

MEETING OF JANUARY 15, 2008

(Meeting convened at 10:14 a.m., and recessed at 12:46 p.m.; reconvened at 2:49 p.m., and adjourned at 5:52.

PLEDGE OF ALLEGIANCE was led by Commissioner Wasserman-Rubin.

MOMENT OF SILENCE

In memory of Robert Serge, father-in-law of Commissioner Rodstrom.

In memory of James V. Newton, father of County Attorney Jeffrey Newton.

In memory of all men and women of the armed forces who are serving in the Middle East, for their safe return and well wishes for their families.

CALL TO ORDER: Mayor Wexler called the meeting to order and declared a quorum present.

<u>COMMISSIONER</u>	<u>DISTRICT</u>	<u>ATTENDANCE</u>
Josephus Eggelletion, Jr.	9	Not Present
Sue Gunzburger	6	Present
Kristin D. Jacobs	2	Present
Ken Keechl	4	Present
Ilene Lieberman	1	Present
Stacy Ritter	3	Present
John E. Rodstrom, Jr.	7	Present
Diana Wasserman-Rubin	8	Present
Lois Wexler	5	Present

CONSENT AGENDA

A motion was made by Commissioner Lieberman, seconded by Commissioner Keechl, and unanimously carried to approve the Consent Agenda consisting of Items 1 through 39. At the request of the Mayor, Regular Agenda items, 45, 46, 53, & Supplemental Item 57 were transferred to the Consent Agenda.

The following items were pulled by Board members and considered separately: 21 & 30.

The following item was pulled by a member of the public and considered separately: 5.

The following items were withdrawn/deferred: 15, 31, 33 & 43.



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

BOARD APPOINTMENTS

1. A. MOTION TO APPOINT Fire Marshal Steve Kastner to the Board of Rules and Appeals. (Commissioner Keechl)

ACTION: (T-10:31 AM) Approved.

- B. MOTION TO APPOINT Paul Hyman to the Diversity Advisory Council. (Commissioner Keechl)

ACTION: (T-10:31 AM) Approved.

- C. MOTION TO APPOINT Thomas E. Runyan, Jr. to the Diversity Advisory Council. (Commissioner Keechl)

ACTION: (T-10:31 AM) Approved.

- D. MOTION TO APPOINT Comi Neuburg to the Broward Cultural Council. (Commissioner Ritter)

ACTION: (T-10:31 AM) Approved.

AVIATION DEPARTMENT

2. MOTION TO APPROVE Fuel System Lease between Broward County, Florida and JetBlue Airways Corp. at the Fort Lauderdale-Hollywood International Airport (Fuel System Lease), effective upon approval; for a period of one year and month-to-month thereafter, not to exceed September 30, 2011; with an estimated annual revenue of \$62,286.96; and authorize Mayor and Clerk to execute same.

ACTION: (T-10:31 AM) Approved.

3. MOTION TO APPROVE Shuttle Utilization Agreement between Broward County and The Hertz Corporation (Hertz) for the transportation of rental car passengers between the passenger terminals at Port Everglades and the Rental Car Center at the Fort Lauderdale-Hollywood International Airport; effective on approval with a commencement date of February 7, 2008, for a period not to exceed 24 months; with anticipated monthly reimbursement costs of approximately \$6,000; and authorize Mayor and Clerk to execute same.

ACTION: (T-10:31 AM) Approved.

4. MOTION TO APPROVE Amendment No. 5 to the Airline-Airport Lease and Use Agreement between Broward County, Florida and American Airlines, Inc. (American), at the Fort Lauderdale-Hollywood International Airport (FLL), which provides for the transfer of all rights, title, and interest in American's baggage make-up and conveyor belt system (Equipment) to the County at no cost; effective upon approval; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:31 AM) Approved.

5. MOTION TO APPROVE First Amendment to Agreement (RLI No. 20030331-0-AV-01) between Broward County and Gresham, Smith & Partners (GSP) for the design of Concourse A at the Fort Lauderdale-Hollywood International Airport (FLL), decreasing the contract by \$1,164,241; from \$5,984,282 to \$4,820,041; reflecting a reduction in scope; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:34 AM) Approved. (Scrivener's error – See County Administrator's Report: Summary Background is changing reference of SDBE to M/WBE as indicated by Yellow Sheet. Exhibit 3 was omitted and distributed by Yellow Sheet.) (Refer to minutes for full discussion.)

VOTE: 8 – 0.

(This item was pulled by a member of the public.)

PUBLIC WORKS AND TRANSPORTATION DEPARTMENT

REAL PROPERTY SECTION

6. MOTION TO APPROVE conveyance to Florida Power and Light Company of two 10 foot wide utility easements located on County-owned property, allowing for the installation of overhead electric utility lines in order to provide electrical power to the Broward County Hazmat Fire Station property located at 3300 SW 4th Avenue; Fort Lauderdale; and authorize the Mayor and Clerk to execute easements, and authorize the recordation of same. **(Commission District 7)**

ACTION: (T-10:31 AM) Approved.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

COUNTY RECORDS DIVISION

7. A. MOTION TO APPROVE minutes of the 10:00 A.M. Board of Broward County Commissioners meetings of November 6, 2007, November 13, 2007, November 27, 2007, and December 4, 2007; and the minutes of the 2:00 P.M. Public Hearing of November 13, 2007.

ACTION: (T-10:31 AM) Approved.

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

ACTION: (T-10:31 AM) Approved.

- C. MOTION TO APPROVE destruction of Board of County Commission minutes and supporting documents which have all been imaged and have met retention requirements per General Records Schedule GS1-SL, established by the Division of Library and Information Services of the State of Florida for local government agencies.

ACTION: (T-10:31 AM) Approved.

PURCHASING DIVISION

For Community Services Department

8. MOTION TO AWARD fixed contract to low bidder, Enco, LLC, a certified Community Disadvantaged Business Enterprise (CDBE), for construction of the Fern Forest restroom renovations and boardwalk overlook, Bid No. Q507158CAF, in the total base bid amount of \$477,000 for the Parks and Recreation Division, subject to the receipt and acceptance of performance and payment guarantee; and authorize the Mayor and Clerk to execute same. **(Commission District 2)**

ACTION: (T-10:31 AM) Approved.

For Public Works and Transportation Department

9. A. MOTION TO ADOPT budget Resolution 2008-010 transferring funds within the General Capital Outlay Fund (3010) in the amount of \$320,065 to transfer funding to the Court Facilities Fund for the construction of Parking Garage Safety Barriers at the Broward County Judicial Complex Parking Garage.

ACTION: (T-10:31 AM) Approved. (Scrivener's error – See County Administrator's Report: On the Agreement Summary, Exhibit 1, Section 9, the contract administrator should be Edmond M. Maurice, AIA, Director, Construction Management Division (954) 357-6417, replacing Mike Dehghani.)

- B. MOTION TO ADOPT unanticipated revenue Resolution 2008-011 within the Court Facilities Fund (0280) in the amount of \$320,065 to provide funding for the construction of Parking Garage Safety Barriers at the Broward County Judicial Complex Parking Garage.

ACTION: (T-10:31 AM) Approved. (Scrivener's error – See County Administrator's Report: On the Agreement Summary, Exhibit 1, Section 9, the contract administrator should be Edmond M. Maurice, AIA, Director, Construction Management Division (954) 357-6417, replacing Mike Dehghani.)

- C. MOTION TO AWARD fixed contract to single bidder, D. Stephenson Construction, Inc., for furnishing and installing Parking Garage Safety Barriers at the Broward County Judicial Complex Parking Garage, Bid No. Q507151CAF (Re-bid), in the total award amount of \$680,000 for the Construction Management Division, subject to the receipt and acceptance of the insurance/performance and payment guarantee, and authorize the Mayor and Clerk to execute same. **(Commission District 7)**

ACTION: (T-10:31 AM) Approved. (Scrivener's error – See County Administrator's Report: On the Agreement Summary, Exhibit 1, Section 9, the contract administrator should be Edmond M. Maurice, AIA, Director, Construction Management Division (954) 357-6417, replacing Mike Dehghani.)

RISK MANAGEMENT DIVISION

10. MOTION TO APPROVE full and final settlement of Claim 051303 in the amount of \$265,000.

ACTION: (T-10:31 AM) Approved.

11. MOTION TO APPROVE full and final settlement of Claim 021704 in the amount of \$182,500.

ACTION: (T-10:31 AM) Approved.

12. MOTION TO APPROVE full and final settlement of Claim 0427045193 in the amount of \$69,000.

ACTION: (T-10:31 AM) Approved

13. MOTION TO APPROVE full and final settlement of Claim 110306 in the amount of \$57,500.

ACTION: (T-10:31 AM) Approved.

COMMUNITY SERVICES DEPARTMENT

PARKS AND RECREATION DIVISION

14. MOTION TO APPROVE agreement between Broward County (Developer) and the Central Broward Water Control District (District), requiring Broward County to be responsible for maintenance of on-site water courses to support the development of the Vista View Park Expansion; and authorizing the Mayor and Clerk to execute same. **(Commission District 5)**

ACTION: (T-10:31 AM) Approved.

ENVIRONMENTAL PROTECTION DEPARTMENT

15. MOTION TO APPROVE Settlement Agreement in the estimated amount of \$114,847 between Broward County and Gables Construction, Inc. and LG Wilton Park, LLC to resolve tree removal violations of Chapter 27 of the Broward County Code of Ordinances in the City of Wilton Manors; and authorize the Mayor and Clerk to execute same. **(Commission District 4)**

ACTION: (T-10:31 AM) Withdrawn. (Refer to minutes for full discussion.)

PORT EVERGLADES DEPARTMENT

16. MOTION TO FILE Periodic Review and Final Franchise Evaluation Report of certain franchises located within Port Everglades for the period July 1, 2006 through June 30, 2007.

ACTION: (T-10:31 AM) Approved.

OFFICE OF MANAGEMENT AND BUDGET

17. MOTION TO ADOPT unanticipated revenue Resolution 2008-012 within the General Fund for the Broward Sheriff's Office in the amount of \$878,355 to recognize increased contract revenue for police services for the Town of Southwest Ranches and for the City of Pembroke Park, and for reduced contact revenue related to police services for the City of West Park.

ACTION: (T-10:31 AM) Approved. The Board requested the County Auditor examine the amount of time required to conduct an assessment of Broward Sheriff's Office costs for police services and fire rescue services. (Refer to minutes for full discussion.)

18. MOTION TO ADOPT unanticipated revenue Resolution 2008-013 within the Law Enforcement Trust Fund in the amount of \$10,148 to disburse funding to the City of West Park for currency seized within the City's geographic boundaries as provided in the agreement for Police Services between the City and the Sheriff of Broward County.

ACTION: (T-10:31 AM) Approved. The Board requested the County Auditor examine the amount of time required to conduct an assessment of Broward Sheriff's Office costs for police services and fire rescue services. (Refer to minutes for full discussion.)

19. MOTION TO ADOPT unanticipated revenue Resolution 2008-014 within the Fire Protection Fund for the Broward Sheriff's Office in the amount of \$889,075 to recognize increased contract revenues for fire rescue and emergency services for the City of Weston, and for reduced contract revenues for fire rescue and emergency services for the City of West Park.

ACTION: (T-10:31 AM) Approved. The Board requested the County Auditor examine the amount of time required to conduct an assessment of Broward Sheriff's Office costs for police services and fire rescue services. (Refer to minutes for full discussion.)

20. MOTION TO ADOPT unanticipated revenue Resolution 2008-015 in the amount of \$150,933 to fund two unanticipated elections during Fiscal Year 2008.

ACTION: (T-10:31 AM) Approved.

OFFICE OF MANAGEMENT

21. A. MOTION TO APPROVE agreement between the Broward County Property Appraiser and Broward County, to utilize the services of the Property Appraiser to create and maintain a non-advalorem tax roll for fire protection services.

ACTION: (T-10:39 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 8 – 0.

(This item was pulled by Commissioner Ritter.)

- B. MOTION TO APPROVE agreement between the Broward County Property Appraiser and Broward County to utilize the services of the Property Appraiser to create and maintain a non-advalorem tax roll for collection and disposal of garbage and trash.

ACTION: (T-10:39 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 8 – 0.

(This item was pulled by Commissioner Ritter.)

COUNTY ATTORNEY

22. MOTION TO APPROVE Settlement in the amount of \$47,500; including costs and attorney's fees, in the case of *Mildred Rosen v. City of Tamarac, et al.*, 17th Judicial Circuit Case No. 03-22175(02).

ACTION: (T-10:31 AM) Approved.

23. MOTION TO APPROVE agreements between Broward County and Robert A. Rosillo, Esquire, Richard Alan Radis, Esquire, and Michael Lukasievich, Esquire, and for procurement matter and Cone of Silence hearing officer services for a term of three years, and authorize the County Attorney to execute same on behalf of the County.

ACTION: (T-10:31 AM) Approved.

COUNTY COMMISSION

24. MOTION TO APPROVE inclusion of an additional legislative proposal in the 2008 State Legislative Program in support of insurance coverage parity for autism-related treatments. (Commissioner Lieberman) (Commissioner Gunzburger, Co-Sponsor.)

ACTION: (T-10:31 AM) Approved.

REQUEST TO SET FOR PUBLIC HEARING

25. MOTION TO DIRECT the County Administrator to publish notice of public hearing to be held Tuesday, February 12, 2008, at 2:00 PM in Room 422 of the Governmental Center, to consider a new Nonemergency Medical Transportation Service (NEMTS) license to Honey Can Do Cleaning, Inc. d/b/a Honey Can Do Transportation, Inc.

ACTION: (T-10:31 AM) Approved.

26. MOTION TO ADOPT Resolution 2008-016 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, February 12, 2008, at 2:00 PM 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 VARIOUS SECTIONS OF CHAPTER 27 OF THE BROWARD COUNTY CODE OF ORDINANCES, ARTICLE IV, AIR QUALITY, RELATED TO CREMATORY FACILITIES; PROVIDING FOR LICENSING OF INITIAL AND CONTINUED OPERATION; DELETING REFERENCES TO THE FLORIDA ADMINISTRATIVE CODE TO CONTINUE PROHIBITION OF IDENTICAL UNIT TESTS; PROVIDING FOR INITIAL COMPLIANCE TESTING WITHIN THIRTY (30) DAYS OF OPERATION COMMENCEMENT; DELETING PROVISIONS CONFLICTING WITH INITIAL COMPLIANCE TESTING AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-10:31 AM) Approved.

27. MOTION TO ADOPT Resolution 2008-017 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, February 12, 2008, at 2:00 PM 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, REPEALING SECTION 1-5 OF CHAPTER 1, "ADMINISTRATION," OF THE BROWARD COUNTY CODE OF ORDINANCES, ENTITLED "TAX NOTICES NOT TO BE MAILED OR EXTENDED ON TAX ROLLS WHEN TAX IS LESS THAN ONE DOLLAR"; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-10:31 AM) Approved.

28. MOTION TO ADOPT Resolution 2008-018 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, February 12, 2008, at 2:00 PM 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, RELATING TO THE HUMAN RIGHTS ACT, SECTION 16½-1 THROUGH SECTION 16½-72 OF THE BROWARD COUNTY CODE OF ORDINANCES; AMENDING SUBSECTION 16½-2(a)(1) REGARDING THE PURPOSE OF THE ACT; AMENDING SUBSECTIONS 16½-2(a)(2), 16½-3(o), 16½-3(v), 16½-21(e),(f)(1),(g), 16½-21.1, 16½-23.1(e), AND SECTIONS 16½-22, 16½-24, 16½-26, 16½-30, AND 16½-72 TO INCLUDE PREGNANCY AND GENDER IDENTITY AND EXPRESSION AS DISCRIMINATORY CLASSIFICATIONS; AMENDING PERTINENT PORTIONS OF CHAPTER 16½ TO COMPORT WITH FEDERAL AND STATE LAW; AMENDING SUBSECTION 16½-3(aa) TO MODIFY THE DEFINITION OF A PARTY; CREATING SUBSECTION 16½-3(mm) TO INCLUDE A DEFINITION OF UNDUE HARDSHIP; CREATING SUBSECTION 16½-21(h) TO IDENTIFY OTHER EMPLOYMENT-RELATED PROTECTIONS; AMENDING SECTIONS 16½-30.4, 16½-30.5, 16½-30.6, AND 16½-68 TO PROVIDE FOR DISCRETIONARY ACTION ON THE PART OF THE COUNTY ATTORNEY; AMENDING SECTION 16½-51 TO REQUIRE THAT HUMAN RIGHTS BOARD PRACTICES CONFORM WITH SECTION 1-233 OF THE BROWARD COUNTY CODE OF ORDINANCES; CONFORMING PERTINENT PORTIONS OF CHAPTER 16½ TO MEET FEDERAL AND STATE LAW REQUIREMENTS; PERFORMING SUCH HOUSEKEEPING TASKS IN CHAPTER 16½ AS NECESSARY;

PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-10:31 AM) Approved.

URBAN PLANNING AND REDEVELOPMENT DEPARTMENT

DEVELOPMENT MANAGEMENT DIVISION

- 29. MOTION TO DIRECT Office of the County Attorney to take any action necessary to collect delinquent road impact fees in the amount of \$41,762.69, plus interest accruing at the rate of 12% per annum, including filing a lawsuit to foreclose on a lien which lien was imposed pursuant to a Road Impact Fee Agreement dated February 18, 2003, between the County and the Developer, Miramar No. 1, LLC, its successors and assigns, with regard to the Waldman Plat - (048-MP-90). **(Commission District 8)**

ACTION: (T-10:31 AM) Approved. (Refer to minutes for full discussion.)

HOUSING AND COMMUNITY DEVELOPMENT DIVISION

- 30. MOTION TO ADOPT Resolution 2008-019 of the Board Of County Commissioners of Broward County, Florida, approving and authorizing a grant in the amount of \$225,000 to H.O.M.E.S., Inc, to be paid from the Housing Finance Authority reserve account for the Flamingo Landing Project provided that H.O.M.E.S., Inc. receives State funding through the Community Workforce Housing Innovation Pilot Program and subject to approval by the Board of County Commissioners of Broward County, Florida; providing for severability; and providing for an effective date. **(Commissioner District 9)**

ACTION: (T-10:41 AM) Approved.

VOTE: 7 – 0. Commissioner Rodstrom was out of the room during the vote. (Refer to minutes for full discussion.)

(This item was pulled by Mayor Wexler.)

QUASI-JUDICIAL CONSENT HEARING

URBAN PLANNING AND REDEVELOPMENT DEPARTMENT

DEVELOPMENT MANAGEMENT DIVISION

31. **DISCUSSION:** of plat entitled "Griffin Pointe" - **Commission District 7**, (004-MP-07).

ACTION: (T-10:31 AM) Defer to August 26, 2008 or sooner, under Section 5-181 (j), to study access.

32. **DISCUSSION:** of plat entitled "Montesa Business Park" (105-MP-05) - **Commission District 8**. (Deferred from October 23, 2007.)

ACTION: (T-10:31 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

33. **DISCUSSION:** of plat entitled "Snake Creek Residential" (005-MP-07) - **Commission District 8**.

ACTION: (T-10:31 AM) Defer to August 26, 2008 or sooner, under Section 5-181 (j) to study compliance with the Educational Mitigation Agreement for the Miramar Regional Activity Center.

34. **DISCUSSION:** of plat entitled "Knight Plat" (027-MP-07) - **Commission District 9**.

ACTION: (T-10:31 AM) Approved, as amended subject to staff recommendations and conditions which shall assure compliance with the standards and requirements of Chapter 5, Article, IX, of the Broward County Code of Ordinances, including the waiver of transit concurrency fees and regional park impact fees. The Staff Recommendation is amended to include a waiver of educational impact fees as a resolution has been received from the School Board waiving these fees and designating an alternative source of funding per the County Administrator's Report.

35. DELEGATION: Dr. Reuven Rockford regarding request to amend the note on the Broken Woods Plat (071-MP-83) - **Commission District 3.**

ACTION: (T-10:31 AM) Approved subject to staff's recommendations.

36. DELEGATION: Edward P. Ploski regarding request to revise the note on the Ocean Land Pompano Beach Resort Plat (075-MP-06) - **Commission District 4.**

ACTION: (T-10:31 AM) Approved subject to staff's recommendations.

37. DELEGATION: Manny Synalovski regarding request to amend the note on the Sector 1 Boundary Plat (104-MP-96) - **Commission District 8.**

ACTION: (T-10:31 AM) Approved subject to staff's recommendations.

38. DELEGATION: Scott Backman regarding request to amend the note on the Exxon-Pembroke Road Plat (194-MP-85) - **Commission District 8.**

ACTION: (T-10:31 AM) Approved subject to staff's recommendations.

39. DELEGATION: Scott Backman regarding request to amend the non-vehicular access line on the Exxon - Pembroke Road Plat (194-MP-85) - **Commission District 8.**

ACTION: (T-10:31 AM) Approved subject to staff's recommendations.

END OF QUASI-JUDICIAL CONSENT HEARING

REGULAR AGENDA

COUNTY ADMINISTRATION

- 40. MOTION TO HIRE Mr. David Baber as the Historical Commission Administrator effective January 22, 2008.

ACTION: (T-10:51 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 8 – 0.

The Following Item Is Time Certain For 11:00 Am

- 41. MOTION TO ADOPT budget Resolution 2008-020 transferring within the General Fund the amount of \$1,434,978 for the purpose of expanding the Pretrial Services program within the Department of Detention and Community Control of the Broward Sheriff’s Office.

ACTION: (T-12:47 PM)

VOTE: 5 – 3. Vice Mayor Ritter and Commissioners Lieberman and Rodstrom voted no.

ACTION: (T-2:50 PM) Reconsidered to allow Commissioner Lieberman to change her vote to be on the prevailing side. (Refer to minutes for full discussion.)

VOTE: 8-0.

ACTION: (Time-5:14 PM) Reconsidered and approved, to include the recommendations given to the Board by Pete Corwin, Assistant to the County Administrator. (Refer to minutes for full discussion.)

VOTE: 5-2. Vice Mayor Riitter and Commissioner Lieberman voted no. Commissioner Rodstrom was not present during the vote.

AVIATION DEPARTMENT

42. MOTION TO APPROVE International travel for March 31 – April 2, 2008, to Shanghai, China for the Director of Aviation to attend the Airport's Council International (ACI) Airport Service Quality and Facilitation Conference, and the Airport Business and Trinity Forum; the Director of Aviation is a Board member of ACI International.

ACTION: (T-10:56 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 7 – 1 Mayor Wexler voted no.

PUBLIC WORKS AND TRANSPORTATION DEPARTMENT

REAL PROPERTY SECTION

43. ITEM FORTHCOMING: Business Lease between Broward County, Tenant and Markel Properties LTD, a Florida Limited Partnership, Landlord, for temporary office space for the Broward County Property Appraiser while its Government Center Offices are being renovated. (Agenda Report and Lease will be provided under separate cover in advance of the January 15, 2008 Commission Meeting).

MOTIONS FOR ITEM 43 ARE AS FOLLOWS:

- A. MOTION TO APPROVE Business Lease between Broward County, Tenant, and Museum Plaza Holdings, LLC, a Florida Limited Partnership, Landlord, for the County's lease of 16,046 square feet of office space on the 4th floor of the Museum Plaza Building, located at 200 South Andrews Avenue, Fort Lauderdale; for a commitment of two years within the lease term of three years, with the County having the unilateral right to terminate at any time after the second lease year; also providing for three, successive one-year renewal options; providing temporary space for the Broward County Property Appraiser staff while their Governmental Center offices are renovated; term of lease commencing within one of the three windows of opportunity that the Property Appraiser is able to move, and upon completion of tenant improvements and receipt of a Certificate of Occupancy; base rental rate of \$16.50 per square foot for the first year, increasing 3% annually, total base rent for the three years is \$818,344.00, averaging \$17.00 per square foot per year over the 3-year term; plus the operating costs of \$752,380.00 (\$243,418.00 or \$15.17 per square foot in year one, projected to increase at 3% per year); resulting in total lease and operating cost of \$1,570,724.00 for three years; and authorize the Mayor and Clerk to execute same. **(Commission District 7)**

ACTION: (T-10:31 AM) Deferred until Tuesday, February 5, 2008. (Refer to minutes for full discussion.)

- B. MOTION TO APPROVE a budgetary amount of \$840,214.00 to cover the tenant improvement, furniture, and relocation costs to be funded by the County and

performed by Museum Plaza Holdings, LLC, as indicated in the Capital Project Budget Allocation form (Exhibit 9). Museum Plaza Holdings, LLC, has agreed to fund \$60,000.00 to apply to tenant improvements or rent. **(Commission District 7)**

ACTION: (T-10:31 AM) Deferred until Tuesday, February 5, 2008. (Refer to minutes for full discussion.)

- C. MOTION TO ADOPT budget resolution within the General Fund transferring \$907,259.00 from the Commission Reserve for rent payment through FY2008, plus the one-time costs for tenant improvements, systems furniture and relocation associated with the move of the Broward County Property Appraiser to the leased facilities, and less \$60,000.00 rent credit. **(Commission District 7)**

ACTION: (T-10:31 AM) Deferred until Tuesday, February 5, 2008. (Refer to minutes for full discussion.)

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

PURCHASING DIVISION

For Community Services Department

44. MOTION TO APPOINT Selection Committee (SC) to recommend the most qualified firm to provide Cultural Planning Services and approve Request for Letters of Interest, (RLI) No. 20071008-0-CA-1.

ACTION: (T-10:56 AM) Approved. The Board approved the following to serve on the Selection Committee S/C: Mayor Wexler; Commissioner Gunzburger, Director, Cultural Division (Chair); President, Greater Fort Lauderdale Convention and Visitor's Bureau; Councilmember, Broward Cultural Council, plus administrative support staff from the offices of the County Attorney, County Auditor, Office of Equal Opportunity, Risk Management Division, Purchasing Division, and the requesting agency.

For Public Works and Transportation Department

45. A. MOTION TO APPOINT Commissioner John E. Rodstrom, Jr., District 7, to the Selection Committee for the Managing General Contractor for the Pre-Construction and Construction Manager at Risk (CM @ Risk) Services for the New South Animal Care Facility, Request for Letters of Interest (RLI), No. 20070924-7-CM-1. **(Commission District 7)**

ACTION: (T-10:31 AM) Approved. (Transferred to Consent Agenda.)

- B. MOTION TO APPOINT Acting Director, Animal Care and Regulation Division, as Selection Committee member for the Managing General Contractor for the Pre-Construction and Construction Manager at Risk (CM @ Risk) Services for the New South Animal Care Facility for RLI

No. 20070924-7-CM-1, to replace the Director, Animal Care and Regulation Division.

ACTION: (T-10:31 AM) Approved. (Transferred to Consent Agenda.)


- C. MOTION TO APPOINT Commissioner Ilene Lieberman, District 1, to the Selection Committee for the Managing General Contractor for the Pre-Construction and Construction Manager at Risk (CM @ Risk) Services for the New South Animal Facility, Request for Letters of Interest (RLI), No. 20070924-7-CM-1. **(Commission District 1)**

ACTION: (T-10:31 AM) Approved. (Transferred to Consent Agenda.)

The New Selection Committee will consist of the following:

Mayor Lois Wexler; Commissioner Josephus Eggelletion, Jr.; Commissioner John E. Rodstrom Jr.; Commissioner Ilene Lieberman; Director, Construction Management Division (Chair); Acting Director, Animal Care and Regulation Division; Director, Facilities Maintenance Division.

OFFICE OF TRANSPORTATION

-  46. MOTION TO NOTE FOR THE RECORD the scope of work developed by the Broward Metropolitan Planning Organization staff, Broward County Office of Transportation (BCT) and the University of South Florida's Center for Urban Transportation Research (CUTR) for the development of the Broward County FY 2009-2018 Transit Development Plan (TDP.).

ACTION: (T-10:31 AM) Approved. (Transferred to Consent Agenda.)

**THE FOLLOWING ITEMS ARE CONTINUED
FROM JANUARY 8, 2008 2:00 PM PUBLIC HEARING
AND ARE TIME CERTAIN FOR 2:30 PM IN THIS MEETING**

(Note: Per directive of the Board, these items which were distributed last week
are not being reprinted in hard copy for this meeting.)

PUBLIC HEARING

47. MOTION TO ENACT an Ordinance to adopt a proposed amendment to the Intergovernmental Coordination Element of the Broward County Comprehensive Plan , the title of which is as follows: (Continued from January 8, 2008 – Item No. 3)

AN ORDINANCE OF BROWARD COUNTY, FLORIDA,
ADOPTING AN AMENDMENT TO THE BROWARD COUNTY
COMPREHENSIVE PLAN BY AMENDING THE
INTERGOVERNMENTAL COORDINATION ELEMENT;
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (Time-2:58 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law. (Refer to minutes for full discussion.)

VOTE: 8-0.

48. MOTION TO ENACT an Ordinance to adopt a proposed amendment to the Capital Improvements Element of the Broward County Comprehensive Plan, the title of which is as follows: (Continued from January 8, 2008 – Item No. 4)

AN ORDINANCE OF BROWARD COUNTY, FLORIDA,
ADOPTING AN AMENDMENT TO THE BROWARD COUNTY
COMPREHENSIVE PLAN BY AMENDING THE CAPITAL
IMPROVEMENTS ELEMENT; PROVIDING FOR SEVERABILITY;
AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (Time-2:59 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law. (Refer to minutes for full discussion.)

VOTE: 8-0.

49. MOTION TO ENACT an Ordinance to adopt a proposed amendment adding a Public School Facilities Element to the Broward County Comprehensive Plan, the

title of which is as follows: (Continued from January 8, 2008 – Item No. 5)

AN ORDINANCE OF BROWARD COUNTY, FLORIDA,
ADOPTING AN AMENDMENT TO THE BROWARD COUNTY
COMPREHENSIVE PLAN BY ADDING A PUBLIC SCHOOL
FACILITIES ELEMENT; PROVIDING FOR SEVERABILITY;
AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (Time-2:59 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law. (Refer to minutes for full discussion.)

VOTE: 8-0

- 50. MOTION TO APPROVE Amended Interlocal Agreement for Public School Facilities Planning, Broward County Florida, and authorize the Mayor and Clerk to execute the same. (Continued from January 8, 2008 – Item No. 6)

ACTION: (Time-3:00 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 8-0.

END PUBLIC HEARING

COUNTY ATTORNEY

51. MOTION TO ADOPT Resolution 2008-021 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, February 12, 2008, at 2:00 PM 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, RELATING TO LAND USE; AMENDING CHAPTER 5, ARTICLE IX, OF THE BROWARD COUNTY CODE OF ORDINANCES, THE "LAND DEVELOPMENT CODE"; AMENDING SECTION 5-182, "DEVELOPMENT REVIEW REQUIREMENTS," PROVIDING FOR ADEQUACY OF SCHOOL SITES AND FACILITIES AND PUBLIC SCHOOL CONCURRENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-11:00 AM) Approved.

VOTE: 8 – 0.

52. MOTION TO ADOPT Resolution 2008-022 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, March 25, 2008, at 2:00 PM 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 5, ARTICLE IX, OF THE BROWARD COUNTY CODE OF ORDINANCES, THE "LAND DEVELOPMENT CODE"; AMENDING SECTION 5-182(m), "ADEQUACY OF SCHOOL SITES AND FACILITIES," PROVIDING FOR SCHOOL IMPACT FEES AND STUDENT GENERATION RATES; AMENDING SECTION 5-201, "DEFINITIONS," REVISING EXISTING DEFINITIONS AND CREATING NEW TERMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-11:00 AM) Approved.

VOTE: 8 – 0.

53. MOTION TO APPROVE agreement for the law firm Diamond McCarthy LLP to provide legal services to Broward County on a contingency fee basis for the purpose of seeking recovery of unpaid transitory occupancy taxes owed by

various online booking companies, and to authorize the Mayor to execute said agreement.

ACTION: (T-10:31) Approved. (Transferred to Consent Agenda.)

GREATER FORT LAUDERDALE CONVENTION AND VISITORS BUREAU

The Following Item Is Time Certain For 3:00 PM

54. A. MOTION TO APPROVE Letter of Intent among Broward County, FaulknerUSA, Inc. and Hilton Management, LLC., for the Broward County Convention Center Hotel Project.

ACTION: (Time-3:02 PM) Approved, as amended. The motion is to now read "Motion to Approve a non-binding letter of intent..." Additionally, the TDT pledge would come after the Hilton pledge and needs to be corrected on page 21 of the backup. (Refer to minutes for full discussion.)

VOTE: 8-0.

- B. MOTION TO APPROVE Site Access Agreement between Broward County and FaulknerUSA, Inc.

ACTION: (Time-5:12 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 8-0.

55.

COUNTY ADMINISTRATOR'S REPORT

A. **GOAL SETTING RETREAT**

ACTION: (T-10:58 AM) Interim County Administrator Bertha Henry, announced that the Goal Setting Retreat is scheduled for Tuesday, January 29, 2008 at the Performing Arts Center from 10:00 a.m., until 2:00 p.m. Additionally the Board will be receiving a packet on Thursday, January 17, 2008 that outlines the process of the Goal Setting Retreat.

56.

MAYOR'S REPORT

ACTION: (T-5:41 PM) (No report given.)

57.

SUPPLEMENTAL AGENDA

COUNTY COMMISSION

- A. **MOTION TO ADOPT** Resolution recommending a marker or plaque recognizing the beach at John U. Lloyd Beach State Park formerly known as the "Colored Beach" as a Heritage landmark, and that an application be made to the Bureau of Historic Preservation within the State's Historic Marker Program. **(Commission District 6)** (Commissioner Gunzburger)

ACTION: (T-10:31 AM) Approved. (Transferred to Consent Agenda.)

- B. **MOTION TO APPROVE** allocation of an amount not to exceed \$2,500 in County District 6 Commissioner's Discretionary Bond funds for a state historical marker declaring the beach formerly known as the "Colored Beach" at John U. Lloyd Beach State Park as a place of historical significance. The marker would be placed on the site, as agreed upon by the State Park system, in a location that receives heavy foot traffic and is easily accessible.

ACTION: (T-10:31 AM) Approved. (Transferred to Consent Agenda.)

NON-AGENDA

58. FLORIDA ASSOCIATION OF COUNTIES PUBLIC SERVICE VIDEO–
COMMISSIONER JACOBS

ACTION: (Time-5:43 PM) Commissioner Jacobs commented that she had recently seen the Florida Association of Counties Public Service video and was unimpressed. (Refer to minutes for full discussion.)

59. PORTABILITY – COMMISSIONER LIEBERMAN

ACTION: (Time-5:44 PM) Commissioner Lieberman commented about a recent Sun-Sentinel story where state revenue forecasters revised the impact of portability downward because portability does not allow new homeowners to buy homes. (Refer to minutes for full discussion.)

60. DEPARTMENT OF JUVENILE JUSTICE DETENTION COST-SHARE AUDIT –
COMMISSIONER LIEBERMAN

ACTION: (Time-5:45 PM) Commissioner Lieberman commented that the state is not getting the DDJ detention cost share correct. The State Auditor General has stated that the cost-sharing information being sent is incorrect, and **without objection, the Board directed the County Auditor look into this issue. (Refer to minutes for full discussion.)**

61. RECENT EDITORIAL ON TALLAHASSEE – COMMISSIONER LIEBERMAN

ACTION: (Time-5:45 PM) Commissioner Lieberman passed out a recent editorial from the Treasure Coast in Palm Beach County which stated how Governor Christ increased the number of state workers by 8 percent during his first six months in office. (Refer to minutes for full discussion.)

62. STERILIZATION OF PETS IN PALM BEACH COUNTY – COMMISSIONER
LIEBERMAN

ACTION: (Time-5:46 PM) Commissioner Lieberman commented about an ordinance in Palm Beach County which encourages sterilization of pets. **Without objection, the Board directed the County Attorney to look into the details of their ordinance and put a discussion item on a future agenda to see if Broward County is interested in adopting a similar ordinance. (Refer to minutes for full discussion.)**

63. EARLY VOTING IN HOLLYWOOD – COMMISSIONER GUNZBURGER

ACTION: (Time-5:49 PM) Commissioner Gunzburger discussed a problem that is occurring with early voting in Hollywood. Many district elections are going to be decided by less than ten votes, and Commissioner Gunzburger felt that many elections will be decided in Court, creating a greater cost to Broward County. (Refer to minutes for full discussion.)

64. SPECIAL ELECTION – MAYOR WEXLER

ACTION: (Time-5:51 PM) Mayor Wexler commented that former State Representative Holloway was recently appointed to the Miami-Dade County School Board which left his seat vacant. Mayor Wexler asked Commissioner Wasserman-Rubin to look into serving on or appointing a designee to serve on the Canvassing Board for the upcoming State House District 103 Special Primary Election. (Refer to minutes for full discussion.)

MEETING/WORKSHOP NOTICES

SELECTION COMMITTEE
JANITORIAL SERVICES FOR
FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT
RLI No. 20070522-0-AV-1
Tuesday, January 15th, in Room 430 at 9:00 AM

WATER AND WASTEWATER SERVICES
WASTEWATER DISOPOSAL TECHNOLOGY WORKSHOP
Tuesday, January 15th, in Room 430 at 12:00 PM

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
LOWER EAST COAST WATER SUPPLY PLAN
Tuesday, January 15th, in Room 430 at 1:30 PM

