

MEETING OF FEBRUARY 28, 1995

(The meeting convened at 10 a.m. and adjourned at 11:45 a.m.)

PLEDGE OF ALLEGIANCE - led by Commissioner Sylvia Poitier

CALL TO ORDER

CONSENT AGENDA

AVIATION DEPARTMENT

1. MOTION TO APPROVE a lease agreement between Broward County, Florida and The School Board of Broward County, Florida for 2.669 acres, including a 5,395 square foot building at North Perry Airport for the five-year period commencing upon Board approval for the operation of maintenance facility, and authorize the Chair and Clerk to execute same.

ACTION: (A-913) Approved.

2. MOTION TO APPROVE an agreement between the city of Fort Lauderdale and Broward County for payment of recreational and park impact fees for the Cherokee FLL Airport Plat (Plat 6) in Fort Lauderdale, Florida, and authorize the Chair and Clerk to execute same.

ACTION: (A-913) Approved.

3. MOTION TO APPROVE an agreement of lease between Broward County, Florida and South Florida Aviation Services, Inc. for 7.3 acres of land at the Fort Lauderdale-Hollywood International Airport for the period of January 1, 1995 to December 31, 2015, and authorize the Chair and Clerk to execute same.

ACTION: (A-979) Approved. Mr. George Spofford, Aviation Department director, concurred with Commissioner Rodstrom's request to propose guidelines for Board consideration to the county's Administration Code with respect to having two appraisals on the value of the property and the lease term.

4. MOTION TO ADOPT Resolution 95-190 authorizing execution of a supplementary agreement to a joint participation agreement with the Florida Department of Transportation (WPI #4820221) in the amount of \$5,630,900 State share, for land acquisition/ aviation easements outside of safety areas for Runway 9L/27R at Fort Lauderdale-Hollywood International Airport, and authorize the Chair and Clerk to execute same.

ACTION: (A-913) Approved.

5. MOTION TO ADOPT Resolution 95-191 authorizing execution of a supplementary agreement to a joint participation agreement with the Florida Department of Transportation (WPI #4820167) in the amount of \$1,443,000 State share, for land acquisition/ aviation easements in clear zones, Runway 9R/27L at Fort Lauderdale-Hollywood International Airport, and authorize the Chair and Clerk to execute same.

ACTION: (A-913) Approved.

6. MOTION TO APPROVE Amendment No. 1 to the grant agreement for AIP Project No. 3-12-0025-2793 at Fort Lauderdale-Hollywood International Airport for the Land Acquisition Program which modifies the grant description by deleting Parcels 1052, 1018, 1019, 1021, 1026, 1029, 1029.1, 1038, 1119, 1123, 1129, 1150, 1154, 1156, 1186, 1218 and adding Parcels 1044, 1045 and 1117, and authorize the Chair and Clerk to execute same.

ACTION: (A-913) Withdrawn at staff's request.

PUBLIC WORKS DEPARTMENT

REAL PROPERTY SECTION

7. MOTION TO APPROVE the transfer of canal right-of-way by quitclaim deed from Broward County Central Broward Drainage District, known as Parcels 102A, 103A, 104A and 105A, Project 5074, construction of Southwest 100 Avenue from Orange Drive to State Road 84, and authorize the Chair and Clerk to execute quitclaim deed.

ACTION: (A-913) Approved.

8. MOTION TO APPROVE a temporary construction easement agreement executed by Ringhaver Equipment Co., a Florida corporation in the amount of \$4,400 for BCOES Regional Wastewater Corridor CM-1, Project 8425, Parcel 3, and authorize the Chair and Clerk to execute temporary construction easement agreement.

ACTION: (A-913) Approved.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

ACCOUNTING DIVISION

9. MOTION TO FILE a comprehensive annual financial report for the Board of County Commissioners for the fiscal year ended September 30, 1994, pursuant to Florida Statute 11.45.

ACTION: (A-913) Approved.

COUNTY RECORDS DIVISION

10. MOTION TO APPROVE the commission meeting minutes of December 6, 1994 at 5 p.m., the January 24, 1995 meeting and the 5:15 p.m. public hearing.

ACTION: (A-913) Approved.

PURCHASING DIVISION

For Aviation Department

11. MOTION TO APPROVE the first amendment to Work Authorization No. 1 between Broward County, Florida and IT Corporation from the library of contamination assessment and cleanup, to provide for the continuation of a monitor-only program in the amount of \$15,089.43, increasing the value of the Work Authorization to \$30,749.93, and an increase in time of 365 days for completion from 365 days to 730 days, and authorize the Chair and Clerk to execute same.

ACTION: (A-913) Approved.

12. MOTION TO APPROVE the third amendment to Work Authorization No. 2 between Broward County, Florida and LMC Environmental, Inc. from the library of environmental consultant services for the removal and disposal of contaminated acid sludge in the amount of \$23,960.81, increasing the value of the Work Authorization from \$498,371.75 to \$522,332.56 and an increase in time of 45 days for completion, from 90 days to 135 days, and authorize the Chair and Clerk to execute same.

ACTION: (A-913) Approved.

13. MOTION TO APPROVE an increase in the Change Order allowance in the amount of \$7,261.75 for construction of the Wesley Chapel Methodist Church Sound Insulation Project adjacent to Fort Lauderdale-Hollywood International Airport, Contract P-08-93-05-OF with Verzura Construction Co., from \$5,738.25 (5 percent) to \$13,000 (11.3 percent) of the base contract amount of \$114,765.

ACTION: (A-913) Approved.

RISK MANAGEMENT DIVISION

14. MOTION TO AUTHORIZE full and final settlement of Workers' Compensation Claims #84 WC 0964 RS/WL, 90 WC 1138 RS/WL, and 94 WC 1237 RS/FA in the amount of \$75,000.

ACTION: (A-913) Approved.

COMMUNITY SERVICES DEPARTMENT

EMERGENCY MANAGEMENT DIVISION

15. MOTION TO APPROVE an agreement between Broward County and the State of Florida Department of Community Affairs in the amount of \$246,376 for the performance of emergency management activities from October 1, 1994 through September 30, 1995, and authorize the Chair and Clerk to execute same. (County match is \$123,188.)

ACTION: (A-913) Approved.

MASS TRANSIT DIVISION

16. MOTION TO APPROVE Amendment #1 to an agreement between Broward County and AAA

Wheelchair Wagon Service, Inc. to extend, on a month-to-month basis, the term of the agreement up to an additional six months from March 4, 1995, and authorize the Chair and Clerk to execute same.

ACTION: (A-913) Approved.

DEPARTMENT OF NATURAL RESOURCE PROTECTION

17. MOTION TO APPROVE an agreement between Broward County and Florida Atlantic University for \$3,750 to provide placement of a graduate student intern to assist Broward County Natural Resource Protection in development, implementation, and administration of environmental education programs.

ACTION: (A-913) Approved.

DEPARTMENT OF STRATEGIC PLANNING AND GROWTH MANAGEMENT COMMUNITY DEVELOPMENT DIVISION

18. MOTION TO APPROVE a satisfaction of mortgage on a residential redevelopment benefit payment in the amount of \$25,000 to Lee Willis and Elizabeth Willis, and authorize the Chair and Clerk to execute same.

ACTION: (A-913) Approved.

19. MOTION TO APPROVE a satisfaction of mortgage on a residential redevelopment benefit payment in the amount of \$30,000 to Talmedge Franklin and Alice Franklin, and authorize the Chair and Clerk to execute same.

ACTION: (A-913) Approved.

20. MOTION TO APPROVE a satisfaction of mortgage on a residential redevelopment benefit payment in the amount of \$30,000 to Lottie Daniels, and authorize the Chair and Clerk to execute same.

ACTION: (A-913) Approved.

21. MOTION TO APPROVE a satisfaction of mortgage on a 3 percent direct loan in the amount of \$10,700 to Barbara Jean Morton, and authorize the Chair and Clerk to execute same.

ACTION: (A-913) Approved.

22. A. MOTION TO ADOPT budget resolution 95-192 transferring funds within the Community Development Block Grant Fund 806 in the amount of \$2,198 to complete the St. George Park Improvement Project.

ACTION: (A-913) Approved.

B. MOTION TO ADOPT budget resolution 95-193 transferring funds within the Community Development Block Grant Fund 769 in the amount of \$14,510 to complete the St. George Park Improvement Project.

ACTION: (A-913) Approved.

C. MOTION TO ADOPT budget resolution 95-194 transferring funds within the Community Development Block Grant Fund 823 in the amount of \$13,292 to complete the St. George Park Improvement Project.

ACTION: (A-913) Approved.

D. MOTION TO ADOPT budget resolution 95-195 transferring funds within the Community Development Block Grant Fund 845 in the amount of \$22,000 to complete the St. George Park Improvement Project.

ACTION: (A-913) Approved.

23. A. MOTION TO ADOPT budget resolution 95-196 transferring funds within the Community Development Block Grant Fund 823 in the amount of \$68,681 for construction of the Delevoe Park Community Center.

ACTION: (A-913) Approved.

B. MOTION TO ADOPT budget resolution 95-197 transferring funds within the Community Development Block Grant Fund 780 in the amount of \$108,319 for construction of the Delevoe Park Community Center.

ACTION: (A-913) Approved.

PORT EVERGLADES DEPARTMENT

24. MOTION TO APPROVE the renewal of Port Everglades taxi/limo/bus service business permit between Broward County, Florida, and A-1 Tours & Transportation, Inc. effective January 1, 1995 through December 31, 1995, and authorize the Chair and Clerk to execute same.

ACTION: (A-913) Approved.

25. MOTION TO APPROVE a lease agreement between Broward County, Florida and March of Dimes Birth Defects Foundation, South Florida Chapter, Broward Division, for use of 4.5 acres of land as a parking lot on April 1, 1995, and authorize the Chair and Clerk to execute same.

ACTION: (A-913) Approved.

26. MOTION TO APPROVE a one-year lease agreement between Broward County, Florida and Sunshine Shipping, Inc. for Suite No. 4 in Building 611 at Port Everglades, consisting of 500 square feet, for the period of March 1, 1995 through February 29, 1996, and authorize the Chair and Clerk to execute same.

ACTION: (A-913) Approved.

27. A. MOTION TO APPROVE an operator/user agreement by and between Broward County, as grantee and operator of Foreign Trade Zone No. 25 and Federal-Mogul World Trade, Inc., as user, whereby user would be permitted to operate under Broward County's Customs Foreign Trade Zones Bond at its facility in west Broward for a maximum of ninety (90) days while it is awaiting approval from the United States Customs Service to operate under its own bond, and to authorize the Chair of the County Commission and the County Administrator to execute such agreement.

ACTION: (A-913) Approved.

B. MOTION TO APPROVE sending a letter to the United States Customs Service requesting alteration of Foreign Trade Zone No. 25, which would enable Federal-Mogul World Trade, Inc. to commence operations from a Foreign Trade Zone at its facility in west Broward while Federal-Mogul is awaiting Customs' approval to operate under its own Foreign Trade Zone Customs Bond, and to authorize the Director of Port Everglades to execute such letter.

ACTION: (A-913) Approved.

C. MOTION TO APPROVE the first amendment to a lease agreement by and between the Port Everglades Authority, predecessor in interest to Broward County, as Lessor, and Federal-Mogul Corporation, as Lessee, dated April 1, 1994, to alter the rent obligations and extend the term until Lessor's letter requesting alteration of Foreign Trade Zone No. 25 is approved by the United States Customs Service, and to authorize the Chair of the County Commission and the County Administrator to execute such agreement.

ACTION: (A-913) Approved.

OFFICE OF BUDGET AND MANAGEMENT POLICY

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

ACTION: (A-913) Approved.

29. MOTION TO ADOPT budget resolution 95-198 transferring within the General Fund the amount of \$250,000 from the Non-Departmental Restricted Reserve for the 17th Judicial District to provide funding reserved in anticipation of Local Criminal Justice Trust Fund revenues.

ACTION: (A-913) Approved.

COUNTY COMMISSION

30. MOTION TO FILE Resolution of Ladies Oaks Golf Association imploring the Broward County Commissioners not to make any changes in emergency medical services with Broward County which affect municipally run emergency service providers.

(Comm. Gunzburger)

ACTION: (A-913) Approved.

BOARD APPOINTMENTS

31. MOTION TO APPROVE the appointment of Eugenie Suter to the Broward County Library Advisory Board to replace Edee Greene who has resigned. (Comm. Thompson)

ACTION: (A-913) Approved the addendum to switch appointments to the Library Advisory Board; therefore Ms. Suter became Commissioner Rodstrom's appointee and Ms. Gail Cuthbertson became Commissioner Thompson's appointee.

32. MOTION TO APPOINT a person to the Health and Rehabilitative Services/District Ten Health and Human Services Board. (Comm. Hart)

ACTION: (A-913) Approved the appointment of Ms. Meredith E. McCleary to the HRS/District Ten Health and Human Services Board.

REQUEST TO SET PUBLIC HEARING

33. MOTION TO ADOPT Resolution 95-199 directing the County Administrator to publish notice of public hearing to be held on Tuesday, April 11, 1995 at 2 p.m. to consider enactment of proposed ordinance.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO THE CHILDREN'S SERVICES BOARD; AMENDING CHAPTER 1, ARTICLE XXVII, SECTION 1-485 OF THE BROWARD COUNTY CODE RELATING TO MEMBERS; CHANGING THE MEMBERSHIP REPRESENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Commissioner Suzanne N. Gunzburger)

ACTION: (A-913) Approved.

REGULAR AGENDA

COUNTY ADMINISTRATOR'S REPORT

34. COUNTY ADMINISTRATOR County Administrator B. Jack Osterholt advised that he has no report to submit to the Board.

ACTION: (A-1175) No action was taken.

DEPARTMENT OF STRATEGIC PLANNING AND GROWTH MANAGEMENT

DEVELOPMENT MANAGEMENT DIVISION

35. DELEGATION: Barbara A. Hall regarding motion to approve third traffic concurrency agreement among Broward County, STS Land Associates, L.P., STS Building Associates, L.P. and SFA Atlantic Associates, L.P. relating to Oakwood Plaza DRI.

ACTION: (A-1192) Approved staff's recommendations.

AVIATION DEPARTMENT

36. A. MOTION TO AWARD business service center concession at the Fort Lauderdale-Hollywood International Airport to Tele-Trip Company, Inc. for the period of March 1, 1995 through February 28, 2000.

ACTION: (A-1202) Approved.

B. MOTION TO APPROVE concession agreement between Broward County, Florida and Tele-Trip Company, Inc. for the operation of the business service center at Fort Lauderdale-Hollywood International Airport for the period of March 1, 1995 through February 28, 2000, and authorize the Chair and Clerk to execute same after execution by Tele-Trip Company, Inc.

ACTION: (A-1202) Approved with addendum.

OFFICE OF BUDGET AND MANAGEMENT POLICY

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

ACTION: (A-1253) Approved with addendum.

COUNTY ADMINISTRATOR

38. MOTION TO APPOINT a selection/negotiation committee for a design/build request for proposal for a 1,024 bed corrections facility at the North Broward Complex.

ACTION: (A-415) The Board rescheduled the item to the March 7, 1995 meeting.

COUNTY COMMISSION

39. MOTION TO APPROVE the appointment of Mr. Bill Kling to serve on the Broward County Elderly Services Board. Mr. Kling will fill a vacant position on the board. (Comm. Rodstrom)

ACTION: (A-1309) Approved.

40. MOTION TO REAFFIRM the County Commission's support of the County's participation in this year's "Take Our Daughters To Work Day" which is to be held on Thursday, April 27, 1995; request the County's Human Resources Division, in conjunction with the Commission on the Status of Women (CSW), to coordinate this event, and direct appropriate staff to send a letter to The School Board of Broward County requesting same to take the action necessary to excuse female students between the ages of 9 and 15 so they can participate in this program. (Comm. Parrish)

ACTION: (A-1313) Approved.

41. MOTION TO DISCUSS the proposed improvements to Northeast 62 Street between Dixie Highway and Northeast 18 Avenue. This item is placed on the agenda per request from the city of Fort Lauderdale Commissioner John E. Aurelius. (Comm. Rodstrom)

ACTION: (A-1324) Approved the city of Fort Lauderdale's request for a waiver of the sidewalk requirement for the proposed improvement on Northeast 62 Street. Additionally, the Board made a finding that the waiver on the north side of said roadway would not jeopardize public, health or safety.

42. A. MOTION TO ADOPT Resolution 95-200 of the Board of County Commissioners of Broward County, Florida, authorizing the acceptance of a fifty thousand dollar (\$50,000) cash contribution and in-kind services valued at thirty thousand dollars (\$30,000) from the city of Fort Lauderdale, Florida, for use towards the development of Melrose Park by Broward County, Florida; providing for severability; and providing for an effective date. (Comm. Rodstrom)

ACTION: (A-1924) Approved.

B. MOTION TO ADOPT unanticipated revenue resolution 95-201 within the unincorporated area capital fund for the Parks and Recreation Division in the amount of \$50,000 for the development of Melrose Park. (Comm. Rodstrom)

ACTION: (A-1924) Approved.

43. MOTION TO DISCUSS the hiring of an outside lobbyist for Port Everglades. (Comm. Rodstrom)

ACTION: (A-1974) No action was taken.

SUPPLEMENTAL AGENDA

COUNTY ATTORNEY

44. MOTION TO RATIFY the appointment of former Florida Supreme Court Justice Alan C. Sunberg

of Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A., as outside counsel.

ACTION: (A-2710 and A-3738) Approved. The county commission requested that the County Attorney's Office notify them on the progress when the legal service charges reach \$30,000.

NON AGENDA

45. **PROCLAMATION** On behalf of the Board, Commissioner Poitier read into the record a proclamation designating the month of March 1995 as "Women's History Month in Broward County". The Board urged all residents to observe the occasion with appropriate ceremonies and activities honoring generations of compassionate and courageous women of conviction.

ACTION: (A-140) Ms. Annette Van Howe accepted the proclamation; thanked the county commissioners for their consistent support of women in Broward County and during Women's History Month, and recognized Commissioner Sylvia Poitier as the first inductor and Commission Chair Suzanne N. Gunzburger as this year's honoree to the Women's Hall of Fame.

46. **PROCLAMATION** On behalf of the Board, Commissioner Gerald F. Thompson read into the record a proclamation designating March 3, 1995 to commemorate the 150th anniversary of Florida statehood and encouraged all citizens of Broward County to participate in this celebration.

ACTION: (A-251) Mses. Helen Landers, Annette Van Howe, Julia Jones, and Mr. Rodney Dillion, representing the Historical Commission, received the proclamation. Ms. Landers thanked the county commissioners for this recognition and their appointments to the Sesquicentennial Coordinating Committee. She advised that the committee will be culminating its 150th anniversary with pioneer days in November 1995.

47. **EMPLOYEE SERVICE AWARDS** On behalf of the Board, County Administrator B. Jack Osterholt recognized the following county employees who contributed many years of service to the county government:

Mr. Wiley Walton - Mass Transit, 25 yrs

Ms. Eddie Mae Hill - Accounting, 20 yrs

Mr. Clarence Vaughn - Alcohol/Drug Abuse Services, 20 yrs Ms. Marie Moisdon - Libraries, 20 yrs

Mr. Leroy Brown - Water Supply, 20 yrs

Mr. George Smith Jr. - Water Supply, 20 yrs

Ms. Jean Andrews - Parks and Recreation, 20 yrs

ACTION: (A-251) The employees thanked the Board.

48. **PRESENTATION** On behalf of the Board, the Chair presented tokens of appreciation to Commissioners Scott I. Cowan and Lori N. Parrish for their constant contributions to the Emergency Medical Services.

ACTION: (A-861) Commissioners Cowan and Parrish extended appreciation to the Board.

49. COUNTY ATTORNEY - DISCUSSION Ms. Tracy L. Lautenschlager, Assistant County Attorney, advised that Judge Estella Moriarty issued a Writ of Prohibition to prevent the city of Dania's unlawful exercise of jurisdiction to interfere with Broward County's land acquisition for the Fort Lauderdale-Hollywood International Airport (FL-HIA) expansion.

Ms. Lautenschlager explained that the writ did not go so far as to order the city of Dania not to hold a quasi-judicial hearing later this day and stated that the city may hold its hearing and make findings. She stated the County Attorney's Office will have to evaluate whether the city's actions should be the subject to a direct appeal.

County Attorney John J. Copelan Jr. discussed the city of Dania's proposed order addressed at the February 21, 1995 county commission meeting which was limited by the judge and mentioned the intent of the County Attorney's Office to prepare a written statement to the city to object to the issue of the county's violation of Section 380.06 of the Florida Statutes which would additionally be an appellate process.

ACTION: (A-2834) The Board congratulated Ms. Lautenschlager on her accomplishment.

50. DISCUSSION - EMS Commissioner Cowan advised that the Emergency Medical Services (EMS) Blue Ribbon Committee was postponed until March 9, 1995; however, there was a separate meeting with Mr. Steven Josias who represents the six municipalities.

The Board discussed misleading information received with respect to Broward County's position on the EMS issue.

ACTION: (A-2899) No action was taken.

51. RECOGNITION Commissioner Poitier acknowledged the presence of Reverends Islam Ross and James Beasley, Justice for All in Broward Inc. (JAB).

ACTION: (A-3108) The Board welcomed the visitors at this day's meeting.

52. COMMISSIONER'S REQUEST Commissioner Poitier mentioned her service on The American Assembly's Fund Raising Committee. She addressed the intent to plan an assembly to determine what it would like the city of Fort Lauderdale to be in the Year 2000. Commissioner Poitier requested whether the county commission could match the city's participation by donating of \$1,000.

ACTION: (A-3130) Commissioner Poitier will approach interested donors privately.

53. HUMAN RIGHTS BOARD - APPOINTMENTS Commissioner Parrish referred to a letter dated February 16, 1995 from one of her appointments, Mr. Howard A. Kusnick, attorney and Chairman of the Human Rights Board, which expressed concerns on the lack of a quorum attained at its previous meetings. Commissioner Parrish noted that there are seven vacancies on the Board and requested that the county commission review their appointments.

ACTION: (A-3270) No Board action was taken.

54. DISCUSSION - BOARD OF RULES AND APPEALS County Attorney John J. Copelan Jr.

responded to Commissioner Parrish's question that Mr. Wayne T. Thrasher went to the Board of Rules and Appeals to vote, then Judge W. Herbert Moriarty advised that he could not do so. Mr. Copelan advised that the current stay was withdrawn which means that Mr. Thrasher cannot vote.

ACTION: (A-3321) No Board action was taken.

55. DISCUSSION - SICK LEAVE DONATION Commissioner Parrish referred to the previous request on donating sick leave to a hypothetical baby from hypothetical parents; she received a definitive no. She believed a father of a child surrendering his sick and vacation leaves for a mother of a child to spend extra time at home with the baby as not being unreasonable.

ACTION: (A-3358) The Board requested that the County Administrator B. Jack Osterholt revisit the issue.

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