

MEETING OF FEBRUARY 28, 2006

(The meeting convened at 10:00 a.m.; recessed at 12:35 p.m.; reconvened at 3:58 p.m. and adjourned at 4:37 p.m.)

PLEDGE OF ALLEGIANCE was led by Curtis L. Johnson, Broward County Water and Wastewater Division. Mr. Johnson is the winner of a 2006 Mercury Monetgo given away by the United Way during its fund-raising campaign.

MOMENT OF SILENCE

For the men and women defending our country around the world and for those who have lost their lives.

CALL TO ORDER

CONSENT AGENDA

1. BOARD APPOINTMENTS

AVIATION DEPARTMENT

2. MOTION TO APPROVE second amendment to the agreement (RLI No. 2002116-0-AV-01) between Broward County and Sunshine Cleaning Systems, Inc for janitorial service at Fort Lauderdale-Hollywood International Airport. The purpose of the amendment is to add Living Wage compensation in the amount of \$3,131,250.63, to the existing service pricing of \$6,821,031.00, for the first renewal year of the agreement (three year base contract with two one year renewal options). This Amendment will result in an increase of the total payable under the agreement for the first three years; and this first renewal year to a not to exceed amount of \$28,803,114.10, subject to adjustment due to a Living Wage rate revision scheduled for October 1, 2006; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:15 AM) Approved, as amended. The Board directed the County Attorney to strike the provision in the agreement that specifies full-time employees only and add language to include that although it is the present intent of the Airport Director and contract provider to hire full-time employees, if there are changes in service delivery requirements, the Airport Director and the contract provider are not precluded from providing for a different staffing mechanism provided pay and benefits are addressed and discussed accordingly, and providing that security issues are not compromised. (Refer to minutes for full discussion.)

ACTION: (T-4:04 PM) Commissioner Rodstrom requested that a motion to reconsider this item be placed on the Tuesday, March 7, 2006 commission agenda.



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

PUBLIC WORKS AND TRANSPORTATION DEPARTMENT

HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION

3. MOTION TO APPROVE first amendment to the agreement between Broward County and Edwards and Kelcey, Inc. for consultant services for improvements to Bailey Road from NW 64th Avenue to State Road 7, RLI No. 20020124-1-EN091, providing for additional design services for a water distribution system and wastewater collection system, as well as preparation of utility plans for the construction of various utility lines under the Broadview Estates Neighborhood Improvement Project, for a lump sum fee increase of \$55,047.56, for a new agreement total of \$605,036.31; and an increase in contract time of 120 calendar days, for a new agreement total of 530 calendar days; and authorize the Mayor and Clerk to execute same. (Project 5300) **(Commission District 1)**

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

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

4. A. MOTION TO ADOPT unanticipated revenue Resolution 2006-052 within the 2005B First Florida Debt Service Fund in the net amount of \$7,982,394; to recognize the proceeds of the First Florida Governmental Financing Commission Bonds, Series 2005B, and to recognize the supplemental rent to be paid by the Florida Panthers for Fiscal Year 2006.

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

- B. MOTION TO ADOPT budget Resolution 2006-053 within the 1996 Arena Bond Fund (2360) transferring \$218,922 from reserve to reimburse the Florida Panthers for excess rent paid.

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

ACCOUNTING DIVISION

5. MOTION TO FILE following audit reports:
 - A. Health Facilities Authority, Broward County, Florida, Audited Financial Statements For the Year Ended September 30, 2005.
 - B. Housing Finance Authority of Broward County, Florida, Audited Financial Statements For the Year Ended September 30, 2005.
 - C. Supervisor of Elections' Office, Broward County, Florida, Audited Special-Purpose Financial Statements For the Year Ended September 30, 2005.

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

PURCHASING DIVISION

6. A. **MOTION TO ESTABLISH** Qualified Vendors List for demolition, board-up, and pool fill-ins of various abandoned buildings, structures, and pools in Broward County, Solicitation No. M-9-05-300-A-2, in accordance with Broward County Purchasing's Internal Control Handbook Chapter 17 with: Crawford Paving & Demolition; Richard Hamann & Son Demolition, Inc.; Kandra's Construction and Management, Inc. (all certified small business enterprises (SBE); Omega Contracting Inc. (Non-SBE), authorize the Purchasing Director to renew the list for two, one-year periods, and delete or add vendors who originally provided submittals but failed to initially provide requisite documentation to the list. The initial list will start on the date of establishment and will terminate two years from that date.

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

- B. **MOTION TO REDUCE** requirement for liquidated damages, Special Instructions to Bidders, Specifications and Requirements, Section 3, Paragraph 5, from \$200 per calendar day to \$50 per calendar day for all projects below \$250,000.

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

For Public Works and Transportation Department

7. **MOTION TO APPROVE** release of retainage and final payment in the amount of \$10,000 to Foster Marine Contractors, Inc. for North County Neighborhood Improvement Project, Bid Package No. 4, Contract No. H603163CF (Project No. 1152-4). **(Commission District 2)**

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

RISK MANAGEMENT DIVISION

8. **MOTION TO APPROVE** a full and final settlement of claim 092402 in the amount of \$70,000.00.

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

9. **MOTION TO APPROVE** a full and final settlement of claim 0902051846 in the amount of \$20,054.44.

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

COMMUNITY SERVICES DEPARTMENT

PARKS AND RECREATION DIVISION

10. MOTION TO APPROVE agreement between Broward County and URS Corporation Southern (URS) (RLI No. 20050103-5-PA-01), for architectural/engineering consulting services for the Vista View Park Expansion, providing a lump sum of \$955,000 for basic services and a maximum not-to-exceed amount of \$50,000 for reimbursables, for a total not-to-exceed contract amount of \$1,005,000; and allows for an additional maximum not-to-exceed amount of \$150,000 for optional services, commencing upon execution by all parties; and authorizing the Mayor and Clerk to execute same. **(Commission District 5)**

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

ENVIRONMENTAL PROTECTION DEPARTMENT

11. MOTION TO APPROVE Satisfaction of Lien dated September 2, 2005, against the property of AGU Entertainment Corp., recorded in the official records book 40426, pages 308-314 of the Public Records of Broward County, in the amount of \$19,500; and authorize the Mayor and Clerk to execute same. **(Commission District 9)**

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

12. MOTION TO APPROVE Settlement Agreement in the total estimated amount of \$37,950 between Broward County and Pembroke Park, L.L.C. and Gregan Construction Corp. for tree preservation and abuse violations of Chapters 27-27(a)(2) and 27-405 of the Broward County Code of Ordinances for the Environmental Protection Department (EPD) and authorize the Mayor and Clerk to execute same. **(Commission District 8)**

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

BIOLOGICAL RESOURCES DIVISION

13. MOTION TO ACKNOWLEDGE use by the City of Pembroke Pines of the South Dade/Everglades Mitigation Bank as a site for a portion of compensatory mitigation for wetland impacts for a project known as Southwest Pines Nature and Recreation Park, occurring in the City of Pembroke Pines. **(Commission District 8).**

ACTION: (T-11:05 AM) Approved. The Board directed staff to provide proposals for mitigation opportunities in Broward County when governmental entities, such as cities, build parks or green spaces. (Refer to minutes for full discussion.)

OFFICE OF ECONOMIC DEVELOPMENT



14. A. MOTION TO ADOPT Resolution 2006-054 of the Board of County Commissioners of Broward County Florida, requesting redesignation of the state-designated Enterprise Zone (which provides for a State sponsored Job Growth Tax Credit Program); requesting a boundary change in the existing Enterprise Zone, providing reasons for redesignation; approving the form of an interlocal agreement relating to the Enterprise Zone; authorizing the Mayor or Vice Mayor to execute same in substantially the form attached to this Resolution following execution by all other parties; providing for severability; and providing an effective date.

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

- B. MOTION TO APPROVE Application to the State of Florida for the redesignation of the existing state designated Enterprise Zone; requesting a boundary change to the existing Enterprise Zone providing reasons for the redesignation; and authorizing the Mayor and Clerk to execute same.

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

OFFICE OF PUBLIC AND GOVERNMENTAL RELATIONS

15. MOTION TO ADOPT Resolution 2006-055 of the Board of County Commissioners of Broward County, Florida, opposing state and federal legislation preempting the County from requiring a local franchise to provide cable and video services.

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

16. MOTION TO ADOPT Resolution 2006-056 of the Board of County Commissioners of Broward County, Florida, supporting the Permanent Protection for Florida Act of 2006, federal legislation which legislatively establishes a boundary for offshore drilling.


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

COUNTY ATTORNEY

17. MOTION TO APPROVE Interlocal Agreement between Broward County and the City of Pompano Beach for the monitoring of development activity and enforcement of permitted land uses in the Local Activity Center land use designation.

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

COUNTY ADMINISTRATION

-  18. MOTION TO ADOPT Resolution 2006-057 of the Board of County Commissioners of Broward County Florida, approving an amendment to allocate \$507,306 in U.S. Department of Housing and Urban Development's Community Development Block Grant (CDBG) Program funds, and \$1,220,572 in U.S. Department of Housing and Urban Development HOME Investment Partnerships (HOME) Program funds; amending Broward County's Fiscal Years 2000-2004 and Fiscal Years 2005-2010 Five-Year Strategic Consolidated Plans, and the accompanying Annual Action Plans for Fiscal Years 2000-2006; with funding being reprogrammed from prior years or allocating Program Income, providing for severability; and providing for an effective date.

ACTION: (T-10:14 AM) Approved. (Refer to minutes for full discussion.)

COUNTY COMMISSION

19. MOTION TO ADOPT Resolution 2006-058 of the Board of County Commissioners of Broward County, Florida, authorizing a waiver of bus fares for military personnel in uniform or with a military ID, riding on the County's fixed-route mass transit during Fleet Week USA 2006 (May 1- May 7, 2006); and providing for an effective date. (Mayor Graber)

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

20. MOTION TO APPROVE first amendment to License Agreement between the City of Cooper City and Broward County for a Commission District 5 office within City Hall located at 9090 SW 50th Place, Cooper City, Florida; authorize the Mayor and Clerk to execute same. **(Commission District 5)** (Commissioner Wexler)

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

REQUEST TO SET FOR PUBLIC HEARING

21. MOTION TO ADOPT Resolution 2006-059 authorizing the County Administrator to advertise a Public Hearing to be held March 28, 2006 at 2:00 P.M. in Room 422 of the Governmental Center for adopting supplemental budgets to recognize changes in revenues and appropriations.

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

22. MOTION TO ADOPT Resolution 2006-060 directing County Administrator to publish Notice of Public Hearing to be held Tuesday, March 28, 2006 at 2:00 P.M. in Room 422 of the Governmental Center, to vacate and abandon all streets, alleyways, roads, and road rights-of-way lying within and adjacent to the western boundary of property known as the Broward County “Highlands Scrub Natural Area” formerly “The Jungle”, and dedicated road rights-of-way on a portion of NE 41st Street, also known as Pennsylvania Avenue, and a portion of the dedicated road right-of-way on NE 10th Way; said property lying in Broward County, Florida; and at no cost to the County. Petitioner: Broward County Parks and Recreation Division (2005-V-13) **(Commission District 2)**

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

23. MOTION TO ADOPT Resolution 2006-061 directing County Administrator to publish Notice of Public Hearing to be held Tuesday, March 28, 2006 at 2:00 P.M. in Room 422 of the Governmental Center, to vacate and abandon a 15-foot utility easement and Sylvan Pass and Republic Pass Road Rights-of-Way with their associated drainage, landscape, sidewalk, and utility easements; all located on property west of SW 196th Avenue, between Sheridan Street and Stirling Road, as shown on a portion of Parcel A of the “Bergeron Park of Commerce South” plat; all lying and being in the City of Pembroke Pines, Broward County, Florida; and at no cost to the County. Petitioners: Bergeron Park of Commerce – South (2005-V-16) Family Limited Partnership Perimeter Surveying and Mapping – Agent) **(Commission District 8)**

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

24. MOTION TO ADOPT Resolution 2006-062 directing County Administrator to publish Notice of Public Hearing to be held Tuesday, March 28, 2006 at 2:00 P.M. in Room 422 of the Governmental Center, to release and abandon a portion of a water and sewer easement, lying and being in Broward County, Florida and located at approximately 5555 West Atlantic Boulevard in the City of Margate, Florida, at no cost to the County. Petitioner: Wal-Mart Stores East LP (2005-V-17) (Kimley-Horn and Associates, Inc. - Agent) **(Commission District 2)**

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

25. MOTION TO ADOPT Resolution 2005-063 directing the County Administrator to publish a Notice of Public Hearing to be held March 14, 2006 at 2:00 P.M. in Room 422 of the Governmental Center, to consider an application to renew the non-exclusive franchise of F.A. Johnson, Inc. d/b/a Johnson Environmental Services to provide vessel sanitary waste water removal services for a five-year term at Port Everglades.


ACTION: (T-11:11 AM) Approved, as amended. The Board directed the County Attorney to revise language that the franchisee is agreeing to be bound by the conditions of 32.20, as well as 32.29, and to add "as amended from time to time." Further, to include an annual audit requirement. (Refer to minutes for full discussion.)

(Scrivener's error - See County Administrator's memorandum: Summary Explanation/Background section, first paragraph (Exhibit 6) should read "(Exhibit 5)."

REGULAR AGENDA

PUBLIC HEARING

SAFE PARKS AND LAND PRESERVATION BOND PROGRAM

-  26. MOTION TO CONSIDER Contract for Sale and Purchase, with exceptions from the County’s standard Contract for Sale and Purchase, between Broward County Housing Authority and Broward County in the amount of \$175,000 for the purchase of 1.246 acres (54,297 square feet) of unimproved vacant land, known as Green Space Site GS-139 in the Broward County Safe Parks and Land Preservation Bond Program Inventory, located along the north shore of the North Fork of the New River, at NW 7th Street and Harris Terrace, unincorporated Broward County, Florida; authorize the Real Property Section to acquire this property using GOB Safe Parks and Land Preservation Bond Issue funds; authorize the Mayor and Clerk to execute Contract for Sale and Purchase, and authorize acceptance and recordation of deed. **(Commission District 7)**
(Continued from February 14, 2006 – Item No. 17)

ACTION: (T-11:13 AM) Approved, as amended, with the exceptions from the County’s standard contract language as noted in the Agenda Report, subject to approval and execution by the Broward County Housing Authority (BCHA), and an acceptable Phase II environmental assessment. Further, the Board directed staff to purchase title insurance on the property. (Refer to minutes for full discussion.)

END PUBLIC HEARING

SAFE PARKS AND LAND PRESERVATION BOND PROGRAM

- 27. MOTION TO APPROVE up to \$2 million in funding for Open Space Site OS-134, an approximately 3.5 acre portion of the Archdiocese Property (Folio No’s 514002010010, 514002010020, 514002010030, and 514002010040) that was placed into the Open Space Inventory of the Safe Parks and Land Preservation Bond Program. **(Commission District 5)**

ACTION: (T-11:18 AM) Approved. (Refer to minutes for full discussion.)

28. MOTION TO APPROVE Land Preservation and Acquisition Advisory Board's (LPAAB) recommendation to allocate \$6 million of available Bond funds to presently unfunded Conservation Land Archaeological Sites and Open Space sites. **(Commission Districts 2, 7, and 8)**

ACTION: (T-11:24 AM) Approved. (Refer to minutes for full discussion.)

AVIATION DEPARTMENT

29. MOTION TO DISCUSS staff's findings on the creation of a cell phone lot or the extension of the grace period parking to facilitate convenient passenger pick-up at the Fort Lauderdale-Hollywood International Airport.

ACTION: (T-11:43 AM) The Board approved the creation of a cell phone lot at the Entrance Ramp site to facilitate convenient passenger pick-up at the Fort Lauderdale-Hollywood International Airport. (Refer to minutes for full discussion.)

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

PURCHASING DIVISION

30. MOTION TO NOTE FOR THE RECORD following Request for Proposal (RFP) that has not been presented to the Board, and has not been advertised or evaluated, for which Commissioners may choose to join the Evaluation Committee. (Deferred from February 21, 2006 – Item No. 8)

ACTION: (T-11:57 AM) Approved, as amended. The Board directed staff to reduce the Minimum Annual Guarantee (MAG) of \$45,000 to \$20,000. Further, to amend Evaluation Factors – Minimum Eligibility Requirements that each firm shall have been in continuous existence for at least the last three (3) years instead of five (5) years; that allows related experience as an employer or entrepreneurial in similar activities; that each firm must provide information on the level of management involvement in the day-to-day operations if it is a criteria for evaluation, and sets a minimum level of financial stability. (Refer to minutes for full discussion.)

PUBLIC WORKS AND TRANSPORTATION DEPARTMENT

REAL PROPERTY SECTION

31. MOTION TO APPROVE use of the real property at 1801 NW 64th Street, Fort Lauderdale, Florida, and located on leased land legally described as Lots 16 and 17, Fort Lauderdale Industrial Airpark Section 2 in Plat Book 63, Page 8, Broward County Records, originally acquired for use as a Supervisor of Elections Office/Warehouse, for use by the Libraries Division as a book distribution center and other warehouse uses. **(Commission District 9)** (Deferred from February 14, 2006 – Item No. 19)

ACTION: (T-12:06 PM) The Board authorized staff to keep the subject property on an interim basis in order to conduct a space study on behalf of the Libraries Division and report back to the Board within 30 days. (Refer to minutes for full discussion.)

OFFICE OF PUBLIC AND GOVERNMENTAL RELATIONS

32. MOTION TO DISCUSS federal lobbying services for the 110th Congress. (Deferred from February 14, 2006 – Item No. 20)

ACTION: (T-10:10 AM) The Board approved the renewal of the contract with the Ferguson Group. (Refer to minutes for full discussion.)

COUNTY ATTORNEY

33. MOTION TO DISCUSS AND APPROVE settlement agreement in the case of Advocating Disability Rights, Inc. and Carlisle Wilson v. Broward County and Water Taxi, Inc., United States District Court Case 03-61239-CIVIL. (Deferred from February 21, 2006 – Item No. 55)

ACTION: (T-12:25 PM) Deferred to the conclusion of the 2:00 p.m. Public Hearing. (Refer to minutes for full discussion.)

ACTION: (T-4:-03 PM) Approved, as amended, and adopted Resolutions 2006-064 and 2006-065. (Refer to minutes for full discussion.)

COUNTY COMMISSION

34. MOTION TO ADD Commissioner Lois Wexler to the Selection/Negotiation Committee for the Broward County Court Facility, RLI No. 20021008-0-CM-01, effective upon approval of this item. (Commissioner Wexler).

ACTION: (T-10:10 AM) Approved, as corrected. The RLI No. should read: 20030904-0-CM-01. (Transferred to the Consent Agenda.)

35. COUNTY COMMISSION SELECT COMMITTEE REPORTS

ACTION: (T-4:35 PM) No reports were filed.

36. COUNTY ADMINISTRATOR'S REPORT

ACTION: (Time-4:37 PM) Interim County Administrator Bertha Henry informed the Board of a near record setting number of passengers coming through Port Everglades on Sunday, February 26, 2006. (Refer to minutes for full discussion.)

37. MAYOR'S REPORT

- A. BROWARD DAYS

ACTION: (T-4:05 PM) Pamela Madison, Director, Office of Public & Governmental Relations, informed the Board that because the organization hosting Broward Days is doing a scaled down version of the luncheon and charging legislators to register, the \$15,000 the Board previously agreed to fund could be reduced to a lesser amount. The Board voted to fund \$5000. (Refer to minutes for full discussion.)

- B. MARCH 1ST – DEADLINE FOR ELIGIBLE SENIORS TO FILE HOMESTEAD

ACTION: (T-4:34 PM) The Mayor announced that Wednesday, March 1st is the deadline for eligible senior citizens to file for an additional \$25,000 homestead exemption on their primary residence. For additional information, call Property Appraiser Lori Parrish's office at 954-357-6830, or visit www.bcpa.net. (Refer to minutes for full discussion.)

C. 29TH ANNUAL WATERWAY CLEANUP

ACTION: (T-4:34 PM) Mayor Graber announced that the annual Waterway Cleanup organized by the Marine Industries Association of South Florida will be held Saturday, March 4th at 31 designated sites. (Refer to minutes for full discussion.)

NON AGENDA

38. DISQUALIFIED FIRMS AT SELECTION COMMITTEE MEETING – COMMISSIONER RODSTROM

ACTION: (T-12:32 PM) Commissioner Rodstrom briefly explained that two firms were disqualified at a Selection Committee relating to RLI No. 20051013-0-AV-01, Professional Design and Engineering Construction Admin Services for Airfield Ramp Repairs and Rehabilitation at FLL. The reasons for disqualification were due to failure to present financials and DBE requirements. Commissioner Rodstrom asked to waive the procurement code to give the two firms 48 hours to allow them to submit financials and correct the DBE. Following discussion, the Board agreed to direct staff to prepare a supplemental agenda item to be considered following the 2:00 p.m. Public Hearing. Further, the Board asked the County Attorney to research the legal ramifications by the waiving of the procurement code. (Refer to minutes for full discussion.)

ACTION: (T-3:59 PM) Commissioner Rodstrom advised the Board that staff has recommended to send the issue back to the Selection Committee through the Purchasing Director for rejection of the bids, which follows the County's standard procurement process. (Refer to minutes for full discussion.)

39. CORRECT TIME OF CULTURAL COUNCIL MEETING – COMMISSIONER GUNZBURGER

ACTION: (T-12:35 PM) Commissioner Gunzburger advised that on the County Administrator's memorandum received this morning, the correct time for the Cultural Council meeting is 12:00 p.m., not 10:00 a.m. (Refer to minutes for full discussion.)

40. LEGISLATIVE ISSUES – COMMISSIONER LIEBERMAN

ACTION: (Time-4:35 PM) On behalf of Commissioner Lieberman, who had to leave the meeting early today, Commissioner Wexler read a statement concerning House Bill 273 and Senate Bill 566 that requires local governments to pay for lost revenues in cases where vegetation that is not naturally occurring blocks the view to a billboard. Without objection, the Board agreed to add this issue to their legislative agenda. (Refer to minutes for full discussion.)

MEETING/WORKSHOP NOTICES

TAXIWAY AND RAMP REHABILITATION PROGRAM
SHORT LISTING MEETING - RLI No. 20051013-0-AV-01
Tuesday, February 28th in Room 430 at 9:00 AM

VALUE ADJUSTMENT BOARD AUTOMATION PROJECT
SHORT LISTING MEETING - RLI No. 20051107-0-CR-01
Tuesday, February 28th in Room 302 and 302A at 9:30 AM

(CANCELED)

SELECT COMMITTEE ON HURRICANE PREPAREDNESS
Tuesday, February 28th in Room 430 at 4:00 PM
or immediately following the afternoon Public Hearing

