

MEETING OF MARCH 13, 2001

(The meeting convened at 10:00 a.m.; recessed at 12:56 p.m.; reconvened at 9:20 p.m. and adjourned at 10:00 p.m.)

PLEDGE OF ALLEGIANCE was led by Broward County Commissioner Lori Nance Parrish.

CALL TO ORDER

CONSENT AGENDA

1. BOARD APPOINTMENTS

A. MOTION TO NOMINATE Mr. Jeff Gorley to the Broward County Human Rights Board.
(Commissioner Wasserman-Rubin)

ACTION: (A-0056) Approved.

B. MOTION TO NOMINATE Mr. Cecil R. Wray to the Alcohol Drug & Abuse Advisory Board.
(Commissioner Wasserman-Rubin)

ACTION: (A-0056) Approved.

C. MOTION TO NOMINATE Ms. Martha Dowd to the Municipal Services Advisory Board.
(Commissioner Wasserman-Rubin)

ACTION: (A-0056) Approved.

D. MOTION TO NOMINATE Ms. Leslie Leip to the Homeless Initiative Partnership Advisory Board.
(Commissioner Wasserman-Rubin)

ACTION: (A-0056) Approved.

E. MOTION TO NOMINATE Ms. Oro Linda Alber to the Children's Services Board. (Commissioner Wasserman-Rubin)

ACTION: (A-0056) Approved.

F. MOTION TO REMOVE Mr. Michael Bassichis from the Broward Cultural Affairs Council and appoint Michael Mattox. (Commissioner Parrish)

ACTION: (A-0056) Approved.

G. MOTION TO APPOINT Ms. Patricia Hankerson to the Homeless Initiative Partnership Advisory Board. (Commissioner Eggelletion)

ACTION: (A-0056) Approved.

H. MOTION TO APPOINT Ms. Rosalind Osgood to the Alcohol and Drug Advisory Board.
(Commissioner Eggelletion)

ACTION: (A-0056) Approved.

I. MOTION TO APPOINT Ms. Carolyn Kennedy to the Status of Women Advisory Board. (Commissioner Eggelletion)

ACTION: (A-0056) Approved.

J. MOTION TO RE-APPOINT Mr. Luis Muriel to the Library Advisory Board. (Commissioner Eggelletion)

ACTION: (A-0056) Approved.

K. MOTION TO APPOINT Ms. Edith Gooden-Thompson to the Cultural Affairs Council. (Commissioner Eggelletion)

ACTION: (A-0056) Approved.

AVIATION DEPARTMENT

2. MOTION TO APPROVE Amendment No. 1 to the Terminal One Building Lease Agreement between Broward County, Florida and Continental Airlines, Inc., increasing the number of leased ticket counters from six to seven; increasing the operations space from 3,660 square feet to 5,230 square feet; adding a termination clause by either party without cause upon 90-days written notice as to one ticket counter and up to 1,570 square feet of operations space; and providing for joint use charges for the use of common are MOTION TO APPROVE Amendment No. 1 to the Terminal One Building Lease Agreement between Broward County, Florida and Continental Airlines, Inc., increasing t

ACTION: (A-0056) Approved.

3. MOTION TO ADOPT Resolution 2001-161 of the Board of County Commissioners of Broward County, Florida, authorizing acceptance of a State Infrastructure Bank Loan (SIB) with the Florida Department of Transportation.

ACTION: (A-0056) Approved.

PUBLIC WORKS DEPARTMENT

OFFICE OF GENERAL SERVICES

REAL PROPERTY SECTION

4. MOTION TO ACCEPT road easement executed by The School Board of Miami-Dade County, Florida, and authorize payment of \$31,100 for the purchase of a road easement for South County Neighborhood Improvement Project, Parcel 9; the easement area is located at 3500 SW 56th Avenue, Pembroke Park, approximately 600 feet south of Hallandale Beach Boulevard; Office of Environmental Services authorizes Real Property Section to acquire this property using Office of Environmental Services funds; authorize t MOTION TO ACCEPT road easement executed by The School Board of Miami-Dade County, Florida, and authorize payment of \$31,100 for

ACTION: (A-0056) Approved.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT

PURCHASING DIVISION

For Port Everglades Department

5. MOTION TO APPROVE Work Authorization No. WA-0107 authorizing the Port General Engineering Consultant, Craven Thompson & Associates, Inc., to engage the services of a qualified specialty consultant for design and construction administration services for construction improvements within the Foreign Trade Zone at Port Everglades, for a total not to exceed amount of \$163,056.05, and authorize the Chair and Clerk to execute same.

ACTION: (A-0056) Approved.

For Public Works Department

6. MOTION TO APPROVE Work Authorization No. 9809 in accordance with the Agreement, approved June 22, 1999 (Item No. 28), between Broward County and Montgomery Watson Americas, Inc., to provide professional services for the Septage Facility - Grease Removal Study for a lump sum of \$52,710 and a time period of 150 calendar days, and authorize the Chair and the Clerk to execute same. (BCOES Project No. 8655) **(Commission District 2)**

ACTION: (A-0056) Approved.

For Department of Safety and Emergency Management

7. MOTION TO APPROVE agreement between Broward County and Ashbritt, Inc. (RLI No. 081000-RB) to provide disaster recovery services on an as needed basis effective from date of execution for a period of three years with two one-year options to renew when approved by the Director of Purchasing, and authorize the Chair and Clerk to execute same.

ACTION: (A-0056) Approved, as amended. See Page*****

REVENUE COLLECTION DIVISION

8. MOTION TO APPROVE AND EXECUTE Satisfactions of Claim of Lien.

ACTION: (A-0056) Approved.

RISK MANAGEMENT DIVISION

9. MOTION TO APPROVE full and final settlement of Claim No. ARW071999 PETE in amount of \$23,500 (inclusive of attorney's fees and costs).

ACTION: (A-0056) Approved.

10. MOTION TO APPROVE full and final settlement of Claim No. ARW/022500 HALL in amount of \$47,500 (inclusive of attorney's fees and costs).

ACTION: (A-0056) Approved.

11. MOTION TO APPROVE full and final settlement of Claim No. 97 WC0796SM in the amount of \$83,000 (inclusive of attorney's fees and costs).

ACTION: (A-0056) Approved.

HUMAN SERVICES DEPARTMENT

12. A. MOTION TO ADOPT Resolution 2001-162 of the Board of County Commissioners authorizing a restoration of funding to seven agencies funded through the Homeless Services Fund in the total amount of \$59,440; authorizing the County Administrator to execute amendments, providing for severability and an effective date.

ACTION: (A-0056) Approved.

B. MOTION TO ADOPT budget Resolution 2001-163 within the Homeless Services Fund, transferring \$53,040 from the Homeless Services Fund Reserve for the purpose of restoring funds previously decreased to: Broward Community Development Corp., American Red Cross, Women In Distress, Broward House, Catholic Charities, and Spectrum Programs, Inc.; \$6,400 is available within General Revenue for the purpose of restoring funds previously decreased to Gateway Community Outreach.

ACTION: (A-0056) Approved.

CHILDREN'S SERVICES ADMINISTRATION

13. MOTION TO APPROVE Amendment No. 01 to Agreement No. TEAXB between the State of Florida Department of Health (DOH) Children's Medical Services and Broward County from July 1, 2000 through June 30, 2001 for the purpose of incorporating non-substantive changes that have come about since the original contract was executed, and authorize the Chair and Clerk to execute same.

ACTION: (A-0056) Approved.

COMMUNITY DEVELOPMENT DIVISION

14. MOTION TO APPROVE first amendment to agreement between Broward County and the City of Lauderdale Lakes to increase funding in the amount of \$218,010 from \$105,000 to \$323,010 and extend agreement's termination date from April 30, 2001 to October 1, 2001 for project entitled Minor Home Repair Program to provide minor home repair assistance to a minimum of 25 low and moderate-income households in the City of Lauderdale Lakes, and authorize the Chair and Clerk to execute same. These are U.S. Department of Housing and Urban Development (HUD) HOME Investment

ACTION: (A-0056) Approved.

15. MOTION TO APPROVE agreement between Broward County and New Birth Community Services Corporation from the date of execution through April 30, 2002 for project entitled New Birth Townhouses in the amount of \$186,806 to develop four rental housing units to be located in the unincorporated Boulevard Gardens community near NW 28th Avenue and NW 2nd Street, and authorize the Chair and Clerk to execute same. These are U.S. Department of Housing and Urban Development (HUD) HOME Investment

ACTION: (A-0136) Approved. See Page*****

16. A MOTION TO APPROVE interlocal agreement between Broward County and the City of North Miami in an amount not to \$24,999 from date of execution through February 19, 2002 for the purpose of Community Development Division staff providing consulting services to the City of North Miami related to their Community Development Block Grant Program at the rate of \$50 per hour, and authorize the Chair and Clerk to execute same.

ACTION: (A-0202) Approved. Staff directed to revise administrative fee and amount derived from the cost allocation plan to be consistent with the Commission Auditor's February 16, 2001 memorandum.

See Page*****

B.MOTION TO ADOPT unanticipated revenue Resolution 2001-164 in the amount of \$24,999 within the Community Development Block Grant fund for the purpose of covering administrative costs. This revenue is a result of compensation for consulting services Community Development Division staff will provide to the City of North Miami. No County match is required.

ACTION: (A-0202) Approved. Staff directed to revise administrative fee and amount derived from the cost allocation plan to be consistent with the Commission Auditor's February 16, 2001 memorandum.

See Page*****

SUBSTANCE ABUSE AND HEALTH CARE SERVICES

17. MOTION TO APPROVE agreement between the School Board of Broward County and Broward County Board of County Commissioners for the purpose of utilizing School Board facilities, commodities, supplies and staff for sheltering residents with special needs in the event of an emergency, such as a hurricane. The term is for one year beginning with the date of execution by each party and the agreement is automatically renewable for successive one-year terms, and authorize the Chair and Clerk to execute same. FuMOTION TO APPROVE agreement between the School Board of Broward County and Broward County Board of County Commissioners for the purpose of utilizing School Board facilities, commodities

ACTION: (A-0056) Approved.

PORT EVERGLADES DEPARTMENT

18. MOTION TO APPROVE renewal of a lease agreement between Broward County and Eller & Company, Inc., for 238 square feet of office space in Building 26 at Port Everglades, effective April 1, 2001 through March 31, 2004, with rent in the approximate amount of \$13,337.05, over the lease term, and authorize the Chair and Clerk to execute same.

ACTION: (A-0264) Approved, as amended. Agreement shall include the County's standard anti-discrimination clause. See Page*****

19. MOTION TO APPROVE renewal of a lease agreement between Broward County and Eller & Company, Inc., for 7,800 square feet of warehouse and office space in Building 68 at Port Everglades, effective June 1, 2001 through May 31, 2004, with rent in the approximate amount of \$128,983.26, over the lease term, and authorize the Chair and Clerk to execute same.

ACTION: (A-0264) Approved, as amended. Agreement shall include the County's standard anti-discrimination clause. See Page*****

20. MOTION TO APPROVE renewal of a lease agreement between Broward County and Grady Marine Construction, Inc., for Suite No. 5 in Building 611 at Port Everglades, consisting of 520 square feet of office space, for the period of April 1, 2001 through March 31, 2002, with rent in the amount of \$9,100 over the lease term, and authorize the Chair and Clerk to execute same.

ACTION: (A-0264) Approved, as amended. Agreement shall include the County's standard anti-discrimination clause. See Page*****

21. MOTION TO APPROVE lease agreement between Broward County and the Juvenile Diabetes Foundation International (Incorporated) for 4.5 acres of land, as a parking lot, on Saturday, March 24, 2001, and authorize the Chair and Clerk to execute same.

ACTION: (A-0264) Approved, as amended. Agreement shall include the County's standard anti-discrimination clause. See Page*****

22. MOTION TO ADOPT Resolution 2001-165 waiving dockage charges during the period of March 14, 2001 through March 22, 2001 in an amount not to exceed \$50,000 and reducing by 50% the parking fees from March 14, 2001 through March 22, 2001 in an amount not to exceed \$10,000 for the inaugural introduction of Radisson Seven Seas Cruises' newest ship, the M/S Seven Seas Mariner.

ACTION: (A-0357) Approved, as amended. Agreement shall include the County's standard anti-discrimination clause. See Page*****

23. A. MOTION TO APPROVE letter to the Foreign-Trade Zones Board requesting approval of an Application for Temporary Minor Boundary Modification of Foreign-Trade Zone No. 25 to designate a non-contiguous zone site for the use of The Stanley Works Incorporated and other potential users, and authorize the Port Director, Port Everglades Department, to effectuate same.

ACTION: (A-0363) Approved, as amended. Agreement shall include the County's standard anti-discrimination clause. See Page*****

B. MOTION TO APPROVE Foreign-Trade Zone User Agreement by and between Broward County, as Grantee/Operator of Foreign-Trade Zone No. 25 and the Stanley Works Incorporated, as Foreign-Trade Zone User, and authorize the Chair and Clerk to execute same, whereby The Stanley Works Incorporated would be permitted to utilize foreign-trade zone procedures in its warehouse and distribution business located at its non-contiguous leasehold for a period of ten years, and authorize the Port Director, Port Everglades Department, to execute letters to the Foreign-Trade Zones Board and U.S. Customs to effectuate same.

ACTION: (A-0363) Approved, as amended. Agreement shall include the County's standard anti-discrimination clause. See Page*****

OFFICE OF BUDGET SERVICES

24. A. MOTION TO ADOPT budget Resolution 2001-166 transferring within the General Fund the amount of \$83,267 from the Commission Reserve for the purpose of reimbursing overtime costs incurred by the Broward Sheriff's Office (BSO) as a result of the Presidential Re-Count.

ACTION: (A-0782) Approved. See Page*****

B. MOTION TO ADOPT budget Resolution 2001-167 transferring within the General Fund the amount of \$99,892 from the Commission Reserve for the purpose of reimbursing costs incurred by the Supervisor of Elections as a result of the Presidential Re-Count.

ACTION: (A-0782) Approved. See Page*****

OFFICE OF ECONOMIC DEVELOPMENT

25. MOTION TO ADOPT Resolution 2001-168 recommending that Cosmo International Corporation be approved as a qualified applicant for participation in the State of Florida Qualified Targeted Industry Tax Refund Program (QTI) and Broward County's Job Growth Economic Incentives Program, specifically the Direct Cash/Job Creation incentive program, for Fiscal Years 2002 through 2005 based on the creation of the minimum requisite jobs within Broward County.

ACTION: (A-0056) Approved.

OFFICE OF PUBLIC AND GOVERNMENTAL RELATIONS

26. MOTION TO DIRECT County Attorney to amend Ordinance No. 89-9 to provide for the appointment of two additional members to the Higher Education Facilities Authority for five year terms, bringing the total membership to nine.

ACTION: (A-0056) Approved.

COUNTY ATTORNEY

27. MOTION TO APPROVE proposal for settlement in the amount of \$42,000 in Simmons v. Broward County, Case No. 00-06261 (11).

ACTION: (A-0056) Approved.

28. MOTION TO ADOPT Resolution 2001-169 repealing Resolution No. 89-3633 which provided certain powers to the Port 95 Commerce Park Community Development District.

ACTION: (A-0056) Approved.

COUNTY COMMISSION

29. MOTION TO FILE Resolution No. 2001-116 from City Commission of the City of Pompano Beach, Florida, approving a first amendment to the Interlocal Agreement for the creation of the Broward County Metropolitan Planning Organization; providing an effective date. (Chair)

ACTION: (A-0056) Approved.

30. MOTION TO FILE Resolution No. 01-02-4130 from City Commission of the City of North Lauderdale, Florida, supporting the Local Mitigation Strategy ("LMS") adopted by the Board of County Commissioners of Broward County, Florida; and providing an effective date. (Chair)

ACTION: (A-0056) Approved.

REQUEST TO SET FOR PUBLIC HEARING

31. MOTION TO ADOPT Resolution 2001-170 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, March 27, 2001 at 2:00 p.m. in Room 422 of the Governmental Center to consider enactment of a proposed ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO COUNTY BOARDS, AUTHORITIES, AND AGENCIES; AMENDING SECTION 1-233 OF THE BROWARD COUNTY CODE OF ORDINANCES; ADJUSTING QUORUM REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (A-0056) Approved.

32. MOTION TO ADOPT Resolution 2001-171 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, March 27, 2001 at 2:00 p.m. in Room 422 of the Governmental Center to consider enactment of a proposed ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING VARIOUS SECTIONS OF CHAPTER 9 OF THE BROWARD COUNTY CODE OF ORDINANCES ENTITLED "CONTRACTORS"; CLARIFYING THE STATUTORY AUTHORITY; ADDING DEFINITIONS; RENUMBERING AND AMENDING SECTIONS RELATING TO THE STANDARDS FOR CERTIFICATION OF INDIVIDUALS; DELETING REFERENCES TO PERSON AND ADDING REFERENCES TO CERTIFIED INDIVIDUALS AND BUSINESS ORGANIZATIONS; PROVIDING FOR STANDARDS FOR THE ISSUANCE OF CERTIFICATES OF AUTHORITY TO BUSINESS ORGANIZATIONS; AMENDING SECTIONS RELATING TO THE REQUIREMENTS FOR QUALIFYING AGENTS OF BUSINESS ORGANIZATIONS; AMENDING THE REQUIREMENTS FOR MAINTENANCE OF QUALIFICATIONS; AMENDING THE GROUNDS FOR DISCIPLINARY ACTIONS AGAINST CERTIFICATE HOLDERS AND BUSINESS ORGANIZATIONS; PROVIDING FOR PROBABLE CAUSE DETERMINATIONS; PROVIDING FOR EXPEDITING INVESTIGATIONS OF COMPLAINTS, PROBABLE CAUSE DETERMINATIONS AND HEARINGS; PROVIDING FOR THE USE OF HEARING OFFICERS; AMENDING THE REQUIREMENTS FOR INACTIVE CERTIFICATES FOR INDIVIDUALS AND BUSINESS ORGANIZATIONS; AMENDING THE NOTICE AND SERVICE OF PROCESS AND EVIDENCE REQUIREMENTS FOR HEARINGS OR PROCEEDINGS BEFORE THE BOARDS OR THE HEARING OFFICER; AMENDING THE PROCEDURES FOR HEARINGS BEFORE THE BOARDS; PROVIDING FOR HEARINGS BEFORE A HEARING OFFICER AND PROVIDING FOR THE ISSUANCE OF RECOMMENDED ORDERS BY THE HEARING OFFICER; AMENDING THE REQUIREMENTS FOR THE ISSUANCE OF ORDERS BY THE BOARD; AMENDING THE RECORDS MAINTENANCE REQUIREMENTS; AMENDING AND CLARIFYING THE ADVERTISING REQUIREMENTS; ADDING AN EXEMPTION FOR ANY INDIVIDUAL WHO IS NOT REQUIRED TO OBTAIN REGISTRATION OR CERTIFICATION PURSUANT TO S.489.105(3)(D)-(O), F.S.; AMENDING THE DISCIPLINARY POWERS OF THE BOARD; AMENDING THE QUALIFICATIONS FOR MASTER ELECTRICIAN BY ADDING LANGUAGE REGARDING ELECTRICAL EXPERIENCE; AMENDING AND REVISING THE SCHEDULE OF CIVIL PENALTIES; AMENDING SECTION

20-32, "TAX FOR PERSONS ENGAGED IN CONTRACTING" PROVIDING THAT A CONTRACTOR MUST BE STATE OR COUNTY CERTIFIED OR EXEMPT FROM THE REQUIREMENTS OF CERTIFICATION BY CHAPTER 489, F.S. OR BY CHAPTER 9; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (A-0056) Approved. Amendments will travel with the proposed ordinance and shall be considered at the public hearing.

QUASI-JUDICIAL CONSENT HEARING

DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION

DEVELOPMENT MANAGEMENT DIVISION

33. **DELEGATION:** Walter G. Fluegel regarding request to amend the non-vehicular access line on the Hodges Plat - **Commission District 9**, (020-UP-80). (Deferred from February 6, 2001)

ACTION: (A-0908) Approved the applicant's request to amend the non-vehicular access line. The applicant will pay appropriate impact fees at the time the property is developed, but not the delinquent impact fees based on construction within the plat by other owners. The County Attorney's Office was directed to begin the enforcement action to foreclose on the lien placed on the original land owner and all property owners within that plat. In addition, the County Attorney's Office will seek to recover any fees or costs it incurs in pursuing the lien. See Page*****

END OF QUASI-JUDICIAL CONSENT HEARING

REGULAR AGENDA

34. **A. COUNTY ADMINISTRATOR'S REPORT** County Administrator Roger J. Desjarlais informed the Board of the extraordinary drought conditions in South Florida. He stated that Broward County has begun preparation for the possibility of a State of Emergency relative to the water crisis. Mr. Desjarlais outlined staff's recommendations to focus on the conservation of the County's increasingly limited water supplies. Board members discussed using an aggressive public education campaign and
di**A. COUNTY ADMINISTRATOR'S REPORT** County Administrator Roger J. Desjarlais informed th

ACTION: (A-3019) The County Administrator will continue updating the board on the water crisis. Further, the Board adopted a Resolution as cited below. See Page*****

B. MOTION TO ADOPT Resolution 2001-282 of the Board of County Commissioners of Broward County, Florida requesting all Broward County Municipalities to take immediate action to provide effective public education and enforcement of the water use restrictions.

ACTION: (A-3019) Approved.

35. DELEGATION: Mr. Daryl L. Jones, regarding seven-day extension of variance No. 00-ZV-042.

ACTION: (A-4317) No Board action was taken. See Page*****

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OFFICE OF PUBLIC AND GOVERNMENTAL RELATIONS

36. DISCUSSION: Legislative issues.

ACTION: (A-5319) Tabled to the conclusion of the 2:00 p.m. public hearing meeting. See Page*****

ACTION: (A-0087) Staff reviewed legislative issues with the Board. The Board discussed concerns regarding conflicts of interest with lobbyists, particularly relating to the issue of annexation. See Page*****

37. DISCUSSION and drawing of categorical board appointments.

ACTION: (A-5319) Tabled to the conclusion of the 2:00 p.m. public hearing meeting. See Page*****

ACTION: (A-0043) Deferred to Tuesday, March 20, 2001. See Page*****

REQUEST TO SET FOR PUBLIC HEARING/MEETING SCHEDULE

38. MOTION TO APPROVE Workshop Schedule for 2001.

ACTION: (A-5319) Tabled to the conclusion of the 2:00 p.m. public hearing meeting. See Page*****

ACTION: (A-0046) Approved, as amended. See Page*****

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