

## **MEETING OF JANUARY 15, 2002**

(The meeting convened at 10:00 a.m. and adjourned at 10:46 a.m.; reconvened at 4:02 p.m. and adjourned at 4:19 p.m.)

PLEDGE OF ALLEGIANCE was led by Mr. Bill Keith, Keith & Associates, Inc.

### **CALL TO ORDER**

### **CONSENT AGENDA**

#### **1. BOARD APPOINTMENTS**

A. MOTION TO APPROVE appointment of Guy Roper to the Parks and Recreation Advisory Board. Mr. Roper replaces Mr. Stacy Giuliani. (Commissioner Gunzburger)

***ACTION: (Time-10:05 AM) Approved.***

B. MOTION TO APPROVE appointment of Jennifer L. Gottlieb to the Charter Review Commission. Ms. Gottlieb replaces Bobbi Grace who resigned. (Commissioner Gunzburger)

***ACTION: (Time-10:05 AM) Approved.***

### **AVIATION DEPARTMENT**

2. MOTION TO APPROVE Off-Airport Parking Operators Permit (“OFFPRK”) at the Fort Lauderdale-Hollywood International Airport between Broward County, Florida and Air & Sea Rent A Car, Inc., d/b/a/ Florida Auto Rental (“Air & Sea”) effective upon execution by both parties, and authorize the Chair and Clerk to execute same.

***ACTION: (Time-10:05 AM) Approved, as amended. Change “during the term of this Permit” to: annually.***

### **FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT**

#### **ACCOUNTING DIVISION**

3. MOTION TO ADOPT Resolution 2002-30 of the Board of County Commissioners of Broward County, Florida, relating to the Deferred Compensation Program for Broward County, amending the Master Deferred Compensation Plan, providing for severability, and providing for an effective date.

***ACTION: (Time-10:05 AM) Approved, as amended.***

4. MOTION TO APPROVE travel for County employees on the attached list, in accordance with Administrative Code Chapter 3, Part II - County Employee Travel.

***ACTION: (Time-10:05 AM) Approved.***

#### **HUMAN RESOURCES DIVISION**

5. MOTION TO APPROVE interlocal agreement between Broward County and the Tri-City Commuter Rail Authority (“Tri-Rail”) for Broward County to perform a Classification and Compensation Study for Tri-Rail, and authorize the Chair and Clerk to execute same.

***ACTION: (Time-10:05 AM) Approved.***

### **PURCHASING DIVISION**

For Public Works

6. MOTION TO APPROVE agreement between Broward County and Saltz Michelson Architects, Inc. for general professional architectural and engineering consultant services for Vertical Construction Projects (RLI 031401-RB) providing that all work authorizations issued pursuant to this agreement shall not exceed \$500,000 on an annual fiscal year basis and that the term of this agreement shall begin upon execution by the County and end on the one year anniversary of that date, with provision that the Purchasing Director may extend the term of this agreement for two additional one-year terms, and authorize the Chair and Clerk to execute same.

***ACTION: (Time-10:05 AM) Approved.***

### **COMMUNITY SERVICES DEPARTMENT**

#### **ANIMAL CARE AND REGULATION DIVISION**

7. MOTION TO APPROVE agreement between Broward County and Gordon E. Schnap to perform hearing officer services for the Animal Care & Regulation Division to handle citation appeals and other animal care matters, at a cost of \$90 per hour effective upon execution to September 30, 2005, and authorize the Chair and Clerk to execute same.

***ACTION: (Time-10:06 AM) Deferred to Tuesday, January 22, 2002 for further review at the request of Commissioner Jacobs. See Page \*\*\*\*\****

8. MOTION TO APPROVE agreement between Broward County and Feline Rescue, Inc., for placement of stray cats impounded by the Broward County Animal Care & Regulation Division, at no cost to the County, and to provide license tags at a cost of \$1.00 per tag for Feline Rescue, Inc.’s adoption program effective upon execution to September 30, 2004; and authorize the Chair and Clerk to execute same.

***ACTION: (Time-10:05 AM) Approved.***

### **PORT EVERGLADES DEPARTMENT**

9. MOTION TO APPROVE one-year lease agreement between Broward County and Steven Madden Ltd., Co., for 21,636 square feet of warehouse space and 2,062 square feet of office space in Building “A” Annex of Foreign Trade Zone No. 25 at Port Everglades, for the period of February 1, 2002 through January 31, 2003, with annual rent in the amount of \$193,733.16, and authorize the Chair and Clerk to execute same.

***ACTION: (Time-10:05 AM) Approved.***

10. MOTION TO APPROVE one-year lease agreement between Broward County and J.P. Reynolds

Co., Inc., for Suite No. 401 in the Port Administration Building at Port Everglades, consisting of 2,880 square feet of office space, effective February 1, 2002 through January 31, 2003, with rent in the amount of \$67,271.64, over the lease term, and authorize the Chair and Clerk to execute same.

***ACTION: (Time-10:05 AM) Approved.***

#### **COMMISSION AUDITOR**

11. MOTION TO APPROVE Commission Auditor travel to Raleigh, North Carolina to attend the Southeastern Intergovernmental Audit Forum (SEIAF), January 30, 2002 - February 1, 2002.

***ACTION: (Time-10:05 AM) Approved.***

#### **COUNTY COMMISSION**

12. MOTION TO FILE Resolution No. 2001-203 of the City of Coconut Creek, urging Broward County to provide buffering to existing residential properties adjacent to the Wiles Road alignment; and expressing concern related to the future construction of the Wiles Road extension. (Chair)

***ACTION: (Time-10:07 AM) Approved. County staff will work with Commissioner Jacobs, in conjunction with the City of Coconut Creek, to mitigate the impacts on the neighborhood and surrounding area due to the construction of the Wiles Road extension. See Page \*\*\*\*\****

13. MOTION TO FILE Resolution of the Broward County Human Rights Board expressing their lack of confidence in the conduct and performance of the attorney for the Broward County Human Rights Division and requesting the removal of Fred Behul as the attorney for the Division. (Chair)

***ACTION: (Time-10:05 AM) Approved.***

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

14. MOTION TO ADOPT Resolution 2002-31 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, February 12, 2001 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 ARTICLE X, CHAPTER 39 OF THE BROWARD COUNTY CODE OF ORDINANCES, "BROWARD COUNTY ZONING CODE," AMENDING SECTION 39-138, "PRE-ASSESSMENT AND SPECIAL ASSESSMENT HEARINGS RELATING TO LAND CLEARANCE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

***ACTION: (Time-10:05 AM) Approved.***

15. MOTION TO ADOPT Resolution 2002-32 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, February 12, 2002 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 CHAPTER 8½ OF THE BROWARD COUNTY CODE OF ORDINANCES; AMENDING SECTION 8½-5 AND SECTION 8½-9 DEFINITIONS TO ADD SOLID WASTE COMPLIANCE ASSISTANT TO THE DEFINITION OF CODE INSPECTOR; AMENDING SECTION 8½-16, SCHEDULE OF CIVIL PENALTIES, ADDING PENALTIES FOR VIOLATIONS OF VARIOUS SECTIONS OF CHAPTER 14; AMENDING SECTION 14-67(b), SANITARY NUISANCE, ADDING A PROVISION THAT FAILURE OF RESIDENTIAL UNITS TO HAVE DOCUMENTED SOLID WASTE SERVICES AND TO PAY FOR SUCH SERVICES IS A SANITARY NUISANCE; AMENDING SECTION 14-70, ENFORCEMENT, PROVIDING THAT A CODE INSPECTOR MAY ENFORCE VIOLATIONS OF THE SANITARY NUISANCE PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

***ACTION: (Time-10:05 AM) Approved.***

16. MOTION TO ADOPT Resolution 2002-33 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, February 12, 2002 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 CHAPTER 39 OF THE BROWARD COUNTY CODE OF ORDINANCES (ZONING CODE); ARTICLE XVII, "COMMERCIAL DISTRICTS"; AMENDING SECTION 39-300 (s), "MOBILE FOOD UNITS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Commissioner Josephus Eggelletion, Jr.)

***ACTION: (Time-10:05 AM) Approved substitute motion: MOTION TO ADOPT Resolution directing the County Administrator to publish Notice of Public hearing to be held on Tuesday, February 12, 2002, at 2:00 p.m. and Tuesday, February 26, 2002, 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 CHAPTER 39 OF THE BROWARD COUNTY CODE OF ORDINANCES (ZONING CODE); ARTICLE XVII, "COMMERCIAL DISTRICTS"; AMENDING SECTION 39-300(s), "MOBILE FOOD UNITS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Commissioner Josephus Eggelletion, Jr.)***

17. MOTION TO ADOPT Resolution 2002-34 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, February 12, 2002 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 CHAPTER 9, ARTICLE IV, GENERAL AND SPECIALTY BUILDING CONTRACTORS, SUBSECTIONS 9-75(k)-(m), "LIMITED SPECIALTY BUILDING CONTRACTOR CATEGORIES" RELATING TO SWIMMING POOLS; AMENDING ARTICLE IV, SUBSECTIONS 9-76(b), (g) and (h), "SPECIALTY MASONRY CATEGORIES" RELATING TO CONCRETE PLACING, TILE AND MARBLE AND INTERLOCKING BRICK PAVERS;

AMENDING ARTICLE V, ENGINEERED CONSTRUCTION CONTRACTORS, SUBSECTIONS 9-96(c) AND (g), "SPECIALTY ENGINEERED PAVING BUILDERS," RELATING TO CLASS "C" CONCRETE PAVING CONTRACTORS AND CLASS "G" INTERLOCKING BRICK PAVER CONTRACTORS; AMENDING ARTICLE VIII, UNCERTIFIED CONTRACTORS, SUBSECTION 9-122(n), "HEARINGS; HEARING OFFICERS," INCREASING THE AMOUNT OF THE CIVIL PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

***ACTION: (Time-10:05 AM) Approved.***

18. MOTION TO ADOPT Resolution 2002-35 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, February 12, 2002 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 CHAPTER 39 OF THE BROWARD COUNTY CODE OF ORDINANCES, "BROWARD COUNTY ZONING CODE"; AMENDING SECTION 39-4, "TERMS DEFINED," ADDING A DEFINITION OF CLEAN DEBRIS AND FILL MATERIAL; AMENDING SECTION 39-108(a), "FILLING OPERATIONS AND STORAGE OF FILL MATERIALS," PROVIDING THAT THE STORAGE OF FILL MATERIALS WITHIN 1,000 FEET OF AN OCCUPIED RESIDENCE CANNOT EXCEED THIRTY (30) CONSECUTIVE DAYS AND PROVIDING FOR A BUFFER IF FILL MATERIALS CANNOT BE PLACED AT A DISTANCE OF GREATER THAN 1,000 FEET; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Commissioner Ilene Lieberman)

***ACTION: (Time-10:05 AM) Approved. Amendments submitted will travel with the proposed Ordinance and shall be considered at the public hearing.***

**DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION**

**BIOLOGICAL RESOURCES DIVISION**

19. MOTION TO ACCEPT Conservation Easement from the Silverlakes Community Association, Inc. for preservation of a mitigation area of approximately 13.87 acres of real property in the City of Pembroke Pines. **(Commission District 8)**

***ACTION: (Time-10:05 AM) Approved.***

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**QUASI-JUDICIAL CONSENT HEARING**

**DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION**

**DEVELOPMENT MANAGEMENT DIVISION**

20. DISCUSSION: of plat entitled “Rock Lake Plat “ - **Commission District 2**, 049-MP-00. (Deferred from December 11, 2001.)

***ACTION: (Time-10:05 AM) Approved the plat subject to staff’s recommendations as outlined in the Development Review Report.***

**END OF QUASI-JUDICIAL CONSENT HEARING**

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**REGULAR AGENDA**

21. **COUNTY ADMINISTRATOR’S REPORT** County Administrator Roger J. Desjarlais introduced Mr. William Sherry, Director, Broward County Aviation Department, who proceeded to give the Board an update on airport security measures as it relates to trimming long lines while processing passengers through security checkpoints at the Fort Lauderdale-Hollywood International Airport.

þ UPDATE: Department of Aviation

***ACTION: (Time-10:13 AM) Staff requested that the Board approve item 22 of this day’s meeting in its entirety. See Page \*\*\*\*\****

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**AVIATION DEPARTMENT**

22. A. MOTION TO DECLARE emergency under the Aviation and Transportation Security Act and pursuant to Section 287.055 (10)(c)6., Florida Statute (FS), Emergency Design Build Procurement, to enhance security and improve customer service for processing passengers at the Fort Lauderdale-Hollywood International Airport (FLL).

***ACTION: (Time-10:27 AM) Approved. See Page \*\*\*\*\****

B. MOTION TO WAIVE Broward County Procurement Code under this emergency condition to permit the Aviation Director to select the best design/build contractor available and establish a negotiation committee of staff appointed by the Aviation Director to negotiate the design/build contract for approval by the Board of County Commissioners in an amount not to exceed \$2,870,000.

**ACTION: (Time-10:27 AM) Approved. See Page \*\*\*\*\***

C. MOTION TO APPROVE Work Authorization No. 02-1-4, in the amount of \$130,000 for Williams Hatfield and Stoner (WHS) to complete the design criteria package for the expansion of the concourse throats to accommodate additional security checkpoint equipment in Terminal 3, Concourses E and F, and Terminal 4, Concourse H, with optional services for the remodeling of Terminal 1, Concourse C and Terminal 2, Concourse D to add security checkpoints.

**ACTION: (Time-10:27 AM) Approved. See Page \*\*\*\*\***

D. MOTION TO ADOPT budget resolution 2002-36 transferring within the Aviation Discretionary Capital Outlay Fund the amount of \$3,000,000 from the Aviation Easement project for the purpose of providing funding for the widening of concourse throats for additional security checkpoints and optional services to remodel Concourse C in Terminal 1 and Concourse D in Terminal 2 to add checkpoints.

**ACTION: (Time-10:27 AM) Approved. See Page \*\*\*\*\***

**OFFICE OF PUBLIC AND GOVERNMENTAL RELATIONS**

23. DISCUSSION: Legislative issues - 2002 Legislative Session.

A. MOTION TO DIRECT staff to add the Sheriff's Legislative Agenda to Broward County's 2002 Legislative Package. (Commissioner Lieberman)

**ACTION: (Time-10:29 AM) Approved. See Page \*\*\*\*\***

B. FLORIDA ASSOCIATION OF COUNTIES 2002 Joint Legislative Platform.

**ACTION: (Time-10:30 AM) Staff will place an item on the Tuesday, January 22, 2002 agenda for the County Commission to consider whether to include the 2002 Joint Legislative Platform for local governments, as presented by the executive officers of the Florida Association of Counties, Florida League of Cities, Inc., and the Florida School Board, to the Broward County 2002 Legislative package.**

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

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**MEETING REMINDER**

**WORKSHOP: FIRE STUDY**

Tuesday, January 15, 2002 at 2:00 p.m. in Room 422.

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**SUPPLEMENTAL AGENDA**

**COUNTY COMMISSION**

24. MOTION TO FILE Resolution No. 9483 of the City of Margate, encouraging Broward County to conduct a more comprehensive air quality analysis to improve quality of life and public health standards in Broward County. (Chair)

***ACTION: (Time-10:05 AM) Approved. (Moved to the Consent Agenda.)***

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**QUASI-JUDICIAL HEARING**

Please be advised that the following items on the Commission’s agenda are quasi-judicial in nature. If you wish to object or comment upon these items, please indicate the item number you would like to address when the announcement regarding the quasi-judicial item is made. All witnesses who will testify on any quasi-judicial item will be sworn. Participants who are members of the general public need not be sworn and will not be subject to cross examination if they are not sworn. The Commission shall not assign unsworn testimony the same weight or credibility as sworn testimony in its deliberations.

25. DISCUSSION: of plat entitled “Charleston Oaks” - **Commission District 5**, 061-MP-01. (Deferred from January 8, 2002 - Item No. 53) (Chair)

***ACTION: (Time-10:05 AM) Approved the plat subject to staff’s recommendations as outlined in the Development Review Report. (Moved to the Consent Agenda.)***

**END OF QUASI-JUDICIAL HEARING**

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**NON AGENDA**

26. PARATRANSIT COMPLAINTS - ACCELERATE MYSTERY RIDER TRIPS - COMMISSIONER LIEBERMAN

***ACTION: (Time-10:31 AM) Staff was directed to accelerate the mystery rider trips for paratransit providers, specifically, two (2) providers that constituents filed complaints against to Commissioner Lieberman regarding poor service.***

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

27. FEDERAL GOVERNMENT - RELAXED ENVIRONMENTAL RULES - COMMISSIONER GUNZBURGER

***ACTION: (Time-10:32 AM) Staff was directed to draft a letter from the Chair, signed by all nine (9) County Commissioners, to the Broward Delegation in Washington, D.C. and the Ferguson Group, expressing the Commission's concerns that the U.S. government is changing environmental rules initiated during the past Administration (drilling in Big Cypress, mitigation for wetland fill in) and direct the lobbyists to work to change the new rules.***

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

28. NEWS ARTICLE - FLORIDA POWER & LIGHT COMPANY - NEGATIVE IMPACT TO HAMMOCK TREE CANOPY - INSTALLATION OF NEW POWER LINES - COLEE HAMMOCK & VICTORIA PARK NEIGHBORHOODS - COMMISSIONER JACOBS

***ACTION: (Time-10:34 AM/4:02 PM) Ms. Lynn Shatas, Governmental Liaison for Florida Power & Light Company, assured the County Commission that she would work with the representatives from the Colee Hammock and Victoria Park Homeowners Associations to find a resolution to the issue of tree trimming/removal, specifically, preservation of mature tree canopy in the area, including investigating the feasibility of underground power lines, as it relates to the installation of new power lines in the area.***

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

29. GIFTS FOR COMMISSIONERS RODSTROM AND SCOTT - THE CHAIR

***ACTION: (Time-10:36 AM) The Chair presented Commissioners Rodstrom (current district commissioner for the area) and Scott (future district commissioner following redistricting) with tokens from the groundbreaking for The St. Regis Hotel and Residences, Fort Lauderdale, Florida. The St. Regis Hotel is the first five star hotel in Fort Lauderdale.***

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

30. COMMENDED STAFF - BROWARD COUNTY'S ANNUAL REPORT - THE CHAIR

***ACTION: (Time-10:38 AM) The Chair commended staff for the great job they did in producing Broward County's Annual Report "The Many Faces of Broward" by featuring County employees (non-traditional role models) on the cover page. See Page \*\*\*\*\****

31. SCHEDULE COMMISSIONERS VISITING TALLAHASSEE DURING LEGISLATIVE SESSION - THE CHAIR

***ACTION: (Time-10:39 AM) The Chair confirmed the dates Commissioners will be visiting Tallahassee during the 2002 Legislative Session.***

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

32. DISCUSSION - COUNTY COMMISSION OFFICE BUDGETS - COUNTY ADMINISTRATOR

***ACTION: (Time-10:44 AM) Staff will place an item on an upcoming Commission agenda. See Page \*\*\*\*\****

**33. BROWARD LEGISLATIVE DELEGATION LUNCHEON - SPONSORED BY BROWARD COUNTY - FEBRUARY 20, 2002 - TALLAHASSEE AND BROWARD DAYS TALLAHASSEE - THE CHAIR**

***ACTION: (Time-10:45 AM) The Chair requested that any Commissioner attending the luncheon and Broward Days Tallahassee coordinate their plans with the County Administrator and appropriate staff. See Page \*\*\*\*\****

**34. LAST QUARTER TRAVEL REPORT - THE CHAIR**

***ACTION: (Time-10:45 AM) The Chair copied each Commissioner the last quarter's travel report, specifically trips to Tallahassee, for tracking purposes. The report was forwarded to Attorney General Bob Butterworth.***

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

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