

MEETING OF MARCH 27, 2001

(The meeting convened at 10:00 a.m.; recessed at 12:35 p.m.; reconvened at 3:35 p.m.; recessed at 5:20 p.m.; reconvened at 5:35 p.m.; recessed at 6:55 p.m.; reconvened at 7:00 p.m.; recessed at 7:45 p.m.; reconvened at 8:25 p.m.; recessed at 9:00 p.m.; reconvened at 9:05 p.m. and adjourned at 10:30 p.m.)

PLEDGE OF ALLEGIANCE was led by County Administrator Roger J. Desjarlais.

CALL TO ORDER

CONSENT AGENDA

1. BOARD APPOINTMENTS

A. MOTION TO APPOINT Ms. Sheila N. Rose to the Parks & Recreation Advisory Board. Ms. Rose fills a vacancy. (Commissioner Jacobs)

ACTION: (A-0090)

B. MOTION TO APPOINT Ms. Deborah Andrus to the Municipal Services Advisory Board. Ms. Andrus fills a vacancy. (Commissioner Jacobs)

ACTION: (A-0090)

C. MOTION TO APPOINT Mr. Arthur J. Allain to the Broward Beautiful Advisory Board. Mr. Allain fills an existing vacancy. (Commissioner Eggelletion)

ACTION: (A-0090)

PUBLIC WORKS DEPARTMENT

OFFICE OF TRANSPORTATION

ENGINEERING DIVISION

2. MOTION TO APPROVE revocable license agreement between Broward County and the City of Coconut Creek to utilize a portion of the median of Coconut Creek Parkway, just west of the Turnpike for the installation of a Welcome to Coconut Creek sign, and authorize the Chair and Clerk to execute same. (**Commission Districts 1 and 2**)

ACTION: (A-0090) Approved.

3. MOTION TO ADOPT Resolution 2001-300 accepting a road easement at no cost to the County, executed by Jay Johnson and Evergreen Johnson for right-of-way for NW 19th Street (south side) located approximately 320 feet west of NW 24th Terrace. (**Commission District 9**)

ACTION: (A-0090) Approved.

4. A. MOTION TO ADOPT Resolution 2001-301 accepting and ratifying recordation of an access

easement, at no cost to the County, executed by ACP Office 1 LLC and Fort Lauderdale Telcom Center LLC for access purposes to Cypress Creek Road (NW 62nd Street) (south side) at the southerly extension of NW 21st Avenue. **(Commission District 9)**

ACTION: (A-0090) Approved.

B. MOTION TO ADOPT Resolution 2001-302 accepting and ratifying recordation of a traffic control devices easement, at no cost to the County, executed by ACP Office 1 LLC for traffic control devices for Cypress Creek Road (NW 62nd Street) (south side) at the southerly extension of NW 21st Avenue. **(Commission District 9)**

ACTION: (A-0090) Approved.

C. MOTION TO ADOPT Resolution 2001-303 accepting and ratifying recordation of a traffic control devices easement, at no cost to the County, executed by Fort Lauderdale Telcom Center LLC for traffic control devices for Cypress Creek Road (NW 62nd Street) (south side) at the southerly extension of NW 21st Avenue. **(Commission District 9)**

ACTION: (A-0090) Approved.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT

OFFICE OF INFORMATION TECHNOLOGY

5. MOTION TO ADOPT Resolution 2001-304 of the Board of County Commissioners of Broward County, Florida, granting a non-exclusive right, privilege, and license to Tele-Media Investment Partnership, L.P., to construct, operate, and maintain a cable television system in public rights-of-way owned and controlled by Broward County for a time period certain; providing for severability; and providing for an effective date. **(Commission District 2)**

ACTION: (A-0152) Approved. See Page *****

PURCHASING DIVISION

For Public Works Department

6. MOTION TO AWARD open-end contract to the low bidder, Designed Traffic Installations, Inc., Groups 1 and 3, for Installation of Poles, Street Lights, Traffic Signal Poles and Related Work (Bid No. P-6-00-140-B1) in the estimated amount of \$2,145,180 for the Traffic Engineering Division, and authorize the Director of Purchasing to renew the contract for a one-year period. The initial contract period shall start upon receipt and acceptance of the performance/payment guarantee, and terminate one year from that date.

ACTION: (A-0180) Tabled to the 2:00 p.m. public hearing meeting.

See Page *****

ACTION: (A-4950) Approved. Staff was directed to develop a fiscal impact and phase-in plan to retrofit existing traffic lights and new traffic lights with preemptive devices that works with the cities

*and unincorporated areas as well. See Page ******

REVENUE COLLECTION DIVISION

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

ACTION: (A-0090) Approved.

RISK MANAGEMENT DIVISION

8. MOTION TO AUTHORIZE full and final settlement of Claim No. DNM/111698GRIG in the amount of \$30,000.

ACTION: (A-0338) Approved. See Page *****

HUMAN SERVICES DEPARTMENT

COMMUNITY DEVELOPMENT DIVISION

9. A. MOTION TO TERMINATE Community Development Block Grant (CDBG) Agreement, Housing for Children with Disabilities from Low Income Families, between Broward County and Achievement and Rehabilitation Centers, Inc. of Broward (ARC) due to zoning restrictions imposed by the City of Coral Springs, Florida, which restrictions prevent ARC from proceeding pursuant to said Agreement with Broward County. **(Commission District 3)**

ACTION: (A-0090) Approved.

B. MOTION TO APPROVE Release of all restrictions and conditions on the premises known as 11763 NW 26th Street, Coral Springs, Florida, purchased by ARC through CDBG Program funds pursuant to the funding agreement with Broward County, Housing for Children with Disabilities from Low Income Families, and authorize County Administrator to execute same. **(Commission District 3)**

ACTION: (A-0090) Approved.

OFFICE OF HOUSING FINANCE

10. MOTION TO APPROVE agreement between Broward County and Habitat for Humanity of Broward, Inc. in the amount of \$220,000 from the date of execution through January 31, 2003 for the purpose of constructing a total of 19 new single family residences in Broward County, ten in the City of Oakland Park, four in unincorporated Broward, and five in the City of Fort Lauderdale, and authorize the Chair and Clerk to execute same. No County funds are required. **(Commission Districts 7 and 9)**

ACTION: (A-0090) Approved.

SUBSTANCE ABUSE AND HEALTH CARE SERVICES

11. MOTION TO APPROVE Amendment No. 2 between Broward County and the Mental Health Association of Broward County, Incorporated (MHA), extending the term of the original agreement from March 31, 2001 to September 30, 2001 for the purpose of allowing additional time to implement a more comprehensive training curriculum, and authorize the Chair and Clerk to execute same. No

additional County funds are required for this amendment and all other terms and conditions remain in full force and effect.

ACTION: (A-0090) Approved.

COMMUNITY SERVICES DEPARTMENT

CULTURAL AFFAIRS DIVISION

12. MOTION TO FILE report for the first quarter of Fiscal Year 2001 in accordance with Section 29.17h of the Broward County Administrative Code relating to the Broward County cultural grant agreements.

ACTION: (A-0672) Approved. Staff was directed to continue to seek matching cultural grant funds for Broward Parks and Recreation. See Page *****

13. MOTION TO AMEND Fiscal Year 2001 Public Art and Design Annual Plan in the amount of \$2,976,000 for eligible Parks and Recreation Division projects in the 2000 Safe Parks and Land Preservation Bond Issue, and in accordance with Ordinance 95-20 and Resolution 95-455, and allow pooling of public art funds within the bond issue.

ACTION: (A-0090) Approved.

LIBRARIES DIVISION

14. MOTION TO APPROVE IN CONCEPT design and construction of a new West Regional Library and parking structure on county property located in the City of Plantation at 8601 West Broward Boulevard; and authorize staff to begin the design process. **(Commission District 4)**

ACTION: (A-0090) Approved.

15. A. MOTION TO ADOPT budget Resolution 2001-305 to transfer funds from the Libraries Division's operating reserve in the amount of \$153,488 for personnel costs, and \$373,394 for recurring operating costs to the Libraries operating budget, to provide for positions and operating expenses to prepare to operate the African-American Research Library and Cultural Center (AARLCC), and Dania Beach Paul DeMaio Branch Library's workload support. **(Commission Districts 9 and 6 respectively)**

ACTION: (A-0090) Approved.

B. MOTION TO APPROVE increasing the Libraries Division's personnel cap by 12 positions from 817 to 829, effective March 13, 2001, within the operating fund for the Libraries Division, to hire staff for the African-American Research Library and Cultural Center, and Dania Beach Paul DeMaio Branch Library for classifications specified in Exhibit 2.

ACTION: (A-0090) Approved.

MASS TRANSIT DIVISION

16. A. MOTION TO APPROVE interlocal agreement between Broward County and the City of Fort Lauderdale for public transportation services, for the lease of one wheelchair-accessible passenger

vehicle at a cost of \$10 per vehicle annually, a capital contribution for four vehicles in the amount of \$10,000 per vehicle annually, and operating costs of \$20 per revenue service hour, for each of the five vehicles, and authorize the Chair and Clerk to execute same. The term of this agreement is effective from date of execution through September 30, 2001, and may be extended for up to two additional one-year periods upon written approval of the contract administrator, except that the short-term demonstration route to the Galt Ocean Mile area will be evaluated six months after service is initiated. **(Commission Districts 7 and 9, borders District 2)**

ACTION: (A-0090) Approved.

B. MOTION TO APPROVE interlocal agreement between Broward County and the City of Lauderdale Lakes for public transportation services, in the amount of \$20 per revenue service hour, for the lease of one wheelchair-accessible passenger vehicle at a cost of \$10 per vehicle annually; and authorize the Chair and Clerk to execute the same. The term of this agreement is effective from date of execution through September 30, 2001, and may be extended for up to two additional one-year periods upon written approval of the contract administrator. **(Commission District 9)**

ACTION: (A-0090) Approved.

C. MOTION TO APPROVE interlocal agreement between Broward County and the City of Lighthouse Point for public transportation services, in the amount of \$20 per revenue service hour, for the lease of one wheelchair-accessible passenger vehicle at a cost of \$10 per vehicle annually; and authorize the Chair and Clerk to execute the same. The term of this agreement is effective from date of execution through September 30, 2001, and may be extended for up to two additional one-year periods upon written approval of the contract administrator. **(Commission District 2)**

ACTION: (A-0090) Approved.

DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION

PLANNING SERVICES DIVISION

17. MOTION TO DIRECT Office of the County Attorney to prepare an ordinance amending certain codes and ordinances to provide for the reduction or waiver of certain fees associated with the development of affordable housing; providing for inclusion in the Administrative Code and providing for an effective date.

ACTION: (A-0090) Approved.

DEPARTMENT OF SAFETY AND EMERGENCY SERVICES

FIRE RESCUE DIVISION

18. MOTION TO APPROVE termination of an interlocal agreement between Broward County and Wynmoor Community Council, Inc., effective sixty days from date of Commission approval, for delivery of ALS First Responder services within Wynmoor Village in the amount of \$146,400 for Fiscal Year 2000-2001, and authorize the Chair and Clerk to execute same. **(Commission District 2)**

ACTION: (A-0090) Approved.

MEDICAL EXAMINER & TRAUMA SERVICES DIVISION

19. MOTION TO ACCEPT nomination of Ms. Donna Marie Linette for appointment to the Broward Regional Emergency Medical Services (EMS) Council.

ACTION: (A-0090) Approved.

PORT EVERGLADES DEPARTMENT

20. MOTION TO APPROVE lease agreement between Broward County and MG Productions of South Florida, Inc., for 4.5 acres of land, as a parking lot, on Saturday, May 5, 2001 and Saturday, May 12, 2001, and authorize the Chair and Clerk to execute same.

ACTION: (A-0090) Approved.

21. MOTION TO APPROVE renewal of a lease agreement between Broward County and Minnesota Mining and Manufacturing Company for 2,958 square feet of warehouse space in Building "E", Bay 14, of Foreign Trade Zone No. 25 at Port Everglades, for the period of April 1, 2001 through March 31, 2003, with rent in the approximate amount of \$49,539.10, over the lease term, and authorize the Chair and Clerk to execute same.

ACTION: (A-0090) Approved.

22. MOTION TO APPROVE new one-year lease agreement between Broward County and South Stevedoring, Inc., for Suites No. 211-212 in Building 611 at Port Everglades, consisting of 800 square feet of office space, for the period of May 1, 2001 through April 30, 2002, with rent in the amount of \$14,000 over the lease term, and authorize the Chair and Clerk to execute same.

ACTION: (A-0090) Approved.

23. MOTION TO APPROVE renewal of a lease agreement between Broward County and Southern Waste Services, Inc., for 10,890 square feet of vacant land at Port Everglades, effective June 1, 2001 through May 31, 2004, with rent in the approximate amount of \$32,650.11, over the lease term, and authorize the Chair and Clerk to execute same.

ACTION: (A-0090) Approved, as corrected. (Scrivener's Error - See County Administrator's Memorandum.)

24. MOTION TO APPROVE renewal of a lease agreement between Broward County and Spin, Inc., for 24,409 square feet of warehouse space and 2,650 square feet of office space in Building "F" of Foreign Trade Zone No. 25 at Port Everglades, for the period of May 1, 2001 through April 30, 2004, with rent in the approximate amount of \$679,129.70, over the lease term, and authorize the Chair and Clerk to execute same.

ACTION: (A-0090) Approved.

25. MOTION TO INITIATE amendment to the Broward County Trafficways Plan deleting the McIntosh Road (from US 1 to Eller Drive) thoroughfare from the Broward County Trafficways Plan.

ACTION: (A-0090) Approved.

OFFICE OF EQUAL OPPORTUNITY

26. MOTION TO APPROVE Modification No. 5 to the Federal Employment Practices (FEP) Contract between Broward County on behalf of the Human Rights Division and the Miami District Office of the U.S. Equal Employment Opportunity Commission (EEOC) extending Contract No. 9/5010/0017 for a period of 12 months commencing October 1, 2000 through September 30, 2001, and increasing the total contract amount by \$160,050 for Charge Resolutions, Intake Services and Training, to a new total of \$554,315.04.

ACTION: (A-0090) Approved.

COUNTY COMMISSION

27. MOTION TO FILE Resolution No. R2001-50 from City Commission of the City of Hollywood, Florida, supporting the State Road 7/US 441 Corridor Planning Initiative in Broward County to develop and implement a comprehensive action plan to improve regional mobility and enhance the quality of life along the corridor; and providing for an effective date. (Chair)

ACTION: (A-0090) Approved.

REQUEST TO SET FOR PUBLIC HEARING

28. MOTION TO ADOPT Resolution 2001-306 directing the County Administrator to publish a Notice of Public Hearing to be held Tuesday, April 24, 2001 at 2:00 p.m. in Room 422 of the Governmental Center to consider an application to renew the franchise of Rice, Unruh, Reynolds Co. to provide steamship agent services at Port Everglades.

ACTION: (A-0090) Approved.

29. MOTION TO ADOPT Resolution 2001-307 directing the County Administrator to publish Notice of Public Hearing to be held Tuesday, April 24, 2001 at 2:00 p.m. in Room 422 of the Governmental Center to vacate and abandon drainage easements, lake easements and lake maintenance easements, lying in Broward County, Florida and located at 10300 West Commercial Boulevard in the City of Tamarac. Petitioner: Westpointe Land, L.L.C. and Westpointe Building No. 1, L.L.C. (Miller, Legg & Associates, Inc. - Agent) 2001-V-01. **(Commission District 5)**

ACTION: (A-0090) Approved.

30. MOTION TO DIRECT County Administrator to publish Notice of Public Hearing to be held on Tuesday, April 24, 2001 at 2:00 p.m. in Room 422 of the Governmental Center to consider a Nonemergency Medical Transportation Service (NEMTS) license (new) for Medics Transport Service, Inc., and Tri-County Medical Transportation Services, Inc.

ACTION: (A-0090) Approved.

31. MOTION TO DIRECT County Administrator to publish Notice of Public Hearing to be held on Tuesday, April 24, 2001 at 2:00 p.m. in Room 422 of the Governmental Center to consider Class 1 - ALS Rescue Certificate of Public Convenience and Necessity (COPCN) to Dania Beach Fire Rescue, Lauderdale Lakes Fire Rescue, Margate Fire Rescue and Sunrise Fire Rescue.

ACTION: (A-0090) Approved.

32. MOTION TO ADOPT Resolution 2001-308 scheduling a public hearing date of Tuesday, April 10, 2001 at 2:00 p.m. in Room 422 at the Broward County Governmental Center to amend Chapter 39, Broward County Administrative Code, "Fees and Other Charges, Aviation," Amending Section 39.2, "Rates, Fees and Charges, Fort Lauderdale-Hollywood International Airport," to modify Section 39.2.K, "Courtesy Parking," to provide courtesy parking to Miami-Dade and Palm Beach County Legislative Delegations in connection with business travel for legislative issues; and Section 39.2.P, to modify provisions for "Airline Passenger Service Incentive Programs," in order to add additional potential cities and regions; providing for severability; providing for inclusion in the Administrative Code and providing for an effective date.

ACTION: (A-0983) Approved. Staff will provide a status report on parking usage by Legislative Delegations in one year. See Page *****

REGULAR AGENDA

33. COUNTY ADMINISTRATOR'S REPORT County Administrator Roger J. Desjarlais informed the Board there was nothing to report.

ACTION: (A-1970) No Board action was taken.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT

ACCOUNTING DIVISION

34. MOTION TO APPROVE travel for County employees in accordance with Administrative Code Chapter 3, Part II - County Employee Travel.

ACTION: (A-1975) Approved.

PURCHASING DIVISION

For Community Services Department

35. MOTION TO APPROVE renewal of the agreement between Broward County and PMG Associates, Inc. for Transportation Evaluation Services (RLI No. 052199-RB) retroactively from February 8, 2001 through February 7, 2002 in the not to exceed amount of \$101,340 for the Mass Transit Division.

ACTION: (A-1980) Approved. Staff was directed to work with the consultant to gather additional information, including surveys. See Page *****

For Finance and Administrative Services Dept.

36. MOTION TO APPOINT Selection/Negotiation Committee to recommend the most qualified firm to provide an automated system which meets the special needs for Substance Abuse and Health Care Services Division, and approve RLI No. 010901-RB.

ACTION: (A-2480) Approved the following to serve on the Selection/Negotiation Committee: Commissioners Graber and Wasserman- Rubin; Director, Substance Abuse and Health Care Services (Chair); Deputy Director, Human Services Department, and Director, Application Services, Office of Information Technology. Plus, administrative support staff from the offices of County Attorney, Commission Auditor, Equal Opportunity, Risk Management, Purchasing and the using agency.

37. MOTION TO APPOINT Selection/Negotiation Committee (S/NC) to recommend the most qualified firm to implement the public outreach component of the Integrated Water Resource Plan for the Dept. of Planning & Environmental Protection, and approve RLI 020701-RB. (Withdrawn from March 6, 2001, Item 50)

ACTION: (A-2498) Approved the following to serve on the Selection/Negotiation Committee: Commissioners Eggelation and Jacobs; Director, Water Resources Division, DPEP (Chair); Director, Public Communication, County Administration and Assistant to the Director, DPEP. Plus, administrative support staff from the offices of the County Attorney, Commission Auditor, Equal Opportunity, Risk Management, Purchasing and the using agency.

PORT EVERGLADES DEPARTMENT

38. MOTION TO APPROVE agreement between Broward County and the Broward Sheriff's Office (BSO) for law enforcement services for a period of five years, commencing on March 1, 2001 and expiring on February 28, 2006; with subsequent years subject to an annual percentage rate increase not to exceed five percent (5%) of the annual budget appropriations for the preceding year. The cost of the first seven months of law enforcement services is \$2,411,987 which will complete the 2001 Fiscal Year; and authorize the Chair and Clerk to execute same.

ACTION: (A-2518) Deferred up to four (4) weeks for further staff review.

See Page *****

39. A. DISCUSSION: regarding Broward County's agreement with Flagler Development Company ("Flagler") and the construction of 100,000 square feet of warehouse that is due to have been constructed by April 1, 2001.

ACTION: (A-3557) Deferred four (4) weeks. The Board directed the County Attorney to provide the requisite notice under the terms of the lease in the event that the parties are unable to come to an arrangement within the deferral period. (Scrivener's Error - See County Administrator's Memorandum.) See Page *****

B. MOTION TO DIRECT County Attorney's Office to give Flagler Development Company notice of such partial termination of land due to improvement deficiency and to take necessary legal action to take back that portion of land equal to that portion necessary to construct the amount of improvement deficiency which occurred on April 1, 2000, and the deficiency which will occur on April 1, 2001, pursuant to the terms of the Lease Agreement between Broward County ("County") and Flagler Development Company ("Flagler").

ACTION: (A-3557) Deferred four (4) weeks. (Scrivener's Error - See County Administrator's Memorandum.) See Page *****

OFFICE OF PUBLIC AND GOVERNMENTAL RELATIONS

40. DISCUSSION: Legislative issues.

ACTION: (A-3900) The Board gave the following directives to staff:

See Page *****

A. Continue lobbying the County's opposition to the Billboard legislation.

B. Lobby the County's position to support an amendment to the Power Plant Siting Act to fix the loophole that allows small packaged power plants to expand their facilities at future dates.

C. Staff will return with a status report reflecting the financial impact on the County regarding Nova Southeastern University's Transportation Concurrency local bill to enable the County to determine whether to take a position or not.

D. The Board approved Commissioner Parrish's request for the lobbying team to monitor and oppose legislation that would eliminate horse boarding or horse breeding from being eligible for an agricultural exemption.

E. MOTION TO ADOPT Resolution 2001-309 of the Board of County Commissioners of Broward County, Florida, opposing the expenditure of Preservation 2000 Funds.

ACTION: (A-4623) Approved. See Page *****

F. MOTION TO APPROVE First Amendment to Agreement between Broward County and the Ferguson Group, LLC, for subcontracting expertise in the amount of \$123,000, and authorize the Chair and Clerk to execute same.

ACTION: (A-4623) Approved. See Page *****

G. Staff was asked for an update why there is no funding for the North Fork project with respect to Sunrise Boulevard and Sistrunk Avenue.

3:00 P.M. TIME CERTAIN

41. MOTION TO DISCUSS Convention Center Hotel. (Continued from March 20, 2001 workshop)

ACTION: (A-5342) The Board approved new terms and conditions for a fourth amendment. See Page *****

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SUPPLEMENTAL AGENDA

DEPARTMENT OF SAFETY AND EMERGENCY SERVICES

42. A. MOTION TO APPROVE agreement between Broward County and TriData Corporation for consultant services for a fire rescue study (RLI No. 100200- RB), at a cost to the County not-to-exceed \$245,000.00, subject to execution by TriData Corporation, and authorize the Chair and Clerk to execute same.

ACTION: (A-1083) Approved. See Page *****

B. MOTION TO ADOPT budget Resolution 2001-310 transferring \$135,200 within the General Fund from the Commission Reserve for the Fire Rescue Study. \$12,600 of this amount will be transferred to the Safety and Emergency Services Department Administration budget and \$122,600 to the Charter Review Commission budget.

ACTION: (A-1083) Approved. See Page *****

NON AGENDA

43. UPDATE - LAND PRESERVATION ADVISORY BOARD - COMMISSIONER PARRISH

ACTION: (A-4209) Staff will return with an update report on the Land Preservation Advisory Board regarding site selection. See Page *****

44. MOTION TO DIRECT County staff to test soils around County Parks for possible Arsenic contamination due to pressure treatment of lumber used in these facilities. (Commissioner Lieberman)

ACTION: (A-4229) Approved, as amended. Motion should read: County staff to test soils around County Parks where the County has used pre-treated lumber for possible Arsenic contamination due to pressure treatment of lumber used in these facilities. Further, staff was directed to develop a replacement plan for the pre-treated lumber used at County Parks. See Page *****

45. MOTION TO DIRECT the County Attorney to file a Request for Extension of Time to File a Petition for Formal Administrative Hearing in the matter of Pompano Beach Energy, L.L.C. (Commissioner Lieberman)

ACTION: (A-4271) Approved. See Page *****

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