

MEETING OF FEBRUARY 12, 2008

(Meeting convened at 10:11 a.m., and recessed at 1:41 p.m.; reconvened at 4:20 p.m.; recessed at 5:07 p.m., and reconvened at 5:09 p.m., and adjourned at 6:09 p.m.)

PLEDGE OF ALLEGIANCE was led by Ambassador Armando Valladares, a survivor and political prisoner of Cuba for 22 years.

MOMENT OF SILENCE

In memory of Arthur Novacek, a leading figure in the maritime industry at Port Everglades, and Former President and CEO of Eller & Company.

In memory of Charles Boothe, an icon in the Caribbean Community, founder of Charlie's Pastries, Lauderhill, Florida.

In memory of Tom Lantos, the only Holocaust survivor to serve in the US House of Representatives.

In memory of our brave service men and women serving in the Middle East.

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	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 Gunzburger, seconded by Commissioner Lieberman and unanimously carried to approve the Consent Agenda consisting of Items 1 through 35. At the request of the Mayor, Regular Agenda Items 38, 42, 44, 46, 47, 51, and Supplemental Item 57, were transferred to the Consent Agenda.

The following items were withdrawn/deferred: 1F, 39, 50, & 55A.

The following item was pulled by a member of the Board and considered separately: 56.

The following items were pulled by a member of the public and considered separately: 3, 4, & 41.



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

BOARD APPOINTMENTS

1. A. MOTION TO APPOINT Brad Orvieto to the Housing Finance Authority. Effective February 25, 2008. (Commissioner Keechl)

ACTION: (T-10:28 AM) Approved.
- B. MOTION TO APPOINT Michael Conner to the Broward Beautiful Advisory Board. (Commissioner Keechl)

ACTION: (T-10:28 AM) Approved.
- C. MOTION TO APPROVE appointment of Adrienne Kaltman to the Broward County Brownfields Redevelopment Task Force. (Commissioner Gunzburger)

ACTION: (T-10:28 AM) Approved.
- D. MOTION TO APPROVE appointment of Tonja Haddad Coleman to the Broward County Human Rights Board. (Commissioner Gunzburger)

ACTION: (T-10:28 AM) Approved.
- E. MOTION TO APPOINT Daniel J. Barcy to the Small Business Development Advisory Board (Small Business Technical Assistance Organization category). (Vice Mayor Ritter)

ACTION: (T-10:28 AM) Approved.
- F. MOTION TO APPOINT Jack Talabisco to the Broward County Land Preservation and Acquisition Advisory Board. (Commissioner Lieberman)

ACTION: (T-10:28 AM) Withdrawn for further staff review.
- G. MOTION TO APPOINT Ms. Deborah Kerr to serve on the Broward Cultural Council. (Commissioner Rodstrom)

ACTION: (T-10:28 AM) Approved.

AVIATION DEPARTMENT

2. MOTION TO APPROVE Supplemental Agreement No. 1 (Supplemental) to the Memorandum of Agreement (MOA) dated November 14, 2006, between Broward County, Florida and the Department of Transportation Federal Aviation Administration (FAA), amending Section 12 of the MOA to include language allowing for back-up generators/power supply to all Automated Surface Observing System (ASOS) facilities located at the Fort Lauderdale-Hollywood International Airport (FLL); and authorize the Mayor and Clerk to execute same prior to execution by the FAA.

ACTION: (T-10:28 AM) Approved.

3. MOTION TO APPROVE Amendment No. 4 to the Agreement of Lease (Lease) between Broward County, Florida (County) and Air Support Resources, LLC (Air Support), extending the term from July 31, 2010 to July 31, 2012, for the purpose of satisfying financial institution loan requirements for capital improvements; commencing upon approval; and authorizing the Mayor and Clerk to execute same.

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

ACTION: (T-10:30 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9-0.

4. MOTION TO APPROVE Third Amendment to the Duty Free Concession Agreement between Broward County and Broward Duty Free, LLC, RFP No. 20050628-0-AV-01 to exercise the County's option to extend the termination date from June 30, 2011 to December 31, 2013; to be effective upon approval, and authorize the Mayor and Clerk to execute the same.

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

ACTION: (T-10:52 AM) Approved. This item was pulled by a member of the public.

VOTE: 9-0.

PUBLIC WORKS AND TRANSPORTATION DEPARTMENT

WASTE AND RECYCLING SERVICES

SOLID WASTE DIVISION

5. A. MOTION TO APPROVE Letter Agreement between Broward County and Wheelabrator South Broward, Inc., for the expansion of the South Broward Ash Landfill, at a total estimated cost to the County of \$12,178,000; effective upon execution, and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:28 AM) Approved.

- B. MOTION TO ADOPT budget Resolution 2008-034 transferring within the Resource Recovery System Fund (Fund 4880) the amount of \$6,089,000 from Unrestricted Reserves.

ACTION: (T-10:28 AM) Approved.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

ACCOUNTING DIVISION

6. A. MOTION TO FILE Health Facilities Authority, Broward County, Florida, Audited Financial Statements, for the year ended September 30, 2007.

ACTION: (T-10:28 AM) Approved.

- B. MOTION TO FILE Housing Finance Authority of Broward County, Florida, Audited Financial Statements, for the year ended September 30, 2007.

ACTION: (T-10:28 AM) Approved.

7. A. MOTION TO FILE Property Appraiser, Broward County, Florida, Special-Purpose Financial Statements, Fiscal year ended September 30, 2007.

ACTION: (T-10:28 AM) Approved.

- B. MOTION TO FILE Supervisor of Elections' Office, Broward County, Florida, Audited Special-Purpose Financial Statements, for the year ended September 30, 2007.

ACTION: (T-10:28 AM) Approved.

8. MOTION TO FILE Quarterly Financial Report for the Children's Services Council of Broward County for the quarter ending December 31, 2007.

ACTION: (T-10:28 AM) Approved.

COUNTY RECORDS DIVISION

9. A. MOTION TO APPROVE minutes of the 10:00 A.M. Broward County Board of County Commissioners meeting of December 11, 2007; and the minutes of the 2:00 P.M. Public Hearing of December 11, 2007.

ACTION: (T-10:28 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-10:28 AM) Approved.

- C. MOTION TO APPROVE destruction of Board of County Commission minutes and supporting documents, audio cassette tapes and CD's 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-10:28 AM) Approved.

PURCHASING DIVISION

For Community Services Department

10. MOTION TO AWARD open-end contract to low bidder, Martin Fence Co., for Fencing and Chain Link, Bid No. NX06340B2, for all Groups (1-9), in the estimated annual amount of \$848,068.40, including a pass-thru amount of \$30,000 for the Parks and Recreation Division; and authorize the Director of Purchasing to renew the contract for two, one-year periods for an estimated total potential contract amount of \$2,544,205.20. The initial contract period shall begin upon the receipt and acceptance of the insurance/performance payment guaranty and shall terminate one year from that date.

ACTION: (T-10:28 AM) Approved.

For Office of Transportation

11. MOTION TO AWARD fixed contract to low, responsive, responsible bidder, MBR Construction, Inc., for construction of the Northeast Transit Center Support Building, Bid No. QX07323CAF, in the total base bid award amount of \$823,000 for the Office of Transportation, subject to the receipt and acceptance of the insurance/performance and payment guarantee; and authorize the Mayor and Clerk to execute same. **(Commission District 2)**

ACTION: (T-10:28 AM) Approved.

REVENUE COLLECTION DIVISION

12. MOTION TO ADOPT two Resolutions 2008-035 and 2008-036 authorizing cancellation of Warrants from Central Account No. 2079940003785, Court Trustee Account No. 2090002760550, Payroll Account No. 2079940003798, Tax and License Account No. 2090002760916, and Self Insurance Account No. 2090002760518.

ACTION: (T-10:28 AM) Approved.

RISK MANAGEMENT DIVISION

13. MOTION TO APPROVE full and final settlement of Claim 0929052592 in the amount of \$16,840.

ACTION: (T-10:28 AM) Approved.

HUMAN SERVICES DEPARTMENT

ELDERLY AND VETERANS SERVICES DIVISION

14. A. MOTION TO APPROVE Third Amendment to Agreement No. JH248 between the State of Florida, Department of Children and Families (DCF) and Broward County, for the purpose of modifying the original contractual language, revising and clarifying the information required for invoices, payment orders, outcomes, reports and follow-up surveys guidelines, as well as deleting attachments and exhibits, inserting in lieu upgraded and revised versions; and also for the purpose of increasing the third year funding by \$25,000; from \$2,951,224 to \$2,976,224; effective upon date of execution; and authorize the Mayor to execute same.

ACTION: (T-10:28 AM) Approved.

- B. MOTION TO ADOPT unanticipated revenue Resolution 2008-037 within the State of Florida, Department of Children and Families Grant Fund for Elderly and Veterans Services Division for the third year of Agreement No. JH248, funding in the amount of \$25,000 for the continuation of Behavioral Health Program services.

ACTION: (T-10:28 AM) Approved.

15. MOTION TO RETROACTIVELY APPROVE Agreement Renewal to Master Agreement No. JM007-15-2007 between the Areawide Council on Aging of Broward County, Inc. and Broward County, extending the term of the agreement one year, from January 1, 2008 to December 31, 2008; and authorize the Mayor to execute same. This is a non-financial agreement. All contracts with funding from State of Florida General Revenue executed between the Areawide Council on Aging of Broward County, Inc. and Broward County are subject to the conditions set forth in this Master Agreement.

ACTION: (T-10:28 AM) Approved.

16. MOTION TO RETROACTIVELY APPROVE Agreement Renewal to Master Agreement No. JM107-15-2007 between the Areawide Council on Aging of Broward County, Inc. and Broward County, extending the term of the agreement one year, from January 1, 2008 to December 31, 2008; and authorize the Mayor to execute same. This is a non-financial agreement. All contracts with funding from the Federal Older Americans Act executed between the Areawide Council on Aging of Broward County, Inc. and Broward County are subject to the conditions set forth in this Master Agreement.

ACTION: (T-10:28 AM) Approved.

MEDICAL EXAMINER AND TRAUMA SERVICES DIVISION

17. MOTION TO ACCEPT nominations of Nicholas K. Polizos and Severo Rodriguez for appointments to the Broward Regional Emergency Medical Services (EMS) Council.

ACTION: (T-10:28 AM) Approved.

COMMUNITY SERVICES DEPARTMENT

PARKS AND RECREATION DIVISION

18. A. MOTION TO APPROVE First Amendment to Agreement between the Children's Services Council of Broward County (CSCBC) and Broward County (County), for an additional \$253,100 for the County's SWIM Central Program, to provide for reimbursements to contracting agencies for water safety education and instruction for children countywide, from October 1, 2007 to September 30, 2008, and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:28 AM) Approved.

- B. MOTION TO ADOPT unanticipated revenue Resolution 2008-038 in the General Fund for the Parks and Recreation Division in the amount of \$253,100 for the benefit of the County's SWIM Central Program.

ACTION: (T-10:28 AM) Approved.

EMERGENCY MANAGEMENT AGENCY

19. MOTION TO ADOPT Resolution 2008-039 of the Board of County Commissioners providing for the adoption of the 2007 Broward County Comprehensive Emergency Operations Plan (CEOP); providing for severability, and providing for an effective date.

ACTION: (T-10:28 AM) Approved.

ENVIRONMENTAL PROTECTION DEPARTMENT

20. MOTION TO APPROVE Settlement Agreement in the estimated amount of \$33,440 between Broward County and Sol Quality Cleaners, Inc., to resolve dry cleaner violations of Chapter 27 of the Broward County Code of Ordinances in the City of Weston; and authorize the Mayor and Clerk to execute same. **(Commission District 5)**

ACTION: (T-10:28 AM) Approved.

21. MOTION TO APPROVE Satisfaction and Release of Lien against the property of Juventude, Ltd. for a hazardous material violation of Chapter 27 of the Broward County Code of Ordinances at Fort Lauderdale/Hollywood International Airport; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:28 AM) Approved. Without objection, the Board agreed to allow the County Attorney's Office to amend the Code, or place a provision in the lease that provides an automatic right to provide a lien when costs incur to clean up the environment. (Refer to minutes for full discussion.)

PORT EVERGLADES DEPARTMENT

22. A. MOTION TO ADOPT Resolution 2008-040 authorizing the Mayor and Clerk to execute a Supplemental Joint Participation Agreement (SJPA) between Broward County and the State of Florida Department of Transportation (FDOT), increasing the project cost by \$3,726,000; from \$2,530,000 to \$6,256,000 for the purpose of applying Fiscal Year 2007/2008 and Fiscal Year 2008/2009 FDOT Strategic Intermodal System (SIS) Growth Management funds in the amount of \$1,863,000 to Port Everglades Department, for the design and construction of the McIntosh Road realignment project in Southport (requiring \$1,863,000 in matching funds from the County); effective upon execution by FDOT through June 15, 2009.

ACTION: (T-10:28 AM) Approved.

- B. MOTION TO ADOPT unanticipated revenue Resolution 2008-041 within Port Everglades Capital Fund (4710) for Port Everglades Department in the amount of \$1,000,000 for the design and construction of the McIntosh Road realignment project in Southport; \$863,000 was previously adopted in the Fiscal Year 2008 Master Plan capital budget, bringing the total to \$1,863,000.

ACTION: (T-10:28 AM) Approved.

COUNTY ATTORNEY

23. MOTION TO APPROVE Agreement between Broward County and the Division of Administrative Hearings ("DOAH") for administrative law judge services pursuant to Section 120.65, Florida Statutes; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:28 AM) Approved.

24. MOTION TO AUTHORIZE County Attorney to file suit in County Court on behalf of Broward County and Salomee Himas, "Complainant," against Harry Anthony Rolle/HAR Properties, "Respondent," because the Respondent failed to comply with a Conciliation Agreement.

ACTION: (T-10:28 AM) Approved.

25. MOTION TO APPROVE proposed settlement in the amount of \$50,000; including costs and attorney's fees, in the case of *Chantell K. Clairmont, as Personal Representative of the Estate of Louis Clairmont, Deceased, v. Sun Terminals, Inc., King Ocean Services, Limited (Cayman Islands) Inc., Beru Shipping Company, Limited, Reederei Antartico MS "Berulan" GmbH & Co. KG, Rickmers Reederie GmbH & Cie KG, and Port Everglades Authority*, United States District Court Case No. 06-61040 CIV-Marra/Seltzer.

ACTION: (T-10:28 AM) Approved.

COUNTY ADMINISTRATION

26. MOTION TO APPOINT Dr. Hank Mack, Mr. Wayne Spath, Mr. Barry Butin, and Dr. Steve Ronik to the Public Safety Coordinating Council Advisory Board.

ACTION: (T-10:28 AM) Approved. (Scrivener's error – See County Administrator's Report: Reads Motion to Appoint, should read Motion to approve nomination of...)

COUNTY COMMISSION

27. MOTION TO FILE Resolution No. 2008-08 adopted by the City Commission of the City of Hallandale Beach supporting House Bill 27 proposed by Florida Representative Donald Davis, increasing the percentage of foreign investments for the Firefighters' Pension Trust Fund. (Mayor Wexler)

ACTION: (T-10:28 AM) Approved.

28. MOTION TO FILE Resolution No. R-2008-008 adopted by the City Commission of the City of Hollywood, Florida, approving the City of Hollywood Legislative Agenda for the upcoming 2008 Legislative Session. (Mayor Wexler)

ACTION: (T-10:28 AM) Approved.

29. MOTION TO FILE Resolution No. 08-14 adopted by the City Commission of the City of Lauderdale Lakes requesting Broward County and the Florida Department of Transportation to take such steps as shall be necessary and appropriate to install a U-turn signal on the traffic control device at the intersection of NW 31 Avenue and West Oakland Park Boulevard to facilitate east/west traffic movements. (Mayor Wexler)

ACTION: (T-10:28 AM) Approved.

30. MOTION TO FILE Resolution No. 08-13 adopted by the City Commission of the City of Lauderdale Lakes to Broward County, Florida, and the Florida Department of Transportation requesting that each take such action as shall be necessary and appropriate to install a pedestrian traffic control device on West Oakland Park Boulevard at NW 35 Avenue; providing for directions to the City Clerk; providing for the adoption of representations. (Mayor Wexler)

ACTION: (T-10:28 AM) Approved.

31. MOTION TO FILE Resolution No. 2008-1612 of the City Commission of the City of Lighthouse Point, Florida, opposing a proposed local bill calling for the creation of a taxing district called the Broward Urban Independent Fire District, which would implement a system establishing one fee structure to deliver fire and emergency medical services to participating municipalities; urging all municipalities located in Broward County to oppose the proposal, providing direction for distribution to other Broward and Florida governmental entities and elected officials; providing for conflicts; providing for severability; and providing for an effective date. (Mayor Wexler)

ACTION: (T-10:28 AM) Approved.

REQUEST TO SET FOR PUBLIC HEARING

32. MOTION TO ADOPT Resolution 2008-042 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, March 11, 2008, at 2:00 P.M. in Room 422 of the Governmental Center, to vacate a 22.50-foot wide Roadway Easement, lying south of, and adjacent to, the south boundary of Parcel "A", of the Mariani Asphalt Plat, located at 1299 SE 20 Street, Fort Lauderdale; at no cost to the County. Petitioner: Mariani LLC. (Craven Thompson & Associates, Inc., Agent) (2007-V-03) **(Commission District 4)**

ACTION: (T-10:28 AM) Approved.

33. MOTION TO ADOPT Resolution 2008-043 directing the County Administrator to publish Notice of Public Hearing to be held on April 29, 2008, at 2:00 P.M. in Room 422 of the Broward County Governmental Center, for the purpose of holding a drawing to award new taxicab and new luxury sedan certificates to qualified applicants.

ACTION: (T-10:28 AM) Approved.

34. MOTION TO ADOPT Resolution 2008-044 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, February 26, 2008, 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:

ACTION: (T-10:28 AM) Approved.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING THE BROWARD COUNTY CODE OF ORDINANCES, CHAPTER 27, "POLLUTION CONTROL," ARTICLE XII, "HAZARDOUS MATERIAL," AMENDING SECTIONS 27-352 THROUGH 27-357; PROVIDING FOR CONSISTENCY WITH THE REQUIREMENTS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-10:28 AM) Approved.

URBAN PLANNING AND REDEVELOPMENT DEPARTMENT

HOUSING AND COMMUNITY DEVELOPMENT DIVISION

35. MOTION TO ADOPT Resolution 2008-045 of the Board of County Commissioners of Broward County, Florida, amending Broward County's Fiscal Year 2000-2004 and 2005-2010 Strategic Consolidated Plans, and the accompanying Annual Action Plans for Fiscal Years 2001-2002 and 2006-2007; reprogramming \$416,722 in U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CBDG) Program funds, and \$1,230,721 in HUD HOME Investment Partnerships (HOME) Program funds; providing for severability; and providing for an effective date.

ACTION: (T-10:28 AM) Approved.

REGULAR AGENDA

PUBLIC HEARING

SAFE PARKS AND LAND PRESERVATION BOND PROGRAM

- 36. A. MOTION TO APPROVE Exchange Agreement between Broward County and The School Board of Broward County, providing for an exchange of a County-owned, 5-acre, vacant, surplus parcel of land located within Quiet Waters Park, adjacent to the west side of Quiet Waters Elementary School, Deerfield Beach, valued at \$1,300,000; together with a cash payment of \$108,750 (total consideration of \$1,408,750), in return for a vacant 9.855-acre parcel owned by the School Board, known as the Hillsboro Pinelands site; further identified as Safe Parks and Land Preservation Bond Program Conservation Land Site CL-16A, and legally described as Parcel A of School Site 0800, Plat Book 145, Page 47, valued at \$1,517,500; authorize the Mayor and Clerk to execute Exchange Agreement and Quit Claim Deed, and authorize acceptance and recordation of Quit Claim Deeds. **(Commission District 2)**

ACTION: (T-4:22 PM) Approved.

VOTE: 8-0. Commissioner Rodstrom was out of the room during the vote.

- B. MOTION TO ADOPT Resolution 2008-046 authorizing the Board of County Commissioners to request and direct the acquisition of the 9.855-acre Hillsboro Pinelands site owned by the School Board in exchange of a 5-acre vacant and surplus segment of Quiet Waters Park, plus a cash payment of \$108,750; both parcels to be deed-restricted for park and recreation purposes. **(Commission District 2)**

ACTION: (T-4:22 PM) Approved.

VOTE: 8-0. Commissioner Rodstrom was out of the room during the vote.

Staff requests that the following item be continued to the March 11, 2008 meeting:

- 37. MOTION TO APPROVE Contract for Sale and Purchase between Broward County, Purchaser, and The School Board of Broward County, Seller, for the County's acquisition of 2000 Safe Parks and Land Preservation Bond Program designated Open Space Site OS-18, comprised of 5.90 acres of land, together with the former Hortt School, located at 1700 SW 14th Court, Fort Lauderdale, Florida, for a purchase price of \$3,110,000; including a lease-back to the School

Board of the northerly 3.39 acres of the site, including the former school buildings, for a period not to exceed 12 months; annual rent in the amount of \$155,500; authorize Real Property Section to acquire this property using Safe Parks and Land Preservation Bond funds; authorize the Mayor and Clerk to execute Contract for Sale and Purchase and the attached Business Lease, and authorize acceptance and recordation of Warranty Deed. **(Commission District 7)**

ACTION: (T-4:23 PM) The Board continued this item until March 11, 2008.

VOTE: 8-0. Commissioner Rodstrom was out of the room during the vote.

END PUBLIC HEARING

SAFE PARKS AND LAND PRESERVATION BOND PROGRAM



38. A. **MOTION TO DIRECT** the County Administrator to publish a Notice of Public Hearing to be held at 10:00 A.M. on Tuesday, March 25, 2008, in Room 422 of the Governmental Center, to consider a Contract for Sale and Purchase for the County's purchase of Safe Parks and Land Preservation Bond Program Open Space Site OS-137, which is 6.147 acres, or 267,763 square feet of improved agricultural land located at 5500 SW 100th Avenue, Cooper City; the westerly two acres of the site will be acquired with highway improvement funds and utilized as a wetlands/drainage/storm water retention area to serve the future water retention needs and planned widening of SW 100th Avenue. **(Commission District 5)**

ACTION: (T-10:28 AM) Approved. (Transferred to the Consent Agenda.)

- B. **MOTION TO ACKNOWLEDGE** to Broward County Board of County Commissioners that Public Works and Transportation Department intends to present for consideration by the Board on or after March 25, 2008, a Contract for Sale and Purchase for the County's acquisition of Open Space Site OS-137, for a purchase price of \$2,928,629.63. **(Commission District 5)**

ACTION: (T-10:28 AM) Approved. (Transferred to the Consent Agenda.) Staff will bring back to the Board an updated appraisal within six weeks. (Refer to minutes for full discussion.)

AVIATION DEPARTMENT

39. **MOTION TO APPROVE** Second Amendment to the Agreement between Broward County and Pierce Goodwin Alexander and Linville, Inc., Zyscovich Inc., and ADP International Engineering, Inc. (PZA), a Joint Venture, for Consultant Services for the Redesign of Terminal 4 at the Fort Lauderdale-Hollywood International Airport, RLI 20020201-0AV-02; increasing the contract amount by \$2,270,000; from \$7,992,272 to \$10,262,272 for additional construction administration and optional services; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:28 AM) Withdrawn for further staff review.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT



40. MOTION TO DISCUSS Inducement Resolution, as amended and approved by the Board of County Commissioners of Broward County, Florida, at their February 5, 2008 meeting, related to the Florida Department of Transportation's (FDOT) I-595 Project and the response from FDOT to the amended Resolution.

ACTION: (T-10:47 AM) Approved, as amended. The Board supported the amended Inducement Resolution. (Refer to minutes for full discussion.)

VOTE: 8-1. Commissioner Jacobs voted no.

ACTION: (T-10:50 AM) Approved as amended. The Board directed staff to propose an amendment to the legislative platform and amend the statute to provide funding for mass transit from toll roads within the County in which those tolls are generated, and that this item be brought to the MPO for their support. (Refer to minutes for full discussion.)

VOTE: 9-0.

PURCHASING DIVISION

For Aviation Department

41. MOTION TO AWARD fixed contract for Task 2 Roadways Landscape and Aesthetic Improvement Project at the Fort Lauderdale/Hollywood International Airport, Bid No. Q-3-07-073CAF, to the low bidder, Superior Landscaping and Lawn Service, Inc., base bid including add alternates 1 thru 3, including one year warranty and maintenance after complete installation, in the total award amount of \$5,571,869.13, for the Aviation Department subject to the receipt and acceptance of performance and payment guarantee, and authorize the Mayor and Clerk to execute same.

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

ACTION: (T-10:58 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9-0.

42. MOTION TO APPOINT Director of Maintenance Division, Aviation Department, as Selection Committee Chair for Request for Letters of Interest (RLI), No. 20071012-0-AV-1, Stormwater Master Plan at the Fort Lauderdale/Hollywood International Airport, to replace the Deputy Director, Aviation Department.

ACTION: (T-10:28 AM) Approved. (Transferred to the Consent Agenda.)

43. MOTION TO APPOINT Selection Committee (SC) to select multiple firms which will assist the Aviation Department in providing Consulting Services for General Engineering and Architectural Services at the Fort Lauderdale/Hollywood International Airport and approve Request for Letters of Interest (RLI), No. 20071017-0-AV-1.

ACTION: (T-4:23 PM) Approved. (Scrivener's error – See County Administrator's Report: Page 2 of 18 of the RLI, under Scope of Services reads "a consultant" and "a firm" and should read "consultants" and "firms.") The Board approved the following to serve on the Selection Committee (S/C): Mayor Wexler, Vice Mayor Ritter, Commissioners Eggelletion; Gunzburger; Jacobs; Keechl; and Lieberman; Director, Planning and Development, Aviation Department (Chair); Director, Seaport Engineering and Construction, Port Everglades Department; Assistant Director, Airport Expansion Program, Aviation Department, plus administrative support staff from the offices of the County Attorney, County Auditor, Equal Opportunity, Risk Management Division, Purchasing Division and the Aviation Department. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Rodstrom was out of the room during the vote.

For Community Services Department

44. A. MOTION TO WAIVE as a minor or technical irregularity, Degen's Lawn and Garden, Inc., (Degen's) timely submittal of revised Bid Sheet Page 10, as required in Addendum No. 2.

ACTION: (T-10:28 AM) Approved. (Transferred to the Consent Agenda.)

- B. MOTION TO AWARD fixed contract to single bidder, Degen's Lawn and Garden, Inc., a certified Small Business Enterprise, for utility vehicles, Alternate 1 (Line Items 1 – 6), Bid No. C707254FF, in the total amount of \$266,918.50, for the Parks and Recreation Division.

ACTION: (T-10:28 AM) Approved. (Transferred to the Consent Agenda.)

For Emergency Management Agency

45. A. MOTION TO APPOINT Selection Committee (SC) to recommend the most qualified firm to provide a Post-Disaster Logistics Staging Area on an as-needed basis and approve Request for Letters of Interest (RLI), No. 20070710-0-EP-1.

ACTION: (T-4:25 PM) Approved. The Board approved the following to serve on the Selection Committee (S/C): Commissioner Lieberman; CFO/Director, Finance & Administrative Services Department (Chair); Assistant Director, Parks and Recreation Division; Director, Broward Emergency Management Agency, plus administrative support staff from the offices of the County Attorney, County Auditor, small Business Development Division, Risk Management Division, Purchasing Division, and the using agencies.

VOTE: 8-0. Commissioner Rodstrom was out of the room during the vote.

- B. MOTION TO WAIVE Broward County Procurement Code, Section 21.87.e (mandatory extension of advertising deadline if fewer than three submittals are received by the initial opening deadline) to nullify the requirement for an additional four weeks of advertising for RLI No. 20070710-0-EP-1 for a Post-Disaster Logistics Staging Area.

ACTION: (T-4:25 PM) Approved.

For Finance and Administrative Services Department

46. MOTION TO APPOINT CFO/Director, Finance and Administrative Services Department (FASD), (Chair), as Selection Committee member for RLI 20071114-0-ETS-01 to replace Interim Infrastructure Services Division (ISD) Director, Enterprise Technology Services Division.

ACTION: (T-10:28 AM) Approved. (Transferred to the Consent Agenda.) (Scrivener's error – See County Administrator's Report: Exhibit 2, Page 1, No. 4 should read "...individuals arrested solely for or convicted of violations...")

47. MOTION TO APPOINT CFO/Director, Finance and Administrative Services Department, as Selection Committee Chair for Request for Letters of Interest (RLI), No. 20070802-0-FA-1, Arbitrage Services, to replace the Deputy CFO/Deputy Director, Finance and Administrative Services Department.

ACTION: (T-10:28 AM) Approved. (Transferred to the Consent Agenda.)

COUNTY ADMINISTRATION

48. MOTION TO DISCUSS standard form interlocal agreement (ILA) with municipalities for the provision of jail housing for violators of Municipal Ordinances, and if approved determine an effective date; authorize the Mayor to execute agreements with participating municipalities, and request that the Sheriff cease accepting individuals charged solely with a municipal ordinance violation into County detention facilities unless the municipality has entered into an interlocal agreement with the County. (Deferred from January 8, 2008 – Item No. 48.)

ACTION: (T-4:43 PM) The Board deferred this item for 45 days. The Board directed staff to follow up with the Police Association and make inquiry as to the Police Association's position, and inquiry as to a formal position of city managers. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Rodstrom was out of the room during the vote.



49. A. MOTION TO ADOPT Sterling Management System as the Board of County Commissioners' official organizational improvement model.

ACTION: (T-4:43 PM) Approved.

VOTE: 8-0. Commissioner Rodstrom was out of the room during the vote.



- B. MOTION TO APPROVE Commission Vision, Vision Statements, and Goal Statements for 2008-2009.

ACTION: (T-4:43 PM) Approved.

VOTE: 8-0. Commissioner Rodstrom was out of the room during the vote.

50. MOTION TO AUTHORIZE the County Administrator to execute the (i) "Site Plan" application, (ii) "Plat Note Amendment" application and (iii) Authorization Letter regarding the proposed Site Plan changes for New River Village, Phase III.

ACTION: (T-10:28 AM) Withdrawn for further staff review.

51. MOTION TO AMEND 2008 Broward County Board of Commissioners' meeting schedule to reflect changes to the February, March, April, May, June and November schedules.

ACTION: (T-10:28 AM) Approved. (Transferred to the Consent Agenda.) (Scrivener's error – See County Administrator's Report: Exhibit 1 reads February 19 – 10:00 a.m. Downtown Campus should read 2:00 p.m. Downtown Campus, also, reads 11:00 a.m. Courthouse Workshop should read 10:00 a.m. Courthouse Workshop.)

ACTION: (T-4:20 PM) The Board reconsidered this item.

VOTE: 8-0. Commissioner Rodstrom was out of the room during the vote.

ACTION: (T-4:21 PM) Following reconsideration of this item, the Board accepted the amendments made to the Broward County Board of County Commissioners Calendar from January 2007 through December 2008, to reflect the direction given during the Project Management/Construction Management (PM/CM) meeting. PM/CM (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Rodstrom was out of the room during the vote.

COUNTY COMMISSION

52. DISCUSSION: County's participation/sponsorship in Broward Days 2008. (Mayor Wexler)

ACTION: (T-5:06 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 6-2. Commissioner Gunzburger, and Vice Mayor Ritter voted no. Commissioner Rodstrom was out of the room during the vote.

COUNTY ADMINISTRATOR'S REPORT

53. A. NEW SOUTH ANIMAL CARE FACILITY

ACTION: (T-5:12 PM) Interim County Administrator Bertha Henry referenced her yellow-sheeted backup material submitted February 12, 2008, and discussed putting a hold on the RLI for the architect and engineering services for the animal shelter. She explained that the Budget Office and staff are still evaluating all CIP's, but that a selection committee will be coming back with a presentation in the future.

Commissioner Keechl commented on his support for this item but stated that in light of Amendment 1 passing, he regretfully agreed that the timing to hold off on this is appropriate and supported the Interim County Administrator's position. (Refer to minutes for full discussion.)

B. CENTRAL REGIONAL PARKS SPORTING EVENT

ACTION: (T-5:15 PM) Interim County Administrator Bertha Henry announced that Central Regional Park will be hosting its first sporting event, a professional soccer match between the Colorado Rapids and the Real Salt Lake Team. (Refer to minutes for full discussion.)

C. FT. LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT

ACTION: (T-5:16 PM) Interim County Administrator Bertha Henry reported that the Federal Aviation Administration (FAA) Southern Regional Airports Division has awarded its "2007 Air Carrier Airport Safety Award" to Ft. Lauderdale-Hollywood International Airport. (Refer to minutes for full discussion.)

D. REMINDER OF DROUGHT CONDITIONS

ACTION: (T-5:16 PM) Interim County Administrator Bertha Henry reminded everyone that Broward County is still experiencing a drought and that a number of activities are being planned to help educate the residents on ways to conserve water, such as "Water Matters Day" which will be held on Saturday, March 15, 2008, from 9 a.m. to 3 p.m. at Tree Tops Park, located at 3900 S. W. 100th Avenue in Davie. (Refer to minutes for full discussion.)

MAYOR'S REPORT

54. A. CHARTER REVIEW COMMISSION

ACTION: (T-5:17 PM) Mayor Wexler reported on the action taken by the Charter Review Commission's Land Use Sub-Committee and suggested the members contact their appointees on the Charter Review Commission to let them know their respective opinions, noting that the Charter Review Commission is meeting again on February 13, 2008. Mayor Wexler also stated that Assistant County Administrator Pam Madison would continue to monitor and report on further action taken. (Refer to minutes for full discussion.)

SUPPLEMENTAL AGENDA

COUNTY COMMISSION

Item No. 55, shown below is TIME CERTAIN for 11:00 A.M.:

55. A. MOTION TO DISCUSS termination of Agreements between Broward County and The Starting Place, Inc. for residential substance abuse and day care services for adolescents. (Commissioner Gunzburger)

ACTION: (T-10:28 PM) Withdrawn at the request of Commissioner Gunzburger as the Starting Place's residential license has been revoked by the Department of Children and Families..

B. MOTION TO DISCUSS termination of Agreements between Broward County and The Starting Place, Inc. for outpatient substance abuse services for adolescents. (Commissioner Gunzburger)

ACTION: (T-1:40 AM) Approved. Broward County will continue funding for a 30 day period with an agreement by the Department of Children and Families as to providing day-to-day oversight monitoring of supervisors, as well as day-to-day oversight monitoring of the clinical aspect of the program for outpatient services for 30 days, with the exception of in-home outpatient services, as therapy sessions are strictly confidential. (Refer to minutes for full discussion.)

VOTE: 9-0.

56. MOTION TO DIRECT Staff to add support for SB 1362, The Florida Housing Preservation Program, to the 2008 State Legislative Program. (Commissioner Gunzburger)

(This item was pulled by Commissioner Eggelletion)

ACTION: (T-5:12 PM) The Board deferred this item until Tuesday, February 26, 2008.

VOTE: 7-0. Commissioners Rodstrom and Wasserman-Rubin were out of the room during the vote.

57. MOTION TO APPROVE inclusion of an additional legislative proposal in the 2008 State Legislative Program in support of increasing the penalties regarding the use of semi-automatic weapons. (Commissioner Gunzburger)

ACTION: (T-10:28 AM) Approved. (Transferred to the Consent Agenda.)

NON-AGENDA

58. CHARTER REVIEW COMMISSION – COMMISSIONERS KEECHL, EGGELLETON, LIEBERMAN, AND JACOBS

ACTION: (T-5:21 PM) Commissioner Keechl commented on his concerns regarding the ethics issue and the possible creation of a Broward County Ethics Commission which is to be discussed at the Charter Review Commission meeting to be held on February 13, 2008.

Commissioner Eggelletion stated that it is a documented fact that Florida has the toughest ethics law in the nation.

Commissioner Lieberman concurred with Commissioner Eggelletion and added that the Charter Review Commission is looking at various items without consideration of the cost impact.

Commissioner Jacobs inquired as to what the cost would be for a special election, noting that it used to be half a million dollars.

Commissioner Keechl responded that he has already requested this information. (Refer to minutes for full discussion.)

59. TAXATION & BUDGET REFORM COMMISSION (TBRC) – COMMISSIONER JACOBS

ACTION: (T-5:31 PM) Commissioner Jacobs referenced her yellow-sheeted backup material dated February 12, 2008, and discussed Resolution CP004,5 concerning a possible State Constitutional Amendment imposing limitations on government spending and the issue of unfunded mandates. (Refer to minutes for full discussion.)

60. LOWERED COST OF INSURANCE – COMMISSIONER JACOBS

ACTION: (T-5:32 PM) Commissioner Jacobs referenced the memorandum received from the Director of Finance and Administration Michael Geoghegan, noting a savings in insurance costs and offered her congratulations to him as a result of his efforts to pursue other insurance alternatives. (Refer to minutes for full discussion.)

61. IMPACTS OF FERTILIZER USE – COMMISSIONER JACOBS

ACTION: (T-5:34 PM) Commissioner Jacobs referenced the memorandum from Assistant County Administrator Pamela Madison regarding the issue of fertilizers and the task force that was put together along with their recommendations, and discussed the efforts being made to reduce the impact of fertilizers to the surface water. (Refer to minutes for full discussion.)

62. OCEAN OUTFALL – COMMISSIONER JACOBS

ACTION: (T-5:35 PM) Commissioner Jacobs referenced her yellow-sheeted backup material dated February 12, 2008, regarding the Department of Environmental Protection's (DEP) Legislative proposal regarding ocean outfall and **requested that the Interim County Administrator Bertha Henry ensure that Water Resources Director Dr. Jennifer Jurado be involved in all discussions, as well as in receipt of all related legislative correspondence/reports.**

Assistant County Administrator Pam Madison assured that coordination will continue to link the scientific data with the utility and environmental issues going forward.

Commissioner Jacobs requested that the Deputy County Administrator keep the Board apprised with information going forward. (Refer to minutes for full discussion.)

63. TRANSIT STATION INVITATION – COMMISSIONER LIEBERMAN

ACTION: (T-5:39 PM) Commissioner Lieberman referenced an invitation that she received from the owner of both the Boca Town Center Mall and the Coral Square Mall to attend an official dedication of a new transit station at the Boca Town Center on November 21, 2007. Commissioner Lieberman then requested without objection, that staff draft correspondence asking that the owner treat Coral Square Mall fairly in providing a transit center there, as they have done at the Boca Town Center. (Refer to minutes for full discussion.)

64. DUE DILIGENCE BY STAFF – COMMISSIONER LIEBERMAN

ACTION: (T-5:41 PM) Commissioner Lieberman discussed the importance of staff doing due diligence and cited several examples of it not being done and the resultant consequences. She requested that staff start checking with the County Attorney's Office as part of the process so as to avoid any awkward circumstances. (Refer to minutes for full discussion.)

65. POINT OF INFORMATION – COMMISSIONER LIEBERMAN

ACTION: (T-5:44 PM) Commissioner Lieberman requested that staff provide the Interim County Administrator, the County Attorney, or the County Auditor with a note regarding a point of information if they are aware of conflicting facts so that the Board, as policy makers, have correct and true information at all times.

Commissioner Keechl then commented on information he received from staff regarding the tourist development tax (TDT) pledge and how that changed per correspondence from County Attorney Jeffrey Newton. Mr. Newton explained that the comfort level is not where it needs to be for those funds to be utilized as a backup pledge and reported that after ongoing discussions with several sources, an opinion from the Attorney General is needed as to the legality of pledging TDT's. (Refer to minutes for full discussion.)

Mayor Wexler echoed Commissioner Lieberman's comment regarding the importance of staff doing due diligence and Commissioner Lieberman reiterated the need for staff to inform the Board of accurate and factual information. (Refer to minutes for full discussion.)

66. BLACK ELECTED OFFICIALS EVENT – COMMISSIONER EGELLETON

ACTION: (T-5:56 PM) Commissioner Eggleton thanked Mayor Wexler for attending the Black Elected Officials event at the Weston Diplomat on February 9, 2008, wherein he was honored. Refer to minutes for full discussion.)

67. TALLAHASSEE TRIP – COMMISSIONER EGELLETON

ACTION: (T-6:03 PM) Commissioner Eggleton reported on his trip to Tallahassee where he chaired the State Committee on Public Safety for the Florida Association of Counties. He also discussed the Legislature’s request for review of the Juvenile Justice Bill and stated that he would continue to monitor it. (Refer to minutes for full discussion.)

68. MAYOR’S GALA – COMMISSIONER EGELLETON

ACTION: (T-6:04 PM) Commissioner Eggleton informed the Board that the proceeds from the Mayor’s Gala will be distributed to the Memorial South Hospital, Broward Health, and the Sickle Cell Foundation.

69. NON-AGENDA – VICE MAYOR RITTER

ACTION: (T-6:06 PM) Vice Mayor Ritter commented on the length of time being spent on Non-Agenda, and suggested that if Non-Agenda items are lengthy to place them on the Agenda for a Motion to Discuss.

MEETING/WORKSHOP NOTICES

**SELECTION COMMITTEE
PROGRAM MANAGEMENT/CONSTRUCTION MANAGEMENT SERVICES AT
FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT
RLI No. 20071014-0-AV-01**

Tuesday, February 12th, in Room 430 at 12:00 PM

