

MEETING OF JANUARY 18, 2005

(The meeting convened at 10:00 a.m.; recessed at 12:01 p.m.; reconvened at 2:30 p.m. and adjourned at 3:00 p.m.)

PLEDGE OF ALLEGIANCE was led by Broward County Commissioner Diana Wasserman-Rubin, District 8.

MOMENT OF SILENCE

In memory of Jamie Bloodworth, women's rights advocate and community activist.

CALL TO ORDER

CONSENT AGENDA

BOARD APPOINTMENTS

1. A. MOTION TO APPROVE appointment of Janet R. Riley to the Living Wage Advisory Board. (Commissioner Wexler)

ACTION: (T-10:06 AM) Approved.

- B. MOTION TO RE-APPOINT Edith L. Gooden-Thompson to the Cultural Affairs Advisory Board. (Commissioner Eggelletion)

ACTION: (T-10:06 AM) Approved.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

PURCHASING DIVISION

For Aviation Department

2. MOTION TO APPROVE negotiation of the expansion and upgrade of the parking revenue control system at the Fort Lauderdale-Hollywood International Airport and appoint the Purchasing Director or designee to negotiate the contract with standardized CTR Systems, Inc. (CTR) for the Aviation Department, and return the negotiated contract to the Board for approval.

ACTION: (T-10:06 AM) Withdrawn for further staff review.



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

For Public Works and Transportation Department

3. MOTION TO AWARD open-end contract to low bidder, Colonna Asphalt Restoration Inc., for Job Restoration – Asphaltic/Sidewalk, Driveways & Concrete, Bid No. H-5-04-098-B1, in the estimated annual amount of \$415,114.00 for items 1 - 60 for Water and Wastewater Operations Division, and authorize the Purchasing Director to renew the contract for two, one year periods for a total potential contract amount of \$1,245,342.00. The initial contract period shall start upon receipt and acceptance of insurance/performance and payment guarantee and shall terminate one year from that date.

ACTION: (T-10:06 AM) Withdrawn for further staff review.

4. MOTION TO AWARD open-end contracts for 2005 Vehicles, Bid No. C904191BV, to low bidders, Plantation Ford for Item No. 4 in the estimated amount of \$81,448.00; Maroone Chevrolet, LLC for Item No's. 7, 8, 8A, 14, 15, 17, 18 and 21, in the estimated amount of \$621,059.00; General GMC Truck Sales and Service, Inc. for Item No. 13 in the estimated amount of \$30,822.00; Don Reid Ford for Item No's. 2, 3 and 22 in the estimated amount of \$365,256.00, and low responsive, responsible bidders, Maroone Chevrolet LLC for Item No's. 1 and 9 in the estimated amount of \$244,365.00; Don Reid Ford for Item No's. 5, 10, 11, 16, 19 and 20 in the estimated amount of \$826,265.00; General GMC Truck Sales and Service, Inc. for Item No. 6, in the estimated amount of \$82,625.00, and Plantation Ford for Item No. 12 in the estimated amount of \$39,792.32, for a total estimated amount of \$2,291,632.32, for the Fleet Services Division. The contracts will commence on date of award and end when there are no new 2005 vehicles available.

ACTION: (T-10:06 AM) Approved.

RISK MANAGEMENT DIVISION

5. MOTION TO APPROVE full and final settlement of SM/101400CUEL in the amount of \$95,000.

ACTION: (T-10:06 AM) Approved.

HUMAN SERVICES DEPARTMENT

MEDICAL EXAMINER AND TRAUMA SERVICES DIVISION

6. MOTION TO APPROVE non financial affiliation agreement between Broward County and Nova Southeastern University, College of Osteopathic Medicine, from date of execution through January 18, 2015, for Forensic Pathology Residency Training, and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:06 AM) Approved.

SUBSTANCE ABUSE AND HEALTH CARE SERVICES DIVISION

7. A. MOTION TO APPROVE Agreement No. KID/Broward County SAHCS 04/05 between Kids In Distress, Inc. and Broward County from the date of execution through September 30, 2005, in the amount of \$210,411; for the provision of substance abuse services for parents of children who are considered at-risk for abuse and neglect, who are also clients of Kids In Distress, Inc. and authorize Mayor and Clerk to execute same. **(Commission Districts 4 and 5)**

ACTION: (T-10:06 AM) Approved.

- B. MOTION TO ADOPT unanticipated revenue Resolution 2005-24 within the Substance Abuse and Health Care Services Division's Myers Act Fund (9755) in the amount of \$52,568 for the provision of substance abuse services for parents of children who are considered at-risk for abuse and neglect in Broward County

ACTION: (T-10:06 AM) Approved.

- C. MOTION TO APPROVE addition of one full time grant position within the Substance Abuse and Health Care Services Division. The classification of the proposed position is Family Therapist II. This is a grant position and will be terminated upon expiration of grant funding.

ACTION: (T-10:06 AM) Approved.

ENVIRONMENTAL PROTECTION DEPARTMENT

8. **MOTION TO APPROVE** settlement agreement in the total amount of \$18,600; between Broward County and S&D Industrial Painting, Inc. for violations of Chapter 27 of the Broward County Code of Ordinances for the Environmental Protection Department (EPD); and authorize the Mayor and Clerk to execute same. **(Commission District 7)**

ACTION: (T-10:06 AM) Approved.

9. **MOTION TO APPROVE** settlement agreement in the total amount of \$18,300; between Broward County and Ray Qualmann Marine Construction, Inc. and Sandy S. Satullo, II for violations of Chapter 27 of the Broward County Code of Ordinances for the Environmental Protection Department (EPD) and authorize the Mayor and Clerk to execute same. **(Commission District 4)**

ACTION: (T-10:06 AM) Approved.

AIR QUALITY DIVISION

10. **MOTION TO APPROVE** Florida Department of Environmental Protection Agreement S0186 between the State of Florida Department of Environmental Protection and Broward County Board of County Commissioners, to provide funding for the Title V air quality permitting program, in the amount of \$243,575; beginning October 1, 2004 and ending June 30, 2005; and authorize the Mayor and Clerk to execute the same.

ACTION: (T-10:06 AM) Approved.

11. **MOTION TO DIRECT** County Attorney to draft an Ordinance to amend Chapter 27, Article IV, Air Quality, of the Broward County Code of Ordinances, to streamline and clarify Ordinance language, and to maintain consistency with state and federal air quality regulations.

ACTION: (T-10:06 AM) Approved.

WATER RESOURCES DIVISION

12. MOTION TO APPROVE second amendment to the agreement between Broward County and Camp Dresser & McKee, Inc. for modeling water management practices in Broward County providing for the development of an operational manual that describes the development, calibration, and application of an improved surface water and groundwater model of the North Regional Area at an increase in cost of \$29,500; from \$585,500 to \$615,000; with no increase in total contract time, and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:06 AM) Approved.

OFFICE OF MANAGEMENT AND BUDGET

13. MOTION TO ADOPT unanticipated revenue Resolution 2005-25 within the Law Enforcement Trust Fund in the amount of \$500,779; to provide funding for the start up expenses and first year's operations cost of an Emergency Management and Domestic Preparedness Unit.

ACTION: (T-10:06 AM) Approved.

OFFICE OF EQUAL OPPORTUNITY

CIVIL RIGHTS DIVISION

14. MOTION TO APPROVE Memorandum of Understanding between Broward County and the Office of the Court Administrator, Seventeenth Judicial Circuit of Florida providing for mediation of 70 individual charges of alleged discrimination filed with the Civil Rights Division; effective February 2, 2005 through September 30, 2005; in the amount of \$3,500; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:06 AM) Approved.

SUPERVISOR OF ELECTIONS

15. MOTION TO APPROVE recommendation of the Supervisor of Elections amending the voting precincts, which were approved on July 9, 2002; amended on August 13, 2002, January 14, 2003, and September 16, 2003; combining one Dania Beach precinct (12S with two voters) for voting in the Municipal Primary Election on February 8, 2005.

ACTION: (T-10:06 AM) Approved.

COUNTY ATTORNEY

16. MOTION TO APPROVE settlement in the amount of \$35,000.00, including costs and attorney's fees, in the case of *Kanti Daya v. Broward County*, EEOC Charge Number 110-2004-02808, and a Civil Service grievance matter filed by Kantilal Daya; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:06 AM) Withdrawn for further staff review at the request of the County Administrator.

COUNTY COMMISSION

17. MOTION TO FILE Deerfield Beach Ordinance No. 2004/030 dated October 27, 2004, vacating and abandoning a portion of a 40 foot wide ingress/egress easement located at 809 SE 5th Court; determining the necessity therefore, and directing a copy to be filed with the Property Appraiser's and County Recorder's offices in and for Broward County, Florida. (Mayor Jacobs)

ACTION: (T-10:06 AM) Approved.

DEPARTMENT OF URBAN PLANNING AND REDEVELOPMENT

COMMUNITY CODE COMPLIANCE DIVISION

18. MOTION TO ADOPT Resolution 2005-28 to release land clearance liens resulting from violations of the Broward County Land Clearance Ordinance within the areas of Washington Park and Broward Park. (**Commission Districts 7 and 9**)

ACTION: (T-10:06 AM) Approved.

QUASI-JUDICIAL CONSENT HEARING

DEPARTMENT OF URBAN PLANNING AND REDEVELOPMENT

DEVELOPMENT MANAGEMENT DIVISION

19. DISCUSSION: of plat entitled "Eastland Village" - **Commission District 2**, (050-MP-04).

ACTION: (T-10:06 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

20. DISCUSSION: of plat entitled "Calvary Plat" - **Commission District 9**, (056-MP-04).

ACTION: (T-10:06 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

21. DELEGATION: Paul E. Brewer regarding request to amend the note on Mangone & Sons II Plat - **Commission District 2**, (007-MP-97).

ACTION: (T-10:06 AM) Approved subject to staff's recommendations.

22. DELEGATION: Lloyd Norfleet regarding request to modify conditions of plat approval on the Oakland Grove Commerce Park Plat - **Commission District 9**, (014-MP-87).

ACTION: (T-10:06 AM) Deferred to August 23, 2005 or sooner, under Section 5-181(j) of the Land Development Code to study plat note.

23. DELEGATION: Bonnie L. Miskel regarding request to modify conditions of plat approval on the Prospect Villas Plat - **Commission District 9**, (001-UP-04).

ACTION: (T-10:06 AM) Approved subject to staff's recommendations.

24. DELEGATION: Jane Storms regarding request to amend the non-vehicular access line on the Sunrise Industrial Park Parcel 62 Plat - **Commission District 3**, (082-MP-84).

ACTION: (T-10:06 AM) Approved subject to staff's recommendations.

25. DELEGATION: Clare Vickery regarding request to waive Broward County impact fees for the Reed single family home in the City of Fort Lauderdale; Lot 3, Block 10 of Washington Park Plat (Plat Book 19, Page 22) - **Commission District 7**.

ACTION: (T-10:06 AM) Approved subject to staff's recommendations.

END OF QUASI-JUDICIAL CONSENT HEARING

REGULAR AGENDA

AVIATION DEPARTMENT

- 26. MOTION TO APPROVE submission of an “Impose Only” Passenger Facility Charge (PFC) Application to the Federal Aviation Administration (FAA) to increase the PFC collection level from \$3.00 to \$4.50, per enplaned passenger at Fort Lauderdale-Hollywood International Airport; and authorize the Director of Aviation to sign the Application (FAA Form 5500-1).

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

DEPARTMENT OF URBAN PLANNING AND REDEVELOPMENT

PLANNING SERVICES DIVISION

- 27. MOTION TO FIND application 04-RF-09 for the allocation of seven reserve units in the City of Hallandale Beach compatible with adjacent uses, and that impacts upon public school facilities have been adequately considered. **(Commission District 6)**

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

DEVELOPMENT MANAGEMENT DIVISION

- 28. DISCUSSION of plat entitled “Curci Village” -**Commission District 6**, (001-MP-04).

ACTION: (T-10:11 AM) Approved the plat, as amended, due to the approval of application 04-RF-09 (item 27), and subject to staff’s recommendations as outlined in the Development Review Report. (Refer to minutes for full discussion.)

HUMAN SERVICES DEPARTMENT

COMMUNITY DEVELOPMENT DIVISION

29. MOTION TO APPROVE Quit-Claim Deed from Broward County to Broward House, Inc. regarding property located at 1471 SW 9th Avenue, Deerfield Beach, Florida, to remove the reverter clause in the original deed and facilitate the sale of the property originally purchased with Community Development Block Grant funds (CDBG) funds, authorizing the Mayor and Clerk to execute same. No additional County funds are required. **(District 4)**

ACTION: (T-10:06 AM) Approved. (Transferred to the Consent Agenda.)

OFFICE OF PUBLIC AND GOVERNMENTAL RELATIONS

30. MOTION TO ADD support for eye pathology screening for retinoblastoma to the Board's 2005 State Legislative Program.

ACTION: (T-10:06 AM) Approved. (Transferred to the Consent Agenda.)

COUNTY ADMINISTRATION

31. MOTION TO APPROVE agreements with the four pari-mutuel facilities in Broward County for the operation of slot machines in existing pari-mutuel facilities.

ACTION: (T-10:12 AM) Approved, as amended. The Board directed staff to:
1) Restructure the agreement to reflect that total compensation includes the lump sum up front consideration, plus the consideration that is structured over 30 years as a total compensation package against which the credits would apply to either category. 2) "In the event the Florida Legislature fails to establish any regulations relating to the licensing or operation of slot machines, Pari-mutuel Facility agrees and acknowledges that County shall have the authority to establish such reasonable regulations. County acknowledges that it has no authority pursuant to Chapter 550, Florida Statutes, to adopt such regulations as it relates to the current operation of the Pari-mutuel Facility." (Vice Mayor Graber's amendment). 3) Amend the sections of the agreement that the Pari-mutuels would be responsible to pay the cost of regulations in the event of State regulation or County regulation. 4) Add the additional language referred to in Interim County Attorney Sharon Cruz's memorandum dated January 14, 2005, relating to Pari-mutuel Facilities not moving the physical location of their operation as it relates to slot machines authorized by Article X, Section 23, to another area of the County. 5) Eliminate the Miami-Dade County "Me Too" clause from the agreement in exchange for increasing the County's share from 1.3% to 1.5%. (Refer to minutes for full discussion.)

32. MOTION TO ADOPT Resolution 2005-26 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. (Deferred from January 11, 2005 – Item No. 71)

ACTION: (T-12:01 PM) Approved, as amended. The Board directed staff to correct the ballot language as follows: “Shall slot machines be authorized within the “four” existing . . .” Further, the Board gave the Pari-mutuel Facilities until 5:00 p.m., Friday, January 21, 2005 to sign the agreement. Whatever facility does not sign the agreement by 5:00 p.m. Friday, January 21, 2005, their names shall be stricken from the ballot language. Should there be less than four facilities agreeing to the agreement, staff was directed to reopen the agreement for the lump sum payment to adequately reflect the number of participants.

In addition, the Board directed staff to: 1) Provide assistance to the Supervisor of Elections per her request. 2) To authorize staff to provide election leave for training, Election Day and recovery time as in previous elections. 3) To provide eight (8) hours of additional annual leave to the VST’s as an incentive to keep the same teams together as the County had in November 2004. (Refer to minutes for full discussion.)

(Scrivener's error - See County Administrator's memorandum: In the Summary Explanation/Background, “quoted paragraph,” first line, after the word “within” add the word “the” and remove the word “the” after existing . . .)

COUNTY COMMISSION

33. MOTION TO NOMINATE Raymond de la Feuilliez to the Central Examining Board - Building Construction Trades in the professional category to a four year term, expiring on 11/02/08. (Commissioner Gunzburger)

ACTION: (T-10:06 AM) Approved. (Transferred to the Consent Agenda.)

34. MOTION TO ADOPT Resolution 2005-27 to hold straw ballot referendum in the March 8, 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-2:49 PM) Approved. (Refer to minutes for full discussion.)

35. MOTION TO DIRECT staff to add to the legislative package the strengthening of penalties for violation of evacuation. (Commissioner Lieberman)

ACTION: (T-10:06 AM) Approved, as corrected. (Scrivener's error - See County Administrator's memorandum: The words "mandatory evacuation orders" were omitted from the end of the sentence. (Transferred to the Consent Agenda.) (Refer to minutes for full discussion.)

36. THE MAYOR'S REPORT

ACTION: (T-2:54 PM) The Mayor advised the Board there was no report.

37. COUNTY COMMISSION LIAISON REPORT

ACTION: (T-2:54 PM) No reports were filed.

38. COUNTY ADMINISTRATOR'S REPORT

ACTION: (T-2:55 PM) County Administrator Roger J. Desjarlais informed the Board that there was nothing to report.

SUPPLEMENTAL AGENDA

COUNTY COMMISSION

39. MOTION TO NOMINATE Heather Nydick to the Health Facilities Authority Board. (Commissioner Scott)

ACTION: (T-10:06 AM) Approved. (Transferred to the Consent Agenda.)

40. MOTION TO INITIATE amendments to the Broward County Land Use Plan (BCLUP) text and Map Series creating a future land use category relating to pari-mutuel facilities and the operation of slot machines; providing for the exclusion of such facilities from all other land use categories; and, revising the Map Series to designate four existing pari-mutuel facility sites. (Mayor Jacobs)

ACTION: (T-2:54 PM) Withdrawn at the request of the Mayor. (Refer to minutes for full discussion.)

NON AGENDA

41. UPDATE – COMMISSIONER WASSERMAN-RUBIN

ACTION: (T-2:55 PM) Commissioner Wasserman-Rubin thanked everyone for their concerns regarding her husband, Richard Rubin's health. Mr. Rubin was released from the hospital and is consulting with a specialist. (Refer to minutes for full discussion.)

42. PARKING NEEDS - SISTRUNK HISTORICAL FESTIVAL – COMMISSIONER EGGELLETON

ACTION: (T-2:55 PM) Commissioner Eggelletion informed the Board that he received information from the Sistrunk Historical Festival Committee regarding the upcoming Sistrunk Historical Festival in February. Commissioner Eggelletion commented that there is very little parking space available during the event. He asked staff to research whether it is feasible to allow attendees of the event to park in the vacant lot next to the African American Research Library and Cultural Center that the County has recently taken possession of as a result of litigation. The County Administrator advised that staff would research the issue and report back to the Board. (Refer to minutes for full discussion.)

43. PEDIATRIC PATHOLOGIST – DIOXIN BLOOD TESTS – COMMISSIONER LIEBERMAN

ACTION: (T-2:57 PM) Commissioner Lieberman advised the Board that she believes the pediatric pathologist is not performing dioxin blood tests on infants who have died from Sudden Infant Death Syndrome (SIDS) or unexplained infant deaths. She asked staff to research the issue and place an item on the agenda, including the costs for performing the test. (Refer to minutes for full discussion.)

44. RESEARCH COST OF TAPING/AIRING COUNTY COMMISSION MEETINGS – COMMISSION WEXLER

ACTION: (T-2:58 PM) Commissioner Wexler asked staff to research the costs and impacts involved in taping and airing County Commission meetings and place an item on the agenda for discussion. (Refer to minutes for full discussion.)

MEETING/WORKSHOP NOTICES

SELECTION/NEGOTIATION COMMITTEE

FAMILY COURT FACILITY

RLI No. 20021008-0-CM-01

Tuesday, January 18th in Room 430 at 9:00 AM

SELECTION/NEGOTIATION COMMITTEE

TRAFFIC CONGESTION IMPROVEMENTS

RLI No. 20030109-0-TE-01

Tuesday, January 18th in Room A-337 at 9:30 AM

LEGISLATIVE DELEGATION JOINT LEGISLATIVE WORKSHOP

Tuesday, January 18th in Room 430 at 12:00 PM

or immediately following the morning meeting

SELECTION/NEGOTIATION COMMITTEE

HIATUS ROAD (Project No. 5220)

RLI No. 20040928-1&3-EN-01

Tuesday, January 18th in Room A-337 at 2:30 PM

