

**MEETING OF FEBRUARY 8, 1994**

(The meeting convened at 10 a.m. and adjourned at 11:50 a.m.)

PLEDGE OF ALLEGIANCE - led by Richard Winer, Chairman, Alexander "Sandy" Nininger Statue Committee.

CALL TO ORDER

**CONSENT AGENDA**

**PUBLIC WORKS DEPARTMENT**

**OFFICE OF ENVIRONMENTAL SERVICES**

**ENVIRONMENTAL ENGINEERING DIVISION**

1. MOTION TO APPROVE developer's agreement and addendum to developer's agreement between the County and El Dorado Enterprises of Miami, Inc., a Florida corporation, providing for utility installations by the developer with an estimated installation cost of \$32,432 at no cost to the County, to furnish water and wastewater services for a proposed retail auto parts store, and authorize the Chair and Clerk to execute same. BCOES/EED Project No. 8560.

ACTION: (A-374) Approved.

**OFFICE OF GENERAL SERVICES**

**EQUIPMENT MANAGEMENT DIVISION**

2. MOTION TO ADOPT Resolution 94-72 approving the conveyance to the Broward County Sheriff's C.O.P.E. Unit, of four (4) County-owned vehicles: (1) 1989 Chevrolet .75 ton pickup, Asset #B111034; (1) 1984 Chevrolet 4x4 Suburban, Asset #B87756; (1) 1982 GMC step van, Asset #B74374; (1) GMC dump truck, Asset #B060875, which have been declared surplus by the Broward County Board of County Commissioners; and authorize the Chair and Clerk to execute same.

ACTION: (A-374) Approved.

3. MOTION TO ADOPT Resolution 94-73 approving the conveyance to the Compass Lake in the Hills Volunteer Fire Department in Alford, Florida, of one (1) County-owned vehicle, 1983 GMC fire truck, Asset #74453, which has been declared surplus by the Broward County Board of County Commissioners; and authorize the Chair and Clerk to execute same.

ACTION: (A-374) Approved.

**OFFICE OF TRANSPORTATION**

**ENGINEERING DIVISION**

4. MOTION TO ADOPT Resolution 94-74 accepting a flowage easement executed by 101 Industries, Inc., donating right-of-way for drainage purposes in Section 8, Township 48 South, Range 42 East.

ACTION: (A-374) Approved.

5. MOTION TO ADOPT Resolution 94-75 accepting a road easement executed by Oriole Gardens Condominium Assoc., Inc., donating right-of-way for Atlantic Boulevard in Section 35, Township 48 South, Range 41 East.

ACTION: (A-374) Approved.

6. MOTION TO ADOPT Resolution 94-76 accepting a warranty deed executed by Florida A & M Tape and Packaging, Inc., donating right-of-way for Nob Hill Road in Section 18, Township 49 South, Range 41 East.

ACTION: (A-374) Approved.

7. MOTION TO APPROVE railroad reimbursement agreement among the State of Florida Department of Transportation, Florida East Coast Railroad Company, and Broward County for the installation of automatic grade crossing traffic control devices for the Northwest 6th Street (Sistrunk Boulevard) railroad crossing in Fort Lauderdale, F.D.O.T./A.A.R. Crossing No. 272552-P, R.R.M.P. 340+2744'; and authorize Chair and Clerk to execute same.

ACTION: (A-374) Approved.

## **FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT**

### **ACCOUNTING DIVISION**

8. MOTION TO APPROVE the satisfaction and release of land clearing liens.

ACTION: (A-374) Approved.

9. MOTION TO APPROVE the satisfaction and release of anti-litter liens.

ACTION: (A-374) Approved.

10. MOTION TO APPROVE the satisfaction of lien levied for road improvement.

ACTION: (A-374) Approved.

11. MOTION TO APPROVE the satisfactions of land clearance liens and releases of Notice of Noncompliance with the Land Clearing Code of Broward County.

ACTION: (A-374) Approved.

### **COUNTY RECORDS DIVISION**

12. MOTION TO APPROVE for filing supplemental papers pertaining to the plats that were approved in prior years.

ACTION: (A-374) Approved.

05/15/79 # Park Impact Fee Agreement, Parkland Lakes Plat 07/07/87 111 Termination of Road Improvement Phasing Agreement & Release of Lien, relating to JOBE Plat

09/19/89 97 Termination of Road Improvement Phasing Agreement & Release of Lien, Arboretum at Davie Plat

09/26/89 76 Termination of Road Improvement Phasing Agreement & Release of Lien, Arboretum Plat

07/07/92 98 Coco Lakes Plat

07/07/92 101 Diamond Head Plat

08/04/92 90 Agreement-Phasing installation of required road improvement Arho Plat

09/08/92 05 Resolution levying a special assessments \$3,285

09/15/92 40 196 Pines Plaza 1st Addition Plat

01/05/93 63 Bonaventure Tract 16-Educational Impact Agreement; Regional Parks & Recreation Impact; Note Amendment Agreement;

Non-Vehicular & Egress Line; Local Parks and Recreational Impact; Phasing the installation of road improvements 01/05/93 72 Non-Vehicular Ingress & Egress Line Agreement; Kensington Plat

13. MOTION TO APPROVE the minutes of the public hearing of November 9, 1993 at 5:15 p.m. and the minutes of the Commission meeting of January 4, 1994.

ACTION: (A-374) Approved.

### **PURCHASING DIVISION**

For Public Works Department

14. MOTION TO NOTE for the record Usage No. 2 of Contract P-03-92-29-12, emergency installation of repair services for water and sewer systems by W. Jackson and Sons Construction Company, for removal of mechanical equipment coated with paint containing lead at Water Plant 1A in the amount of \$15,822.50, for the Environmental Engineering Division, approval being given under the conditions of the contract and the emergency provisions of the Broward County Procurement Code. BCOES Project No. 8092.

ACTION: (A-374) Approved.

### **RISK MANAGEMENT DIVISION**

15. MOTION TO AUTHORIZE full and final settlement of Claim 88 MP 2481 SS in the amount of \$47,500.

ACTION: (A-374) Approved.

16. MOTION TO FILE Notices of Claim on the following:

Robert Murphy - D/A 8/17/91.

ACTION: (A-374) Approved.

## **HUMAN SERVICES DEPARTMENT**

### **FAMILY DEVELOPMENT & RESOURCE DIVISION**

17. **MOTION TO APPROVE** a grant application to the State of Florida Department of Community Affairs in the amount of \$25,870 for the Family Development and Resource Division, Community Action Agency of Broward County for the purpose of providing child care from April 1, 1994 through September 30, 1994, and authorize the County Administrator to make the necessary administrative and budgetary actions to execute the grant. (Total amount includes grant funds of \$21,557, county cash match of \$432, and in-kind match) **MOTION TO APPROVE**

ACTION: (A-374) Approved.

## **COMMUNITY SERVICES DEPARTMENT**

### **MASS TRANSIT DIVISION**

18. **MOTION TO ADOPT** Resolution 94-77 of the Board of County Commissioners of Broward County, Florida authorizing the Commission Chair to execute and file a Joint Participation Agreement with the Florida Department of Transportation to provide for the purchase of replacement buses, associated capital maintenance items, replacement service vehicles, miscellaneous equipment, environmental construction, pedestrian overpass, automated passenger information system, contingency and administration in the amount of **MOTION TO ADOPT** Resolution 94-77 of the Board

ACTION: (A-374) Approved.

## **DEPARTMENT OF NATURAL RESOURCE PROTECTION**

19. **MOTION TO APPROVE** the settlement agreements between Broward County and the listed respondents for violations of Broward County ordinances.

A. Amoco Oil Company

B. Broward County

C. Garson Properties

D. John Hiatt

E. Joshua Muss & Associates

F. Reynaldo Sanabria

G. Molloy Bros. Inc.

H. Trafalgar Assoc. of Sheridan Ltd.

I. Trafalgar Assoc. of Sheridan Ltd.

J. Trafalgar Assoc. of Sheridan Ltd.

K. South Broward Hospital District

ACTION: (A-374) Approved.

#### **OFFICE OF BUDGET AND MANAGEMENT POLICY**

20. **MOTION TO APPROVE** business travel and trips on the approved travel list for county employees in accordance with Administrative Order 105.

ACTION: (A-374) Approved.

#### **COUNTY ATTORNEY**

21. **MOTION TO TERMINATE** agreement between Broward County and the Law Offices of Norliza Batts, P.A. for legal representation of indigents in criminal or juvenile court proceedings.

ACTION: (A-374) Approved.

#### **BOARD APPOINTMENTS**

22. **MOTION TO APPROVE** the appointment of Mr. Bernie Kemp to serve on the Multi-Ethnic Advisory Board. Mr. Kemp will replace Mr. Kevin G. Boothe. (Comm. Rodstrom)

ACTION: (A-374) Approved.

23. **MOTION TO APPROVE** the nomination of Alicia Zachman to the Children's Victim Services Section Trust Fund Committee.

(Comm. Thompson)

ACTION: (A-374) Approved.

24. **MOTION TO APPROVE** the appointment of Robert L. Smith to the Municipal Services Advisory Board. (Comm. Thompson)

ACTION: (A-374) Deferred, due to a question of the number of appointees from District 1.

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

25. **MOTION TO ADOPT** Resolution 94-78 directing the County Administrator to publish notice of public hearing to be held on February 22, 1994 at 2:00 p.m. to consider adoption of a proposed amendment to the 1989 Broward County Comprehensive Plan which would alter the land use designation of the Indian Trace Development of Regional Impact in the unincorporated area, Broward County. (PC-93-31)

ACTION: (A-374) Approved.

26. MOTION TO ADOPT Resolution 94-79 directing the County Administrator to publish notice of public hearing to be held on February 22, 1994 at 2:00 p.m. to consider adoption of a proposed amendment to the 1989 Broward County Comprehensive Plan which would alter the land use designation of the Indian Trace Development of Regional Impact in the unincorporated area, Broward County. (PC-93-32)

ACTION: (A-374) Approved.

27. MOTION TO ADOPT Resolution 94-80 directing the County Administrator to publish notice of public hearing to be held on Tuesday, February 22, 1994, at 2:00 p.m. to consider adoption of a proposed amendment to the 1989 Broward County Comprehensive Plan which would alter the land use designation of the Sawgrass Park of Commerce Development of Regional Impact in the City of Coconut Creek.

ACTION: (A-374) Approved.

### **REGULAR AGENDA**

28. **COUNTY ADMINISTRATOR'S REPORT** - County Administrator B. Jack Osterholt apprised the Board that there were 3,059 inmates in the County's detention system.

ACTION: (A-432) No action taken.

### **AVIATION DEPARTMENT**

29. MOTION TO WAIVE establishment of an evaluation committee, pursuant to Chapter 26, Section 26.4 of the Broward County Administrative Code, Policy for Awarding of Concession and Consumer Service Privileges at the Fort Lauderdale-Hollywood International Airport, and authorize the Director of Aviation to evaluate all proposals and make his recommendation to the County Commission for the business service center concession and shoe shine concession.

ACTION: (A-565) Approved.

### **COMMUNITY SERVICES DEPARTMENT**

30. MOTION TO DISCUSS the Sandy Nininger Statue Agreement.

ACTION: (A-578) Deferred. County Administrator to meet with interested parties to compile total anticipated costs of the statue for a County Commission report.

### **DEPARTMENT OF STRATEGIC PLANNING**

#### **& GROWTH MANAGEMENT**

#### **COMMUNITY DEVELOPMENT DIVISION**

31. MOTION TO DIRECT the County Attorney to prepare an ordinance amending Chapter 1, Article XIX, Section 1-354 of the Broward County Code, relating to membership of the Committee for Community Development; providing for a decrease in the number of members and the elimination of the Commission appointees; and providing for an effective date. (Deferred from January 25, 1994.)

ACTION: (A-1415) Referred back to the Committee for Community Development, in conjunction with staff, to study populations served by members of the Board, and arrive at an equitable solution ensuring that the clients that served receive representation, whether from the municipalities or unincorporated areas.

In addition, notify the County Commission of any members of said committee holding Commission appointments who are not attending meetings.

#### **DEVELOPMENT MANAGEMENT DIVISION**

32. MOTION TO APPROVE "form" concurrency agreement for de minimis development approval.

ACTION: (A-2325) Approved.

#### **PUBLIC WORKS DEPARTMENT**

33. MOTION TO APPROVE lot clearing services for various locations within unincorporated Broward County as a set-aside for minority owned firms under the provisions of the Small Disadvantaged Business Enterprises (SDBE) Affirmative Action Program of Broward County (Ordinance 93-17).

ACTION: (A-2344) Approved.

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

##### **PERSONNEL DIVISION**

34. MOTION TO ADOPT Resolution 94-81 authorizing participation in the Florida Retirement System Senior Management Service Class for eligible employees.

ACTION: (A-2434) Approved.

#### **HUMAN SERVICES DEPARTMENT**

35. MOTION TO DIRECT the Office of the County Attorney to draft an ordinance amending Section 15-23(d) of the Broward County Code to include the requirement of satisfying all outstanding penalties before issuing permits for engaging in an occupation, conducting an activity or operating or utilizing a machine, apparatus or piece of equipment which is subject to regulation or inspection by the Broward County Health Department.

ACTION: (A-2443) Approved, as amended.

#### **OFFICE OF BUDGET AND MANAGEMENT POLICY**

36. MOTION TO APPROVE travel for county employees on the attached list in accordance with Administrative Order 105.

ACTION: (A-2450) Approved, including additional travel and two addendums.

#### **COUNTY ATTORNEY**

37. MOTION TO RATIFY the selection of Special Counsel, the law firm of Hopping, Boyd, Green & Sams, to provide legal services relating to proposed legislation relating to Blockbuster Park.

ACTION: (A-2484) Approved. In addition to the \$25,000 fee, reimbursable expenses are not to exceed \$10,000 and shall be in accordance with County policy.

### **COUNTY ADMINISTRATOR**

38. MOTION TO SUPPORT the local bill clarifying the Legislature's intent as stated in Chapter 91-346, Laws of Florida, to dissolve the Port Everglades District and the Port Everglades Authority and transfer to Broward County "all powers, duties, responsibilities, obligations and functions of the Port Everglades District and the Port Everglades Authority" on November 22, 1994.

ACTION: (A-440) Deferred to February 15, 1994.

### **COUNTY COMMISSION**

39. DISCUSSION: Including appointment of a School Board member to the Broward County Planning Council to be reviewed by the Charter Review Board which is to be seated in June 1994.

(Comm. Parrish)

ACTION: (A-2750) Approved.

40. MOTION TO ADOPT Resolution 94-82 urging the continued appropriation of funding for Preservation 2000. (Commissioner Hart)

ACTION: (A-2861) Approved.

41. MOTION TO ACCEPT nominations for a position on the Housing Finance Authority of Broward County.

ACTION: (A-2872) Approved the appointment of Joel V. Alesi.

### **NON AGENDA**

42. PROCLAMATION: Commissioner Rodstrom read into the record a Proclamation stating that the Board of County Commissioners intends to provide all support both direct and in kind for a successful stopover in Broward County for the Whitbread 'Round the World Race.

ACTION: (A-103) On behalf of the entire Whitbread organization Cleve Jennings accepted and thanked the Commission for the proclamation.

43. PROCLAMATION: The Chair read into the record a Proclamation noting the change of name from the Animal Control Division to the Animal Care and Regulation Division effective February 1, 1994.

In addition, the Board designated Saturday, February 12, 1994 as ADOPT A SWEETHEART DAY in Broward County, and urges

residents to attend the Adopt a Sweetheart Open House to receive informational material and view the

selection of animal sweethearts up for adoption. Members of the County's LEAD VII (Leadership Enhancement And Development) class will conduct guided tours of the facility and serve light refreshments.

ACTION: (A-174) Alan Davis, Director, Animal Care and Regulation Division accepted and thanked the Commission for the proclamation. Denise Margolis, LEAD VII presented a promotional package to the Board.

44. INFORMATIONAL ITEM: Commissioner Parrish gave Commissioner Hart a newspaper article taken from the Miami Herald dated February 5, 1994 with respect to the disparity of gasoline prices in Palm Beach County. Commissioner Hart relayed that Broward County staff compiled information, over a period of four to six weeks with respect to this subject, and together with input from Palm Beach County, presented the information to the Florida Attorney General's Office to possibly investigate why gasoline prices in INFORMATIONAL ITEM: Commissioner Parrish gave Commissioner Hart a newspaper article taken from the Miami Herald dated February 5, 1994 with respect to the disparity of gasoline prices in Palm Beach County. Commissioner Hart relayed

ACTION: (A-2914) No action taken.

45. INFORMATIONAL ITEM: Commissioner Parrish asked County Attorney John J. Copelan, Jr. about the appropriate process for a County Commissioner to reconsider an appointment of a member on an advisory board with a term.

ACTION: (A-2942) Mr. Copelan advised that he can generically answer the question to all boards.

46. INFORMATIONAL ITEM: Commissioner Parrish asked Mr. Copelan for the definition of "libel per se."

ACTION: (A-2965) Mr. Copelan advised that he would research Commissioner Parrish's query and return with an answer.

47. INFORMATIONAL ITEM: Commissioner Gunzburger congratulated Mr. Copelan, County Auditor Norman Thabit, and Phillip C. Allen, Director, Finance & Administrative Services Department for receiving an upgraded bond rating from AA- to AA from Standard & Poor's.

ACTION: (A-3005) No action taken.

48. DISCUSSION: Commissioner Gunzburger commented that she would like to have the Charter Review amended so that the Board of Rules and Appeals be changed from an Independent Board to an Advisory Board of the County Commission.

ACTION: (A-3020) The County Attorney's Office will research this item.

49. INFORMATIONAL ITEM: Mr. Copelan announced that Renee Francis Lee, previously employed with the County as an Assistant County Attorney, was selected by the Charlotte County Commission to be their County Attorney. She will be the first black female County Attorney in the State of Florida.

ACTION: (A-3174) A letter of congratulations will be forwarded to Ms. Lee.

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