

MEETING OF FEBRUARY 27, 2007

(The meeting convened at 10:08 a.m.; recessed at 1: 14 p.m., reconvened at 3:43 p.m.; recessed at 4:34 p.m., reconvened at 4:37 p.m. and adjourned at 5:45 p.m.)

PLEDGE OF ALLEGIANCE was led by Mr. Robert Bielek, Interim Director of Aviation.

MOMENT OF SILENCE

In memory of William Dandy, Broward School Administrator, George Pitter and Jameer Fyzool, who lost their lives in the shuttle bus crash, Dr. Joseph Hopen, long-time ophthalmologist from Hollywood, and for the soldiers around the world who continue to put their lives on the line.

CALL TO ORDER: Mayor Josephus Eggleton, Jr. called the meeting to order and declared a quorum present.

<u>COMMISSIONER</u>	<u>DISTRICT</u>	<u>ATTENDANCE</u>
Josephus Eggleton, 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 Lieberman, seconded by Commissioner Gunzburger and unanimously carried to approve the Consent Agenda, consisting of Items 1 through 61. At the request of the Mayor, Items 62, 72, and 73, along with Supplemental Agenda Item 76, were transferred to the Consent Agenda.

The following Items were withdrawn: Items 14C, 55, and 57.

The following items were pulled by Board members and considered separately: 7, 21, 31, 32, 33, 52, and 61.

BOARD APPOINTMENTS

1. A. MOTION TO APPROVE appointment of Barbara J. Till to the Library Advisory Board. (Vice-Mayor Wexler)

ACTION: (T-10:15 AM) Approved.



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

- B. MOTION TO APPOINT Evan Jackson Evans to the Living Wage Board. (Commissioner Keechl)

ACTION: (T-10:15 AM) Approved.

- C. MOTION TO APPROVE appointment of Patrick A. Santeramo to the Housing Finance Authority. (Vice-Mayor Wexler)

ACTION: (T-10:15 AM) Approved.

- D. MOTION TO APPOINT Joseph Morguess to the Elderly and Veterans Services Advisory Board. (Commissioner Ritter)

ACTION: (T-10:15 AM) Approved.

- E. MOTION TO APPOINT Rosalie R. Rubin to the Broward Beautiful Committee. (Commissioner Ritter)

ACTION: (T-10:15 AM) Approved.

AVIATION DEPARTMENT

2. MOTION TO APPROVE Terminal Building Lease Agreement (“TBLA”) between Broward County, Florida and Frontier Airlines, Inc. (“Frontier”) for the lease and use of 580 square feet of Airline Ticket Office, and 220 square feet of preferentially leased ticket counter space in Terminal 1 at Fort Lauderdale-Hollywood International Airport (“FLL”), with anticipated annual revenues of \$34,835; effective upon Board approval for a five-year term, with a 30-day written notice of termination by either party, and authorize the Mayor and Clerk to execute same.


ACTION: (T-10:15 AM) Approved.

3. MOTION TO APPROVE Agreement of Lease Between Broward County, Florida and BellSouth Telecommunications, Inc. (“Lease”), for a parcel of land (approximately 0.06 acres) located at the Fort Lauderdale-Hollywood International Airport (“Airport”) to house telecommunications equipment necessary to provide telecommunications services to Airport facilities on the west side, and authorize the Mayor and Clerk to execute same. **(Deferred from February 13, 2007 – Item No. 5)**

ACTION: (T-10:15 AM) Approved.

PUBLIC WORKS AND TRANSPORTATION DEPARTMENT

REAL PROPERTY SECTION

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4. MOTION TO APPROVE Contract for Sale and Purchase between Broward County and Jean A. Felton, in the amount of \$35,000 for the County's purchase of West Lake Parcels 36, 37, and 38, located in the subdivision known as Hollywood Central Beach Business Section No. 3, Plat Book 10, Page 6, Lots 24, 25, and 26, Block 26. The Parks and Recreation Division authorizes Real Property Section to acquire these parcels using funds approved by Aviation Department and Port Everglades Department; authorize the Mayor and Clerk to execute Contract for Sale and Purchase, and authorize acceptance and recordation of deed. **(Commission District 6)**

ACTION: (T-10:15 AM) Approved.

TRAFFIC ENGINEERING DIVISION

5. MOTION TO ADOPT Resolution 2007-049 authorizing the Traffic Engineering Division Director to terminate, upon thirty days written notice, Trafficways Illumination Agreements between Broward County and various municipalities, with those municipalities that have entered into, or those that might enter into, a State Highway Lighting, Maintenance and Compensation Agreement with the Florida Department of Transportation; and to transfer responsibility for maintenance, repair and testing to such municipalities, consistent with the State Highway Lighting, Maintenance and Compensation Agreement.

ACTION: (T-10:15 AM) Approved.

WATER AND WASTEWATER SERVICES

WATER AND WASTEWATER ENGINEERING DIVISION

6. MOTION TO APPROVE agreement between Broward County and Craven, Thompson & Associates, Inc., for the North County Neighborhood Improvement Project NE Quadrant, RLI No. 20060110-2-EED-1, providing for design development, permitting, preparation of contract documents, and construction administration for stormwater drainage, water, sanitary sewer, reclaimed water, sidewalks, street paving, landscaping, and signage improvements, at a not-to-exceed salary cost of \$5,214,883; a not-to-exceed reimbursables cost of \$564,724 and a lump sum amount of \$5,889,061; for a total agreement cost of \$11,668,668; and a contract time of 410 non-concurrent days; and authorize the Mayor and Clerk to execute same. (Project No.1152/8629) **(Commission District 2)**

ACTION: (T-10:15 AM) Approved.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

7. MOTION TO AUTHORIZE execution of the second amendment to Broward County Civic Arena Operating Agreement dated as of June 4, 1996 by and between Broward County, Florida (County) and Arena Operating Company, Ltd. (Operator).

(This item was pulled by Commissioner Lieberman.)

ACTION: (T-10:16 AM) Approved, with the caveat that staff expedite its efforts to explore the feasibility of bringing the arena under the County's insurance policy and to provide an analysis no later than June 1, 2007. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

8. MOTION TO ADOPT Resolution 2007-050 of the Board of County Commissioners of Broward County, Florida amending Resolution 2006-439 entitled "A Resolution of the Board of County Commissioners of Broward County, Florida relating to the County's multi-purpose Commercial Paper Program authorizing debt issuance via Commercial Paper or Revenue Bonds for selected projects in the approved Capital Budget; providing for the issuance from time to time of Commercial Paper Notes and Revenue Bonds to finance capital improvement projects for the County's Water and Wastewater System as such projects are described and authorized in the County's Capital Budget for Fiscal Year 2006; authorizing other necessary actions; providing severability and effective date"; authorizing other necessary actions and providing severability and effective date.

ACTION: (T-10:15 AM) Approved.

COUNTY RECORDS DIVISION



9. MOTION TO APPROVE reclassification of BPN No. 07349, Senior Document Recorder (Salary Grade W2700) to Records Automation Manager (Salary Grade Y3000).

ACTION: (T-10:15 AM) Approved.

HUMAN RESOURCES DIVISION

10. **MOTION TO APPROVE** Collective Bargaining Agreement between Broward County and the Amalgamated Transit Union, Local 1267 representing the County's Mass Transit Bargaining Unit for the Fiscal Years 2005/2006, 2006/2007, 2007/2008, and 2008/2009; and authorize the Mayor to execute the agreement.

ACTION: (T-10:15 AM) Approved as corrected. (Scrivener's error – See County Administrator's report: Exhibit 1, Agreement Summary, Purpose: Delete the words "Port Maintenance Bargaining Unit" and substitute in lieu thereof, the words, "Amalgamated Transit Union, Local 1267." Exhibit 2, Summary of Contract Changes, Article 26 – Wages, Section 6 C. The date for the second 2% adjustment should read "April 6, 2008." It is stated correctly in Exhibit 4, Collective Bargaining Agreement – Amalgamated Transit Union, Local 1267 (October 1, 2005 through September 30, 2009, p. 62. (Refer to minutes for full discussion.)

11. **MOTION TO APPROVE** creation of an on-going special payroll deduction dedicated to the collection of employee donations in support of disaster relief efforts and designation of the American and International Red Cross as the recipient of donations collected by the County for specific disaster relief efforts.

ACTION: (T-10:15 AM) Approved.

PURCHASING DIVISION

For Aviation Department

12. **MOTION TO NOTE FOR THE RECORD** appointment of C. Barry Lagerstedt, Director, Planning and Development Division, Aviation Department, as Selection Committee Chair for RLI No. 20060313-0-AV-01, CCTV Phase II, Terminals and Garages to replace the Acting Deputy Director of Aviation Department.

ACTION: (T-10:15 AM) Approved.

For Community Services Department and Public Works and Transportation Department

13. **MOTION TO AWARD** fixed contract to single bidder, Palm Peterbilt-GMC Trucks, Inc., for Dump Trucks and a Flatbed Truck, Bid No. C706277FF, for Items 1 and 2, in the amount of \$242,534 for the Highway and Bridge Maintenance Division and Item 3, in the amount of \$113,516 for the Parks and Recreation Division, for a total amount of \$356,050; subject to receipt and acceptance of insurance certificate.

ACTION: (T-10:15 AM) Approved.

For Port Everglades Department

14. A. MOTION TO WAIVE Procurement Code, Section 21.118.e (Stay of Procurements during Protests) to allow continued advertising and receipt of submittals for RLI No. 20061111-0-PTOPS-1JR, Rail-mounted Gantry Crane Maintenance for Port Everglades Department.

ACTION: (T-10:15 AM) Approved.

- B. MOTION TO AUTHORIZE Purchasing Director to retain all submittals for RLI No. 20061111-0-PTOPS-1JR received by the opening date deadline and expedite the processing of timely submittals upon receipt of the Hearing Officer ruling resolving the current protest by East Coast Crane & Electric, Inc.

ACTION: (T-10:15 AM) Approved.

- C. MOTION TO AUTHORIZE County Administrator or Purchasing Director to approve and execute agreement for Port Everglades Rail-mounted Gantry Crane Maintenance resulting from RLI No. 20061111-0-PTOPS-1JR, if needed, after the June 26, 2007 Board meeting.

ACTION: (T-10:09 AM) Withdrawn. (Refer to minutes for full discussion.)

For Public Works and Transportation Department

15. MOTION TO APPROVE release of retainage and final payment in the amount of \$16,135.13, to Foster Marine Contractors, Inc. for North County Neighborhood Improvement Project, Bid Package 6, Contract No. H104006CF. (BCWWS 1152-6). **(Commission District 9)**

ACTION: (T-10:15 AM) Approved.

RISK MANAGEMENT DIVISION

16. MOTION TO APPROVE a full and final settlement of claim No. 060100 in the amount of \$70,000.

ACTION: (T-10:15 AM) Approved.

17. MOTION TO APPROVE full and final settlement of claim No. 86 WC0785 in the amount of \$200,000.

ACTION: (T-10:15 AM) Approved.

HUMAN SERVICES DEPARTMENT



18. MOTION TO ADOPT Resolution 2007-051 of the Board of County Commissioners of Broward County, Florida, authorizing appropriations, allocations, and disbursements for Fiscal Year 2007 funding to providers; approving funding for not-for-profit organizations, governmental entities, and for profit organizations for the provision of services using Fiscal Year 2007 funding in the total amount of \$160,000; authorizing the County Administrator to execute the standard form contracts and addendums previously approved by Resolution No. 2006-443 for Fiscal Year 2007; providing for review by the County Attorney's Office; providing for severability; and providing for an effective date.

ACTION: (T-10:15 AM) Approved.

CHILDREN'S SERVICES ADMINISTRATION DIVISION



19. A. MOTION TO APPROVE Amendment No. 001 to Contract No. CPU10, between the State of Florida Department of Health (DOH), Children's Medical Services and Broward County upon execution through June 30, 2009, for the purpose of revising the percentage breakdown of State and Federal funding and authorize Mayor to execute same.

ACTION: (T-10:15 AM) Approved.

- B. MOTION TO APPROVE Amendment No. 2 to Contract No. CPU10, between the State of Florida Department of Health (DOH), Children's Medical Services and Broward County upon execution through June 30, 2009, for the purpose of reducing funding for Fiscal Year 2007 by \$3,102; to a total amount of \$1,082,576; and authorize Mayor to execute same.

ACTION: (T-10:15 AM) Approved.

- C. MOTION TO ADOPT unanticipated revenue Resolution 2007-052 within the State Grant Fund for the Children's Services Administration Division/Sexual Assault Treatment Center to reduce current funding of \$1,085,678 by the amount of \$3,102.

ACTION: (T-10:15 AM) Approved.

COMMUNITY SERVICES DEPARTMENT

LIBRARIES DIVISION

20. A. MOTION TO ADOPT Resolution 2007-053 of the Board of County Commissioners of Broward County, Florida, authorizing the acceptance of a donation from Friends of the Coral Springs Libraries of a portable computer projector, valued at \$1,399; for use at the Northwest Regional Library; authorizing the County Administrator to take all administrative and budgetary actions and execute all forms required to implement same; and providing for an effective date. **(Commission District 3)**

ACTION: (T-10:15 AM) Approved.

- B. MOTION TO ADOPT Resolution 2007-054 of the Board of County Commissioners of Broward County, Florida authorizing the acceptance of a donation from Friends of the Coral Springs Libraries, of one octagon "book store style" table and riser shelf, valued at \$1,494.98, for use at the Northwest Regional Library; authorizing the County Administrator to take all administrative and budgetary actions and execute all forms required to implement same; and providing for an effective date. **(Commission District 3)**

ACTION: (T-10:15 AM) Approved.

- C. MOTION TO ADOPT Resolution 2007-055 of the Board of County Commissioners of Broward County, Florida authorizing the acceptance of a donation from Friends of the Coral Springs Libraries of a mobile feature island book display, valued at \$1,339.98, for use at the Northwest Regional Library; authorizing the County Administrator to take all administrative and budgetary actions and execute all forms required to implement same; and providing for an effective date. **(Commission District 3)**

ACTION: (T-10:15 AM) Approved.

MASS TRANSIT DIVISION

21. MOTION TO ADOPT Resolution 2007-056 of the Board of County Commissioners of Broward County (Board), Florida, adopting the Florida Department of Transportation (FDOT), District 4, Transit Facilities Guidelines, Version 2, Florida Department of Transportation, updated April 2004, and procedures for the implementation, oversight and administration of transit facilities guidelines, and as may be amended in the future; and providing for an effective date.

(This item was pulled by Commissioners Ritter, Lieberman and Vice-Mayor Wexler.)

ACTION: (T-11:07 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

PARKS AND RECREATION DIVISION

22. MOTION TO ADOPT Resolution 2007-057 of the Board of County Commissioners of Broward County, Florida, authorizing the acceptance of a donation from South Broward Wheelers, Inc. of four tandem bikes for the use and benefit of the Special Populations Section of the Parks and Recreation Division for programming that serves individuals with visual impairments at various parks in Broward County; authorizing the County Administrator to take all administrative actions to implement same; and providing for an effective date.

ACTION: (T-10:15 AM) Approved.

23. MOTION TO ADOPT Resolution 2007-058 of the Board of County Commissioners of Broward County, Florida, authorizing the acceptance of a donation of a concrete gazebo from DRD Enterprises, Inc. of Davie for the use and benefit of the Parks and Recreation Division to provide shade and relaxation to visitors at Sunview Park in Broward County; authorizing the County Administrator to take all administrative actions to implement same; and providing for an effective date. **(Commission District 7)**

ACTION: (T-10:15 AM) Approved.

EMERGENCY MANAGEMENT AGENCY

24. MOTION TO APPROVE Modification No. 1 to a hazard mitigation grant agreement between Broward County and the State of Florida Department of Community Affairs (DCA) for the purpose of reinstating and extending the agreement to January 31, 2008; authorize the Mayor to execute same, and authorize the County Administrator to take all necessary administrative actions to implement the modification to the agreement.

ACTION: (T-10:15 AM) Approved.

ENVIRONMENTAL PROTECTION DEPARTMENT

BIOLOGICAL RESOURCES DIVISION

25. MOTION TO ACCEPT Joint Deed of Conservation Easement and Agreement from Andrx Pharmaceuticals, Inc. for preservation of a mitigation area comprising 2.37 acres of real property located in the NE corner of Orange Drive and Kean Road in Section 25, Township 50 South, Range 41 East, in the Town of Davie. **(Commission District 7)**.

ACTION: (T-10:15 AM) Approved.

26. MOTION TO ACCEPT Deed of Conservation Easement and Agreement from Regency Lakes Village Center Partners, LLC, for preservation of 2.3409 acres of real property located at the southeast corner of State Road 7 and Regency Lakes Boulevard in Section 6, Township 48 South, Range 42 East, in the City of Coconut Creek. **(Commission District 2)**

ACTION: (T-10:15 AM) Approved.

27. MOTION TO ACCEPT Deed of Conservation Easement and Agreement from Lennar Homes, Inc. for preservation of two mitigation areas collectively comprising 2.891 acres of real property. The first mitigation area (1.071 acres) is located in the south half of Tract 99 of Palm Beach Farms Co. Plat No. 3, in Section 6, Township 48 South, Range 42 East, at the NE corner of Regency Lakes Boulevard and Sawgrass Boulevard, in the City of Coconut Creek. The second mitigation area (1.820 acres) is located in Tract 101 of Palm Beach Farms Co. Plat No. 3 in Section 6, Township 48 South, Range 42 East, between Regency Lakes Boulevard and Lyons Road, directly north of Sawgrass Boulevard, in the City of Coconut Creek. **(Commission District 2)**

ACTION: (T-10:15 AM) Approved.

28. MOTION TO ACCEPT six joinders (documents uniting several parties in a single matter) to Cleghorn Shoe Corporation's Joint Deed of Conservation Easement and Agreement from Ha-Len Martinique, LLC, Red Road Holdings, LLC, Westbrooke Homes (n/k/a Standard Pacific), Flamingo Cove, LLC, Wal-Mart Stores East, L.P. and the City of Miramar for the preservation of mitigation areas comprising 22.90 acres of real property located north of Miramar Parkway, between SW 124th Ave. and Hiatus Road, City of Miramar. **(Commission District 8).**

ACTION: (T-10:15 AM) Approved.

PORT EVERGLADES DEPARTMENT

29. MOTION TO APPROVE Lease Agreement between Broward County and International Warehouse Services, Inc., for 5,000 square feet of vacant land in Foreign Trade Zone No. 25 at Port Everglades, for a three-year term effective March 1, 2007 through February 28, 2010, with rent in the approximate amount of \$23,182 over the lease term; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:15 AM) Approved.

30. MOTION TO APPROVE Lease Agreement between Broward County and ISS Marine Services, Inc., for Suite No. 208 in Building 611 (Amman Building) at Port Everglades, consisting of 400 square feet of office space, effective May 1, 2007 through April 30, 2008, with rent in the amount of \$7,000 over the lease term; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:15 AM) Approved.

OFFICE OF ECONOMIC DEVELOPMENT

31. MOTION TO ACCEPT Broward Alliance Fiscal Year 2007 Quarterly Performance Report for the period October 1, 2006 through December 31, 2006, pursuant to the agreement between Broward County and the Broward Alliance.

(This item was pulled by Commissioner Ritter.)

ACTION: (T-11:13 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

OFFICE OF PUBLIC AND GOVERNMENTAL RELATIONS

32. MOTION TO APPROVE Broward County's participation in Broward Days 2007.

(This item was pulled by Commissioner Ritter and Vice-Mayor Wexler.)

ACTION: (T-11:16 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 8 – 1, with Commissioner Keechl voting “No.”

COUNTY AUDITOR

33. A. MOTION TO FILE County Auditor's Program Performance Review of Mass Transit Division of the Community Services Department.

(This item was pulled by Vice-Mayor Wexler.)

ACTION: (T-11:28 AM/4:05 PM) Approved. (The Board transferred this item from the Consent Agenda to the Regular Agenda. Refer to minutes for full discussion.)

VOTE: 9 – 0.

- B. MOTION TO ADOPT County Auditor's Recommendations.

(This item was pulled by Vice-Mayor Wexler.)

ACTION: (T-11:28 AM/4:05 PM) Approved. (The Board transferred this item from the Consent Agenda to the Regular Agenda. Refer to minutes for full discussion.)

VOTE: 9 – 0.

COUNTY ADMINISTRATION

34. MOTION TO APPROVE second amendment to an agreement between the School Board of Miami-Dade County and Broward County, conveying a School Board communications tower located at the corner of SW 54th Avenue and SW 33rd Street in the Town of Pembroke Park to the County, extending the site license and time to complete construction of a tower.

ACTION: (T-10:15 AM) Approved.

COUNTY COMMISSION

35. MOTION TO FILE Town of Davie, Florida, Resolution No. R-2007-7; expressing adamant opposition to MMM or any other High School being located on Shotgun Road (aka 154th Avenue) in the Town of Davie. (Mayor Eggelletion)

ACTION: (T-10:15 AM) Approved.

36. MOTION TO FILE City of Lauderdale Lakes, Florida, Resolution No. 07-14; expressing the City's opposition to the removal of a traffic signal on State Road 816, Lauderdale Lakes, Broward County Florida, at West Parkland Boulevard and Somerset Drive; requesting a meeting with the Florida Department of Transportation representatives and City management. (Mayor Eggelletion)

ACTION: (T-10:15 AM) Approved.

37. MOTION TO FILE City of Lauderdale Lakes, Florida, Resolution No. 07-15; requesting that the Broward County Commission increase the number of members on the Tourist Development Council from nine to eleven members, with one member to be appointed from the State Road 7 Collaborative. (Mayor Eggelletion)

ACTION: (T-10:15 AM) Approved.

38. MOTION TO FILE City of Margate, Florida, Resolution No. 10-835, supporting a Broward County-wide Weapons Buy-Back Program in coordination with Ken Jenne, Sheriff of Broward County. (Mayor Eggelletion)

ACTION: (T-10:15 AM) Approved.

39. MOTION TO FILE City of Plantation Resolution No. 9858, supporting the conversion of overhead electric distribution facilities to underground facilities, and encouraging the Florida Public Services Commission to implement all reasonable measures to encourage the conversion of electric distribution facilities to underground facilities.. (Mayor Eggelletion)

ACTION: (T-10:15 AM) Approved.

40. MOTION TO FILE State Road 7/U.S. 441 Collaborative Steering Committee Resolution No. 07-01, reaffirming their support for the "Transit Oriented Corridor" (TOC) Future Land Use Category, as a tool to facilitate and promote the unified redevelopment efforts of each local government along the State Road 7/U.S. 441 Corridor. (Mayor Eggelletion)

ACTION: (T-10:15 AM) Approved.

41. MOTION FILE City of Parkland, Florida, Resolution No. 2007-16, encouraging Parkland commercial businesses to check the box on their tax return to designate tax dollars to be used towards school improvements for technology and teacher training. (Mayor Eggelletion)

ACTION: (T-10:15 AM) Approved.

42. MOTION FILE City of Lauderdale Lakes, Florida, Resolution No. 07-11 adopting the 2007 State Legislative Agenda for the City of Lauderdale Lakes. (Mayor Eggelletion)

ACTION: (T-10:15 AM) Approved.

REQUEST TO SET FOR PUBLIC HEARING

43. MOTION TO ADOPT Resolution 2007-059 directing the County Administrator to publish Notice of Public Hearing to be held March 13, 2007 at 2:00 PM in Room 422 of the Governmental Center, to consider the first amendment to the Non-Exclusive Franchise Agreement of Port Consolidated, Inc. to provide vessel bunkering services at Port Everglades. **(Deferred from February 6, 2007 – Item No. 34)**

ACTION: (T-10:15 AM) Approved.

44. MOTION TO ADOPT Resolution 2007-060 authorizing the County Administrator to advertise a Public Hearing to be held March 13, 2007 at 2:00 PM in Room 422 of the Governmental Center, for adopting supplemental budgets to recognize changes in revenues and appropriations.

ACTION: (T-10:15 AM) Approved.

URBAN PLANNING AND REDEVELOPMENT DEPARTMENT

BUILDING CODE SERVICES DIVISION

45. MOTION TO APPROVE first amendment to interlocal agreements for Guaranteed Partial Service Building Code Services between Broward County and the City of Sunrise approved by the County Commission on December 13, 2005, to increase the hourly service rates and increase the level of service requested in the original Schedule A, "Annual Service Request"; and authorize the Mayor and Clerk to execute same. **(Commission Districts 1, 3, 5, and 9)**

ACTION: (T-10:15 AM) Approved.

QUASI-JUDICIAL CONSENT HEARING

URBAN PLANNING AND REDEVELOPMENT DEPARTMENT

DEVELOPMENT MANAGEMENT DIVISION

46. DISCUSSION: of plat entitled “Golfview Condominiums” - **Commission District 2**, (002-MP-06).

ACTION: (T-10:15 AM) Approved.

47. DISCUSSION: of plat entitled “U. S. Oncology Center – Sunrise Plat” - **Commission District 3**, (032-MP-06).

ACTION: (T-10:15 AM) Approved.

48. DISCUSSION: of plat entitled “Avery Glen” - **Commission District 3**, (102-MP-05).

ACTION: (T-10:15 AM) Approved.

49. DISCUSSION: of plat entitled “Local 1375” - **Commission District 6**, (028-MP-06).

ACTION: (T-10:15 AM) Approved.

50. DISCUSSION: of plat entitled “Oaks” - **Commission District 7**, (062-MP-06).

ACTION: (T-10:15 AM) Approved.

51. DISCUSSION: of plat entitled “Rio Colony” - **Commission District 7**, (020-MP-06).

ACTION: (T-10:15 AM) Approved.

52. DISCUSSION: of plat entitled “One West Las Olas” - **Commission District 7**, (059-MP-04).

(This item was pulled by Commissioner Rodstrom.)

ACTION: (T-11:28 AM) The Board deferred up to 35 days. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

53. DISCUSSION: of plat entitled "Cobblestone Plaza" - **Commission District 8**, (049-MP-06).

ACTION: (T-10:15 AM) Approved.

54. DISCUSSION: of plat entitled "Rami Salameh Plat" - **Commission District 9**, (008-MP-06).

ACTION: (T-10:15 AM) Approved.

55. DELEGATION: Edward P. Ploski, regarding request to amend the note on the Mariani Asphalt Plat - **Commission District 4**, (186-MP-86).

ACTION: (T-10:09 AM) The Board deferred until October 9, 2007, or sooner, at the applicant's request, under Section 5-181(j) of the Land Development Code to study compliance with the effective Land Use Plan and health and safety issues. (Refer to the minutes for full discussion.)

56. DELEGATION: Robert Saporiti, regarding request to amend the note on the 43rd Street Village Plat - **Commission District 4**, (100-MP-05).

ACTION: (T-10:15 AM) Approved.

57. DELEGATION: Gladys DiGirolamo, regarding request to amend the note on the 15500 Pines Boulevard Replat - **Commission District 8**, (071-MP-99). (Deferred from December 12, 2006).

ACTION: (T-10:09 AM) The Board deferred until March 20, 2007, at the applicant's request, under Section 5-181(j) of the Land Development Code to study the plat note. (Refer to the minutes for full discussion.)

58. DELEGATION: D.J. Doody, representing the Broward County Housing Authority, regarding request to amend the note on the Atlantic Federal Lauderhill - Plat No. 2 - **Commission District 9**, (176-MP-81).

ACTION: (T-10:15 AM) Approved.

59. DELEGATION: Matt Jackson, regarding request to amend the note on the Pines-Hiatus Plat - **Commission District 5**, (051-MP-01).

ACTION: (T-10:15 AM) Approved.

60. DELEGATION: Matt Jackson, regarding request to amend the non-vehicular access line on the Pines-Hiatus Plat - **Commission District 5**, (051-MP-01).

ACTION: (T-10:15 AM) Approved.

61. DELEGATION: Alan Milledge, regarding MOTION TO APPROVE Agreement on Road Contributions and Allocation of Impact Fee Credits relating to the Miramar Park of Commerce Phase IV Plat - **Commission District 8**, (086-MP-97).

(This item was pulled by Commissioner Lieberman.)

ACTION: (T-11:30 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

END OF QUASI-JUDICIAL CONSENT HEARING

REGULAR AGENDA

SAFE PARKS AND LAND PRESERVATION BOND PROGRAM

- 62. A. MOTION TO APPROVE Interlocal Agreement between Broward County and the City of Fort Lauderdale for the Acquisition, Improvement, Enhancement, Operation and Management of Open Space Site OS-135, also known as Bayview Neighborhood Park; and authorize the Mayor and Clerk to execute same. **(Commission District 4)**

ACTION: (T-10:15 AM) Approved.

- B. MOTION TO APPROVE Declaration of Restrictive Covenants for Open Space Site OS-135; and authorize the Mayor and Clerk to execute same. **(Commission District 4)**

ACTION: (T-10:15 AM) Approved.

- C. MOTION TO ADOPT Resolution 2007-061 for the conveyance of real property referred to as Site OS-135 in the Broward County Open Space Inventory under the Safe Parks and Land Preservation Bond program. **(Commission District 4)**

ACTION: (T-10:15 AM) Approved.

- 63. A. MOTION TO APPROVE prioritization of 15 Open Space sites, within various municipalities and commission districts, as recommended by the Land Preservation Advisory Board, with monies allocated from Open Space Phase 7 funding cycle of the Safe Parks and Land Preservation Bond program.

VOTE: 8 – 1, with Commissioner Wasserman-Rubin abstaining.

ACTION: (T-11:31 AM) Approved.

- B. MOTION TO APPROVE initiation of the acquisition process for the prioritized sites.

ACTION: (T-11:31 AM) Approved.

VOTE: 8 – 1, with Commissioner Wasserman-Rubin abstaining.

64. MOTION TO APPROVE reclassification of Site OS-147 located in the City of Fort Lauderdale from the Open Space to Conservation Land category and allocation of \$1,818,000 of Safe Parks and Land Preservation Bond Program funds toward the acquisition of the site. **(Commission District 7)**

ACTION: (T-12:23 PM) Approved.

VOTE: 8 – 1, with Vice-Mayor Wexler voting “No.”

AVIATION DEPARTMENT

65. MOTION TO APPROVE News and Gift Concession Agreement between Broward County, Florida and Paradies-Broward, LLC (RLI No. 20060620-0-AV-02) to provide news, gift and specialty retail merchandise services in Terminals 3 and 4 at the Fort Lauderdale-Hollywood International Airport; with a privilege fee during the Transition Period (no greater than 12 months) of 15% of monthly gross revenues, and thereafter the greater of the Minimum Annual Guarantee of no less than \$2,710,000 (to be adjusted annually by 85% of the prior year’s privilege fee), or 15% of annual gross revenue; a minimum capital expenditure of \$3,915,100; to be effective upon Board approval, with a commencement date for operation of March 1, 2007, with an expiration date of December 31, 2013; and authorize the Mayor and Clerk to execute same. **(Deferred from February 13, 2007 – Item No. 3)**

ACTION: (T-12:24 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 8 – 1, with Commissioner Rodstrom voting “No.”

66. A. MOTION TO WAIVE Section 21.113.c.2 of the Broward County Procurement Code to allow for the sale of surplus property to another government entity, Town of Southwest Ranches. **(Deferred from February 6, 2007 – Item No. 3)**

ACTION: (T-12:59 PM) Approved as corrected. (Scrivener’s error – See County Administrator’s report: Remove the first sentence under the Summary/Explanation Background. Aviation Department did not buy a specific replacement truck. (Refer to minutes for full discussion.)

- B. MOTION TO ADOPT Resolution 2007-062 of the Board of County Commissioners of Broward County, Florida, declaring certain Broward County property surplus one aircraft rescue and firefighting vehicle as required by Section 713(a) of the Airport System Revenue Bonds, and disposing of same pursuant to Section 125.35, Florida Statutes; authorizing the Interim Director to execute such documents as may be necessary to effectuate the sale of said vehicles; and providing for an effective date.

ACTION: (T-12:59 PM) Approved as corrected. (Scrivener's error – See County Administrator's report: Remove the first sentence under the Summary/Explanation Background. Aviation Department did not buy a specific replacement truck. (Refer to minutes for full discussion.)

67. A. MOTION TO DISCUSS modifications to Broward County Board of County Commissioners (Board) January – December 2007 Calendar (Calendar), to include Calendar of Events, Airport Programs, as outlined in Exhibit 1.

ACTION: (T-3:44 PM) Approved. The Board amended the Calendar to move the March 13, 2007 Airport Expansion Project Public Hearing from 5:00 p.m. to 7 p.m. and the May 8, 2007 meeting from 5:01 p.m. to 6 p.m. and directed staff to prepare an agenda item to replace Vice-Mayor Wexler on the Canvassing Board. (Refer to minutes for full discussion.)

- B. MOTION TO ADOPT Resolution 2007-063 directing the County Administrator to publish a Notice of Public Hearing to be held on March 13, 2007, at 5:00 p.m., in the Room 422 of the Governmental Center, to discuss and adopt mitigation policy principles for the Fort Lauderdale-Hollywood International Airport (FLL), Federal Aviation Regulations (FAR) Part 150, Airport Land Use and Noise Compatibility Program (Noise Mitigation Program).

ACTION: (T-3:44 PM) Approved. The Board amended the Calendar to move the March 13, 2007 Airport Expansion Project Public Hearing from 5:00 p.m. to 7 p.m. (Refer to minutes for full discussion.)

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

68. MOTION TO DISCUSS methods for refunding General Obligation Bonds Series 2001A.

ACTION: (T-1:01 PM) Approved. The Board moved Option 3 with the provision that staff will bring back on March 6, 2007, for an opportunity to lock in the rate using a forward purchasing swap, provided there is not more than 2-3 basis points difference due to the cost of the swap and that it is bid competitively. Staff is directed to bring a Resolution from Bond Counsel at that time which would permit The Board to go forward with the swap if so desired. (Refer to minutes for full discussion.)

PORT EVERGLADES DEPARTMENT

69. MOTION TO APPROVE Resolution 2007-064 to authorize Broward County's Port Everglades Department, by and through its Port Director, to enter into

individual sister seaport memorandums of understanding with seaports from around the world.

ACTION: (T-3:55 PM) Approved.

COUNTY ATTORNEY

70. MOTION TO DISCUSS process for considering Land Use Plan Amendments from cities which have been certified by the Florida Department of Community Affairs pursuant to Section 163.3246, Florida Statutes.

ACTION: (T-3:55 PM) Approved.

COUNTY ADMINISTRATION

71. MOTION TO APPROVE Stipulated Order of Taking and Final Judgment as to Respondents Prepart Holdings, Inc. and Premier Motor Sales, Inc. (Owners); Stipulated Agreement by and between Owners and City of Lauderhill (City), resolving eminent domain matter for acquisition of two parcels of land adjoining the area known as the Central Broward Regional Park (Park), known as the Prepart Holdings Site (Site); in the amount of \$3,250,000; inclusive of attorney fees and costs, Broward County funding limited to \$3,000,000 in accordance with the Interlocal Agreement by and between Broward County, the City of Lauderhill (ILA), and the Lauderhill Community Redevelopment Agency (CRA); and requiring Owners to vacate property prior to April 1, 2007.

ACTION: (T-3:56 PM) Approved. *The Board directed staff to bring this item back as expeditiously as possible. (Refer to minutes for full discussion.)*

72. MOTION TO CONCEPTUALLY APPROVE transfer of the Mass Transit Division from the Department of Community Services to the Office of Transportation, and direct the County Administrator to take the necessary actions to implement this change.

ACTION: (T-10:15 AM) Approved.

COUNTY COMMISSION

73. MOTION TO NOMINATE Richard Barba to the Central Examining Board of Mechanical and Specialty Mechanical Contractors to fill the professional vacancy. (Vice Mayor Wexler)

ACTION: (T-10:15 AM) Approved.

74.

COUNTY ADMINISTRATOR'S REPORT

A. **BROWARD ACADEMY**

ACTION: (T-4:43 PM) Ms. Brangaccio reported on the successful progress of the Broward Academy and feedback regarding the sessions. (Refer to minutes for full discussion.)

B. **PARKS AND RECREATION RECEIVES NATIONAL ACCREDITATION**

ACTION: (T-4:43 PM) Ms. Brangaccio reported that the Parks and Recreation Department has received national accreditation from the Commission for Accreditation for Parks and Recreation Agencies and that Broward Parks and Recreation is one of only 66 counties nationwide to receive this accreditation. (Refer to minutes for full discussion.)

C. **PUBLIC HEARING SCHEDULE**

ACTION: (T-4:44 PM) Ms. Brangaccio reported that the first public hearing will be held on March 5, 2007, at 7 p.m. at the Aviation Department Administration Office Auditorium, 100 Aviation Boulevard regarding the Runway Expansion Project. (Refer to minutes for full discussion.)

75.

MAYOR'S REPORT

A. **CULTURAL DIVERSITY**

ACTION: (T-4:45 PM) The Mayor reported on the Hindu temple he visited as well as the Turkish Cultural Festival that he attended and stressed the importance of embracing, celebrating, honoring, and respecting the cultural diversity within the Broward County communities. (Refer to minutes for full discussion.)

B. **TDC APPOINTMENTS**

ACTION: (T-4:45 PM) The Mayor suggested it may be time to review the appointment process as a couple of cities are requesting TDC appointments. (Refer to minutes for full discussion.)

C. REVIEW OF JAIL STATISTICS

ACTION: (T-5:34 PM) The Mayor referenced the correspondence from the United States Department of Justice/National Institute of Correction/Jail Division and explained the results and stated that although the crime rate and the annual bookings have decreased, the jail population has increased significantly and suggested a change in policy due to the daily retention costs per inmate and the savings that could be obtained if a Criminal Justice Coordinator were hired. The Mayor stated further that this position could cause subsequent savings which could be used to help the tax payers in addition to reducing the jail population.

Commissioner Wasserman-Rubin commented that 60% of the inmates incarcerated have mental disorders or substance abuse issues and are not getting the services they require.

Commissioner Rodstrom suggested that it may be to the County's advantage to hire a consultant to look at the "big ticket" items such as the courthouse and the jail as a way to start to make things happen.

Commissioner Jacobs suggested the need for the Constitutional Officers to review their budgets and "tighten their belts" also and Mayor Eggelation stated that he felt they were willing to work with the Board because they too, have heard the message from the tax payers.

Commissioner Gunzburger commented on a similar approach used by Children Services Council to save money by taking children out of foster care and into permanent homes and discussed how the judges and the agencies all worked together to do it.

Mayor Eggelation concluded by reiterating the need to bring all the players together and indicated that everyone is on board and willing to work together to find savings and create funding. (Refer to minutes for full discussion.)

D. CANCELLATION OF WORKSHOP

ACTION: (T-5:45 PM) Mayor Eggelation reported that due to the lateness of the BCC meeting, the Construction Management Task Force Workshop will be rescheduled for another day. (Refer to minutes for full discussion.)

SUPPLEMENTAL AGENDA

COUNTY COMMISSION

76. MOTION TO DIRECT staff to modify the 2007 State Legislative Program to reflect the Board of County Commissioners' support of the Hillsboro Inlet District local bill which reduces the Board's appointments to the district's governing body from 2 to 1 appointee, and requires all appointees to live within the boundaries of the district; and to notify the Broward County Legislative Delegation and the Hillsboro Inlet District of the change in position. (Commissioner Jacobs, and Commissioner Keechl)

ACTION: (T-10:15 AM) Approved. (Transferred to the Consent Agenda. (Refer to minutes for full discussion.)

ACTION: (T-4:37 PM) The Board reconsidered Item 76.

VOTE: 9 – 0.

ACTION: (T-4:37 PM) Approved.

VOTE: 7 – 2, with Mayor Eggelletion and Commissioner Ritter voting “No.”

NON-AGENDA

77. NOVA UNIVERSITY – COMMISSIONER KEECHL

ACTION: (T-4:48 PM) Commissioner Keechl referenced the treatment of the cleaning and maintenance workers of UNICO and publicly implored the leadership at Nova University to do the right thing. Mayor Eggelletion commended Commissioner Keechl for discussing the issue openly and proposed a possible negotiating option. Commissioner Jacobs commented that she would support any action taken as she had met unsuccessfully with the president of Nova regarding this issue. Commissioner Wasserman-Rubin concurred with the other Commissioners and stated she was disturbed by Nova's leadership attitude. Commissioner Lieberman discussed solutions for helping the families affected and **directed staff to send a letter to the contractor regarding potential positions open with the County and/or its vendors.**

Commissioner Rodstrom inquired as the utilization demographics of the library at Nova University and Commissioner Lieberman agreed that the utilization numbers should be looked at to make sure the contract provides for the ability to compensate based on County usage. (Refer to minutes for full discussion.)

78. MOBILE HOME PARK OWNERS – COMMISSIONER JACOBS

ACTION: (T-4:51 PM) Commissioner Jacobs inquired as to the follow-up regarding the issue of the mobile home park owners and the options proposed in the memo by the County Attorney. Vice-Mayor Wexler stated it was still on the “radar screen” and that she has met with Ms. Madison regarding the legislative language. Ms. Madison then discussed the recommendations given and the direction taken to put together the legislative package. **Vice-Mayor Wexler requested that this language be brought before the Board for approval and Ms. Madison confirmed that this would be prepared as an agenda item.** (Refer to minutes for full discussion.)

79. TOURIST DEVELOPMENT TAX LIGATION – COMMISSIONER JACOBS

ACTION: (T-4:57 PM) Commissioner Jacobs referenced the County Attorney’s correspondence regarding the Tourist Development Tax Litigation and inquired as to which direction the County Attorney was going to go and the County Attorney responded that due to lawsuits filed in Orange County and Miami-Dade, additional due diligence would be conducted before proceeding further. (Refer to minutes for full discussion.)

80. TAX LIMITATIONS/PORTABILITY – COMMISSIONER JACOBS

ACTION: (T-5:00 PM) Commissioner Jacobs inquired as to whether the County Attorney would advise of the findings related to portability. The County Attorney stated that due to the size of the report, it will need to be reviewed before an opinion can be given. (Refer to minutes for full discussion.)

81. P-3 FDOT INITIATIVES – COMMISSIONER JACOBS

ACTION: (T-5:01 PM) Commissioner Jacobs discussed the P-3 FDOT Initiatives and **requested that staff take a comprehensive look into P-3’s as viable options for transit.** Mayor Eggelton cautioned that there were not funding sources for this and didn’t want to give people false hope for it and suggested that staff give an update sometime during the budget discussions. Commissioner Jacobs inquired as to the timing and Ms. Brangaccio stated that the transit budget will be discussed in June or July and that a report could be provided at that time. (Refer to minutes for full discussion.)

82. HERBERT HOOVER DIKE/RESOLUTION – COMMISSIONER GUNZBURGER

ACTION: (T-5:07 PM) Commissioner Gunzburger referenced correspondence from the Chair of Broward Beautiful regarding a Resolution to protect the Herbert Hoover Dike at Lake Okeechobee so as to prevent the destruction which occurred in New Orleans by allocating funds in Washington, D.C. Commissioner Gunzburger directed staff to put this on as an agenda item for March 6, 2007, in order to send it to the delegation. (Refer to minutes for full discussion.)

83. OPTIONS ANALYSIS – COMMISSIONER LIEBERMAN

ACTION: (T-5:15 PM) Commissioner Lieberman stated that it was her understanding that every department will provide an options analysis. Ms. Brangaccio replied that each department is submitting bids for service and that their results teams are meeting daily, system-wide. (Refer to minutes for full discussion.)

84. LITIGATION – COMMISSIONER LIEBERMAN

ACTION: (T-5:15 PM) Commissioner Lieberman commented on litigation issues and whether it should be in-house versus going outside with a firm and asked that all of the options be reviewed as circumstances change. (Refer to minutes for full discussion.)

85. BERTHA HENRY HONORED – COMMISSIONER LIEBERMAN

ACTION: (T-5:16 PM) Commissioner Lieberman commended Deputy County Administrator Bertha Henry on the notification that she will be inducted into the Women's Hall of Fame as part of Women's History Month. (Refer to minutes for full discussion.)

86. SHUTTLE SHIFTS – COMMISSIONER LIEBERMAN

ACTION: (T-5:17 PM) Commissioner Lieberman referenced an article and discussed a possible crisis at the airport in reference to another breach of the agreement regarding a restriction for 10-hour continuous shifts. In an effort to ensure the terms and conditions of the agreement are being met, Commissioner Lieberman requested that the County Auditor be allowed to do a compliance audit. Commissioner Jacob asked that the dollar amount of insurance coverage be reviewed as well and Commissioner Lieberman stated the compliance audit should review every aspect of the agreement.

Mr. Lukic then referred back to the discussion regarding the library at Nova University and advised the Board that he is currently engaged in a review of Nova University invalidating the attendance records because part of the subsidy they receive from the County is based on the percentage of non-students and non-employees that use the library. (Refer to minutes for full discussion.)

87. COMMISSION LIAISONS – VICE-MAYOR WEXLER

ACTION: (T-5:22 PM) Vice-Mayor Wexler discussed what the role of a liaison should be and stated that it should be consistent as well as rotated. The Mayor discussed the responsibility of being appointed as a liaison and its importance in preparation for the budget discussions. (Refer to minutes for full discussion.)

88. HOMELESS POPULATION – VICE-MAYOR WEXLER

ACTION: (T-5:28 PM) Vice-Mayor Wexler expressed concern with the increase in the homeless population and shared correspondence from the chair of HIP (Homeless Initiative Partnership Advisory Board) requesting that Mr. Ralph Stone be appointed to the HIP Board and participate in the ten-year plan to end homelessness and directed staff to follow through with that request and that staff also schedule a meeting with experts regarding the issue of homelessness in an effort to find solutions. (Refer to minutes for full discussion.)

89. COMMUNITY ADVOCACY AWARD – COMMISSIONER WASSERMAN-RUBIN

ACTION: (T-5:32 PM) Commissioner Wasserman-Rubin congratulated Commissioner Lieberman on receiving the Community Advocacy Award at the Black History Gala. Mayor Eggelation described the evening's events and Commissioner Lieberman discussed how the proceeds go for scholarships for students seeking to go into government service. (Refer to minutes for full discussion.)

MEETING/WORKSHOP NOTICES

CONSTRUCTION MANAGEMENT DIVISION
CM@RISK AGREEMENT FOR TYRONE BRYANT LIBRARY
RLI No. 041700-RB

Tuesday, February 27th, Room 430 at 9:00 AM

BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS
CONSTRUCTION MANAGEMENT TASK FORCE WORKSHOP

Tuesday, February 27th, Room 430 at 12:00 PM
or immediately following the morning meeting

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