p.m. and adjourned at 4:37 p.m.)

PLEDGE OF ALLEGIANCE was led by Broward County Commissioner James A. Scott in honor of his birthday.

### CALL TO ORDER

### CONSENT AGENDA

#### BOARD APPOINTMENTS

1. A. MOTION TO APPOINT Ms. Barbara Herrera-Hill to serve on the Broward County Planning Council. (Mayor Wasserman-Rubin)  
***ACTION: (Time-10:06 AM) Approved.***
- B. MOTION TO APPOINT Mr. Kenneth Thurston to serve on the Housing Finance Authority. (Mayor Wasserman-Rubin)  
***ACTION: (Time-10:06 AM) Approved.***
- C. MOTION TO APPROVE appointment of Roberta Fitzgibbons to the Alcohol and Drug Abuse Advisory Board. (Commissioner Gunzburger)  
***ACTION: (Time-10:06 AM) Approved.***
- D. MOTION TO APPOINT Levoyd Williams to the Consumer Protection Board. (Commissioner Eggelletion)  
***ACTION: (Time-10:06 AM) Approved.***
- E. MOTION TO APPOINT Daniel Austin to the Broward Regional Health Planning Council. (Commissioner Eggelletion)  
***ACTION: (Time-10:06 AM) Approved.***
- F. MOTION TO APPOINT Daniel T. Hobby to the Broward County Planning Council. (Commissioner Jacobs)  
***ACTION: (Time-10:06 AM) Approved.***

- G. MOTION TO APPOINT Larry Teich to the Brownsfield Redevelopment Taskforce. (Commissioner Jacobs)

***ACTION: (Time-10:06 AM) Approved.***

### **AVIATION DEPARTMENT**

2. MOTION TO TERMINATE rental car concession and lease at the Fort Lauderdale-Hollywood International Airport between Broward County, Florida and InterAmerican Car Rental, Inc., ("Agreement"), due to defaults; and authorize the Office of County Attorney to take all necessary actions in connection with such termination, including collection of all amounts due under the agreement, eviction proceedings, and all legal and other proceedings deemed necessary.

***ACTION: (Time-10:06 AM) Approved.***

3. A. MOTION TO APPROVE fifth amendment to the amended and restated agreement for news and retail merchandise concession between Broward County, Florida and Paradies-Fort Lauderdale, Inc., to modify the agreement to relinquish exclusive and non-exclusive news and retail rights for pre-screening locations in Concourse B and Concourse C, Terminal One, at the Fort Lauderdale-Hollywood International Airport ("Airport") and to delete these locations from the assigned areas, to be effective upon Board approval; and authorize the Mayor and Clerk to execute same.

***ACTION: (Time-10:06 AM) Approved.***

- B. MOTION TO APPROVE second amendment to the amended and restated agreement for the food and beverage concession between Broward County, Florida and CA One/Allen Food Service to modify the agreement to provide non-exclusive news and retail rights for pre-screening locations in Concourse B and Concourse C, Terminal One, at the Fort Lauderdale-Hollywood International Airport ("Airport"), and to add these locations to their assigned areas, to be effective upon Board approval; and authorize the Mayor and Clerk to execute same.

***ACTION: (Time-10:06 AM) Approved.***

**PUBLIC WORKS DEPARTMENT**

**OFFICE OF TRANSPORTATION**

**ENGINEERING DIVISION**

4. MOTION TO ADOPT Resolution 2003-31 amending the non-vehicular access line, securing the construction and completion of road improvements relating to the "Dye Two Plat" (039-UP-89). **(Commission District 7)**

***ACTION: (Time-10:06 AM) Approved.***

5. A. MOTION TO ADOPT Resolution 2003-32 accepting a warranty deed, at a nominal cost of \$10 to the County, executed by 2002 Coconut Creek Associates, LLC, for right-of-way for Lyons Road at the southwest corner of the intersection with Hillsboro Boulevard. **(Commission District 2)**

***ACTION: (Time-10:06 AM) Approved.***

- B. MOTION TO ADOPT Resolution 2003-33 accepting a warranty deed, at a nominal cost of \$10 to the County, executed by West Creek Commons, LTD, for right-of-way for Lyons Road (west side) located approximately 11 feet south of Hillsboro Boulevard. **(Commission District 2)**

***ACTION: (Time-10:06 AM) Approved.***

**FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT**

**ACCOUNTING DIVISION**

6. A. MOTION TO APPROVE fourth amendment to the agreement between Broward County and American Management Systems, Inc. for consultant services and application software for a financial management system in the amount not to exceed \$150,000 for the Finance and Administrative Services Department; and authorize the Mayor and Clerk to execute same.

***ACTION: (Time-10:06 AM) Approved.***

- B. MOTION TO ADOPT budget Resolution 2003-34 transferring \$150,000 from reserve within the General Capital Outlay Fund for the purpose of funding consultant services to perform a study of the migration of the County's base financial system.

***ACTION: (Time-10:06 AM) Approved.***

### **COUNTY RECORDS DIVISION**

7. A. MOTION TO APPROVE minutes of the 10:00 A.M. Board of Broward County Commission meetings of November 4, 2002; November 12, 2002; November 19, 2002; December 3, 2002; and the minutes of the 2:00 P.M. Public Hearing of November 12, 2002.

***ACTION: (Time-10:06 AM) Approved.***

- B. MOTION TO APPROVE FOR FILING supplemental papers pertaining to the plats and other items that were approved in prior years.

***ACTION: (Time-10:06 AM) Approved. See Page \*\*\*\*\****

### **PURCHASING DIVISION**

For Finance and Administrative Services Department

8. MOTION TO AWARD fixed contract to low responsive, responsible bidder for Items one and two, Florida Municipal Equipment, Inc., for vacuum sweepers, Bid No. CX02239FF, in the amount of \$524,901 for the Streets and Highways Division and the Aviation Department.

***ACTION: (Time-10:06 AM) Approved.***

For Port Everglades Department

9. MOTION TO AWARD fixed contract to low bidder, Newport Builders, Inc. for structural improvements to Building 28 at Port Everglades, Bid No. H-7-02-171-CF, in the total amount of \$365,000 for the Port Everglades Department subject to receipt and acceptance of the insurance/performance and payment guarantee; and authorize the Mayor and Clerk to execute same.

***ACTION: (Time-10:06 AM) Approved.***

For Public Works Department

10. MOTION TO APPROVE increase in the change order allowance from \$5,850 (5%) to \$18,135 (15.5%) of the original contract amount of \$117,000 for re-roofing the inmate shower rooms at the main jail, Contract No. N901218CF, with Weiss & Woolrich Southern Enterprises, for the Public Works Department. **(Commission District 7)**

***ACTION: (Time-10:06 AM) Approved.***

11. MOTION TO APPROVE Work Authorization No. GS0124 in accordance with the agreement approved by the Board on April 2, 2002, Item No. 11, between Broward County and Hazen and Sawyer, P.C., RLI No. 110800-RB, for the Office of Environmental Services (OES), for a lump sum amount of \$89,250 and a time period of 250 calendar days, to provide professional services for the outfall pump station rehabilitation; and authorize the Mayor and Clerk to execute same. (OES Project No. 8850) **(Commission District 2)**

***ACTION: (Time-10:06 AM) Approved.***

#### **RISK MANAGEMENT DIVISION**

12. MOTION TO AUTHORIZE full and final settlement of claim No. DNG/080400SMIT in the amount of \$70,000.

***ACTION: (Time-10:06 AM) Approved.***

#### **HUMAN SERVICES DEPARTMENT**

##### **CHILDREN SERVICES ADMINISTRATION DIVISION**

13. A. MOTION TO APPROVE agreement between Broward County and the Florida Council Against Sexual Violence, from date of execution through October 31, 2003 in the amount of \$5,000 for the purpose of hosting an educational sexual violence prevention awareness event; and authorize the Mayor and Clerk to execute same. The required in-kind match is provided through staff salaries.

***ACTION: (Time-10:06 AM) Approved.***

- B. MOTION TO ADOPT unanticipated revenue Resolution 2003-35 within the Children's Services Administration Division, Sexual Assault Treatment Center General Fund 0010-024-8400-4800, in the amount of \$5,000 for the purpose of hosting an educational sexual violence prevention awareness event.

***ACTION: (Time-10:06 AM) Approved.***

## **COMMUNITY SERVICES DEPARTMENT**

### **PARKS AND RECREATION DIVISION**

14. MOTION TO ADOPT Resolution 2003-36 of the Board of County Commissioners of Broward County, Florida, authorizing the acceptance of a donation of \$4,845 from the Boy Scouts of America, Pack No. 56/Troop No. 56, to the Friends of the Parks and Recreation Division Trust Fund for the use and benefit of C.B. Smith Park in appreciation for the assistance provided in the administration of the Haunted Town of Creepyville Halloween event held on October 24-31, 2002; and authorizing the County Administrator to take all administrative and budgetary actions to implement same.

***ACTION: (Time-10:06 AM) Approved.***

15. MOTION TO APPROVE Amendment 1 to project agreement between the Florida Department of Environmental Protection (DEP) and Broward County for the Riverland Woods Park Project Grant, Florida Recreation Development Assistance Program (FRDAP) project, to extend the project completion date from February 28, 2003, to February 28, 2004; authorizing the Mayor and Clerk to execute same. **(Commission District 7)**

***ACTION: (Time-10:06 AM) Approved.***

## **DEPARTMENT OF SAFETY AND EMERGENCY SERVICES**

### **MEDICAL EXAMINER AND TRAUMA SERVICES DIVISION**

16. MOTION TO APPROVE agreement between Broward County and Broward Community College from date of execution through November 30, 2003 in the amount of \$4,804 for the purchase of emergency medical services advanced life support testing and training equipment; and authorize the Mayor and Clerk to execute same. **(Commission District 5)**

***ACTION: (Time-10:06 AM) Approved.***

## PORT EVERGLADES DEPARTMENT

17. MOTION TO FILE with the Broward County Board of County Commissioners, the written evaluation criteria and procedures that Broward County's Port Everglades Department is prepared to follow as part of the open competitive selection and negotiation process to secure a Petroleum Terminal Operator.

***ACTION: (Time-10:06 AM) Approved, as amended. Evaluation Criteria - Item 3- Financial Strength to require the respondents to provide three (3) years of audited financial statements. Further, the County shall only consider respondents that provide audited statements. (As reflected in the memorandum dated January 14, 2003 from the Commission Auditor.)***

## COUNTY COMMISSION

18. MOTION TO FILE Resolution No. R2002-01 of the Broward County Municipal Services Advisory Board supporting the Broward County Commission's approval of the Fire Rescue Strategic Service Delivery Plan approved by the Commission on June 25, 2002, in furtherance of the consensus reached by the Regional Fire/EMS Task Force for the framework for enhancements to the Regional Fire Rescue Services Delivery System. (Mayor)

***ACTION: (Time-10:06 AM) Approved.***

19. MOTION TO FILE Resolution No. 2002-24 of the City of Hallandale Beach, Florida, urging the Broward County Commission to keep municipalities informed of all developments concerning the proposed expansion of the Fort Lauderdale-Hollywood International Airport, and to seek the input of impacted municipalities in planning the Airport expansion. (Mayor)

***ACTION: (Time-10:06 AM) Approved.***

20. MOTION TO FILE Resolution No. 2002-25 of the City of Hallandale Beach, Florida, urging the Florida Department of Transportation and its affiliated Regional Transportation agencies (RTO/RTA) to support and fund the expansion of the FEC Corridor to expand local and regional passenger service to meet the growing transit needs of Southeast Florida; requesting the placement of a multi-modal transit station within the City of Hallandale Beach. (Mayor)

***ACTION: (Time-10:06 AM) Approved.***

21. MOTION TO FILE Resolution No. R2002-227 of the City of Weston, Florida, supporting the Broward County Commission's approval of the Fire Rescue Strategic Service Delivery Plan, setting forth the framework for enhancements to the Regional Fire Rescue Services Delivery System. (Mayor)

***ACTION: (Time-10:06 AM) Approved.***

22. MOTION TO FILE Resolution No. 2002-232 of the City of Weston, Florida, opposing the proposed construction of a transit station and park-n-ride lot within the Arvida Parkway/I-75 Interchange. (Mayor)

***ACTION: (Time-10:06 AM) Approved.***

23. MOTION TO FILE Resolution No. 2002-431 of the City of Hollywood, Florida, appointing a representative to the Ad Hoc Annexation Committee's South Central Partnership Committee. (Mayor)

***ACTION: (Time-10:06 AM) Approved.***

#### **OFFICE OF PUBLIC AND GOVERNMENTAL RELATIONS**

24. MOTION TO APPROVE County's 2003 Federal Legislative Package for the first session of the 108<sup>th</sup> Congress.

***ACTION: (Time-10:06 AM) Approved.***

#### **REQUEST TO SET FOR PUBLIC HEARING**

25. MOTION TO ADOPT Resolution 2003-37 directing the County Administrator to publish a Notice of Public Hearing to be held on January 28, 2003 at 2:00 p.m. in Room 422 of the Governmental Center, amending Chapter 39, Broward County Administrative Code, "Fees and Other Charges, Aviation" amending Section 39.2, "Rates, Fees and Charges, Fort Lauderdale-Hollywood International Airport," to modify charges for Public Parking Facilities at Fort Lauderdale-Hollywood International Airport, providing for severability; providing for inclusion in the Administrative Code; and providing for an effective date.

***ACTION: (Time-10:09 AM) Approved. The Board directed staff to meet with USA Parking to reconcile the differences between BC Aviation staff and USA Parking staff's subsidizing analysis (memorandum dated January 13, 2003) for valet parking services and return before the Board with a recommendation. See Page \*\*\*\*\****

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**QUASI-JUDICIAL CONSENT HEARING**

**DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION**

**DEVELOPMENT MANAGEMENT DIVISION**

26. **DELEGATION**: Leigh R. Kerr, regarding request to amend the note on the Sunrise Industrial Park Parcels 9 and 25 Plat - **Commission District 3** , (078-MP-84). (Deferred from January 7, 2003 - Item No. 75)

***ACTION: (Time-10:06 AM) Approved subject to staff's recommendations.***

**END OF QUASI-JUDICIAL CONSENT HEARING**

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**REGULAR AGENDA**

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- 27. **COUNTY ADMINISTRATOR'S REPORT** County Administrator Roger J. Desjarlais informed the Board there was nothing to report.

***ACTION: (Time-10:23 AM) No Board action was taken.***

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**PUBLIC HEARING**

The following items have been scheduled for Public Hearing at 10:00 AM meeting.

**SAFE PARKS AND LAND PRESERVATION BOND PROGRAM**

- 28. **MOTION TO CONTINUE** Public Hearing to consider the contract for sale and purchase between Genevieve Niemic and Broward County, in the amount of \$1,200,000 for the purchase of 7.25 acres (315,810 square feet) of conservation land known as Site 137 in the Broward County Land Preservation Inventory, located at 510 SW 49<sup>th</sup> Street, fronting along the west side of SW 25<sup>th</sup> Avenue, approximately 600 feet south of Griffin Road, City of Dania Beach, Florida, to February 11, 2003. (Deferred from January 7, 2003 - Item No. 80) **(Commission District 7)**

***ACTION: (Time-10:24 AM) Approved.***

- 29. **MOTION TO APPROVE** contract for sale and purchase between Trust Properties LLC, a Florida Limited Liabilities Corporation, Double D. Properties Corporation, a Florida Corporation and Broward County, in the amount of \$499,999 for purchase of real property known as Site OS-70.1 (.94 acres of land with six apartment buildings containing a total of 26 apartment units) in the Broward County Land Preservation Inventory, and located at 2820, 2821, 2823, 2824 & 2825 NW 11<sup>th</sup> Street, unincorporated Broward County; authorize Real Property Section to acquire these parcels using GOB Safe Parks and Land Preservation funds; authorize Mayor and Clerk to execute contract for sale and purchase; and authorize acceptance and recordation of deed. **(Commission District 9)**

***ACTION: (Time-10:25 AM) Approved with the inclusion of public comments with respect to the reasons and necessity to have a park in their community, in addition to the County Commission's justification for paying ten percent above the property's appraised value. See Page \*\*\*\*\****

**END OF PUBLIC HEARING**

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**FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT**

**PURCHASING DIVISION**

For Human Services Department

- 30. A. MOTION TO APPROVE inter-agency agreement between Workforce One Council of Elected Officials and Broward County in the amount of \$148,000 for the purpose of providing funding for enhancements to the Broward Information Network (BIN) project, starting on date of execution through June 30, 2003 for the Human Services Department; and authorize the Mayor and Clerk to execute same.

***ACTION: (Time-10:48 AM) Approved. The Board directed staff to provide an update on the project. See Page \*\*\*\*\****

- B. MOTION TO ADOPT unanticipated revenue Resolution 2003-38 within the Feasibility Study - Human Services Fund (8910) in the amount of \$148,000 for the purpose of providing enhancements to the BIN project.

***ACTION: (Time-10:48 AM) Approved. The Board directed staff to provide an update on the project. See Page \*\*\*\*\****

- C. MOTION TO APPROVE fixed contract to sole source Radiant Systems, Inc. for information technology consulting services to provide enhancements to the BIN project, State of Florida Contract 973-507-02-1, for the maximum amount not to exceed \$90,830.50, for an estimated total of \$242,830.50, including work done to date for the Human Services Department.

***ACTION: (Time-10:48 AM) Approved. The Board directed staff to provide an update on the project. See Page \*\*\*\*\****

## SUPERVISOR OF ELECTIONS

31. MOTION TO APPROVE recommendation of the Supervisor of Elections amending the voting precincts which were approved on July 9, 2002, and amended on August 13, 2002, renaming precincts, adjusting precinct boundaries and creating new precincts for voting in Broward County as submitted in Exhibit A.

***ACTION: (Time-10:49 AM) Approved, as amended. The Board requested that the Supervisor of Elections respond in writing to the Board of County Commissioners before the end of the week that she intends to post signs at the old polling places directing the voters to the new polling places wherever a precinct has been changed. Further, that all of new voter registration cards with the change and location of their voting place will be in the mail by Friday, January 17, 2003 by 5:00 p.m. See Page \*\*\*\*\****

## COUNTY COMMISSION

32. MOTION TO DISCUSS inter-local agreement between Broward County and the Supervisor of Elections for management of the elections process. (Commissioner Graber)

***ACTION: (Time-11:10 AM) The motion to discuss was withdrawn at the request of Commissioner Graber.***

***The Board directed the County Attorney's Office to research all available legal remedies and avenues, in conjunction with other governmental agencies, to maintain the security, safety and integrity of the County's election process and return before the board with recommendations prior to the Tuesday, January 21, 2003 Commission workshop with the Supervisor of Elections. See Page \*\*\*\*\****

33. MOTION TO DIRECT County Attorney to take all actions necessary to amend and/or revise the Broward County Charter and to prepare referendum questions to determine whether the general electorate is in favor of abolishing the four constitutional offices which presently exist in Broward County, and transferring all of the responsibilities and duties for each office to an elected position under the Broward County Charter. (Vice-Mayor Ilene Lieberman) (Deferred from January 7, 2003 - Item No. 85)

***ACTION: (Time-12:30 PM) Motion failed. See Page \*\*\*\*\****

34. DISCUSSION: Whether to designate the beach and the Intracoastal as Environmentally Sensitive Lands (ESL). (Commissioner Parrish) (Deferred from January 7, 2003 - Item No. 84)

***ACTION: (Time-12:52 PM) The Board requested that the County Attorney's Office and the Broward County Planning Council conduct a complete study to determine how to best handle the determination of flex whether it be to designate the beach and the Intracoastal as Environmentally Sensitive Lands (ESL) and/or a Local Area of Particular Concern (LAPC). Also: 1) That the Intracoastal waterway will stretch from bank to bank. 2) Submerged lands and public roadways should not be allowed to be counted for density. 3) With respect to redevelopment, no longer include development rights for streets. 4) With respect to urban infill, explore how the fast tract DRI process can be utilized to direct development towards a more holistic pattern. 5) With respect to urban infill on the barrier island, determinations of flex units for municipalities should return before the County for Board consideration.***

***See Page \*\*\*\*\****

35. MOTION TO FILE Resolution adopted by the Broward County Human Rights Board presenting a model Resolution to be adopted by the Board of County Commissioners affirming the civil rights of all Broward County citizens. (Mayor)

***ACTION: (Time-1:05 PM) Tabled to the conclusion of the 2:00 p.m. public hearing.***

***ACTION: (Time-2:10 PM) Deferred to Tuesday, January 21, 2003, time certain.***

***See Page \*\*\*\*\****

36. MOTION TO DIRECT County Attorney to draft an Ordinance that complies with new legislation allowing local governments to obtain state and national criminal history information about certain employees/vendors from the Florida Department of Law Enforcement. (Commissioner Parrish)

***ACTION: (Time-1:05 PM) Tabled to the conclusion of the 2:00 p.m. public hearing.***

***ACTION: (Time-4:11 PM) Approved. See Page \*\*\*\*\****

37.

MAYOR'S REPORT

**ACTION: (Time-1:05 PM) Tabled to the conclusion of the 2:00 p.m. public hearing.**

**ACTION: (Time-4:11 PM) The Mayor requested that Board members coordinate with her staff to schedule the Commission Goal Setting Workshop. See Page \*\*\*\*\***

38.

COUNTY COMMISSION LIAISON REPORTS

**ACTION: (Time-1:05 PM) Tabled to the conclusion of the 2:00 p.m. public hearing.**

**ACTION: (Time-4:19 PM) Commissioner Scott informed the Board of a meeting that took place in Tallahassee concerning State budget cuts and their effect upon Broward County. See Page \*\*\*\*\***

**County Administrator Roger J. Desjarlais informed the Board that the County's principle lobbyist Tony Carvalho will be visiting the County and will meet with staff to discuss the State budget cuts and issues.**

**In addition, on Friday, January 10, 2003, Mr. Desjarlais traveled to Orlando and met with the Charter county managers throughout the State of Florida. The group identified the top three (3) issues for the Charter Counties in the state that are of legislative concern by using a matrix. The top three issues identified are: 1) Article V costs. 2) Medicaid cost shifting. 3) Other cost shifting relative to revenue sharing with the state. Each Charter manager will report back to their respective county commissions to adopt a common philosophy of what are the Charter counties' common issues so the counties can apply their collective resources to those issues. Mr. Desjarlais will continue to participate with the group and keep the board apprised as necessary. See Page \*\*\*\*\***

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**NON AGENDA**

39. HOMES FOR TREES - COMMISSIONER JACOBS

***ACTION: (Time-4:28 PM) Commissioner Jacobs informed the Board that the Water Management District, through land purchases, just acquired some nurseries with approximately 80,000 trees that need new homes. See Page\*\*\*\*\****

40. FIRST RESPONDER MONEY - COMMISSIONER GUNZBURGER

***ACTION: (Time-4:31 PM) Commissioner Gunzburger informed the Board about a letter received from the Florida League of Cities concerning First Responder Money. Commissioner Gunzburger felt the Commission should be involved, so if another disaster strikes, Broward County will be reimbursed by the Federal Government. See Page\*\*\*\*\****

41. NORTH CENTRAL PARTNERSHIP COMMITTEE - VICE MAYOR LIEBERMAN

***ACTION: (Time-4:32 PM) Vice Mayor Lieberman brought up the lack of interest in attracting attention for participation in the Partnership Committee. See Page\*\*\*\*\****

42. PROPERTY APPRAISER PERMISSION TO PETITION THE DEPARTMENT OF REVENUE FOR PERMISSION TO SUE THE BROWARD COUNTY VALUE ADJUSTMENT BOARD (VAB) - VICE MAYOR LIEBERMAN

***ACTION: (Time-4:34 PM) Vice Mayor Lieberman informed the Board about a letter received from the Property Appraiser's Office requesting permission to petition the Department of Revenue for permission to sue the Broward VAB with respect to decisions on Agricultural Exemptions. The Board directed the County Attorney to review the matter and send a letter showing the County Commission's support for the VAB. See Page\*\*\*\*\****

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**MEETING/WORKSHOP REMINDER**

**SELECTION/NEGOTIATION COMMITTEE**  
**NATURAL GAS TRANSMISSION EASEMENT**  
**RLI No.062601-RB**

Tuesday, January 14<sup>th</sup> at 9:00 AM, in Room 430

**PUBLIC PARKING MANAGEMENT RFP COMMITTEE**

Tuesday, January 14<sup>th</sup> at 9:30 AM, in Room 430