

MEETING OF APRIL 8, 2008

(Meeting convened at 10:11 a.m. and recessed at 12:56 p.m.; reconvened at 10:39 p.m. and adjourned at 10:42 p.m.)

PLEDGE OF ALLEGIANCE was led by Vincent Medina, 13-year old student, from Ramblewood Middle School in Coral Springs, winner of the 68th Annual Miami Herald Spelling Bee for the Middle School Division, and upcoming representative of Broward County in the National Spelling Bee in Washington D.C. in May of 2008.

MOMENT OF SILENCE

In memory of Coral Springs resident, Army Major Stuart Wolfer, who lost his life while serving in the Middle East, as well as all the men and women in the armed forces who have given their lives for freedom.

In memory of the mother of Andrew Degraffenreidt, first African American elected to the City of Fort Lauderdale.

CALL TO ORDER: Mayor Wexler called the meeting to order and declared a quorum present.

<u>COMMISSIONER</u>	<u>DISTRICT</u>	<u>ATTENDANCE</u>
Josephus Eggelletion, Jr.	9	Present
Sue Gunzburger	6	Present
Kristin D. Jacobs	2	In Washington D.C.
Ken Keechl	4	Present
Ilene Lieberman	1	Present
Stacy Ritter	3	Present
John E. Rodstrom, Jr.	7	Present
Diana Wasserman-Rubin	8	Present
Lois Wexler	5	Present

CONSENT AGENDA

A motion was made by Commissioner Lieberman, seconded by Commissioner Gunzburger and unanimously carried to approve the Consent Agenda consisting of items 1 through 65. At the request of the Mayor, Regular Agenda items, 71 & 75 were transferred to the Consent Agenda.

The following Items were withdrawn/deferred: 22, 49, & 58.

The following items were pulled by the Board and considered separately: 3, 10, 15, 30, 49, 53 & 63.



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

BOARD APPOINTMENTS

1. A. MOTION TO APPOINT Dr. Sheryl Walters Malcolm to the Library Advisory Board. (Commissioner Wasserman-Rubin)
ACTION: (T-10:25 AM) Approved.
- B. MOTION TO RE-APPOINT James Rhodes Markham to Consumer Protection Board. (Commissioner Keechl)
ACTION: (T-10:25 AM) Approved.
- C. MOTION TO APPROVE appointment of James L. Vignola to the Broward Bicycling and Pedestrian Advisory Committee. (Commissioner Gunzburger)
ACTION: (T-10:25 AM) Approved.

PUBLIC WORKS DEPARTMENT

CONSTRUCTION MANAGEMENT DIVISION

2. MOTION TO APPROVE First Amendment to Agreement between Broward County and Johnson Controls, Inc., for Test and Balance of HVAC and Smoke Exhaust Systems at the Broward County Main Jail; increasing the original agreement amount by \$599,897; from \$688,240 to \$1,288,137 for additional costs necessary to upgrade components to meet current code requirements and expanding the scope of services to include testing and balancing of the smoke control system in non-inmate areas; extending the term of the contract by one year to May 23, 2009; and authorize the Mayor and Clerk to execute same. **(Commission District 7)**
ACTION: (T-10:25 AM) Approved.

HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION

3. MOTION TO APPROVE amendment to Required Improvements Agreement between Broward County and WCI Communities, Inc., extending the time allowed for completing the obligated Phase I road improvements on County Line Road, from issuance of the 50th Certificate of Occupancy to issuance of the 150th Certificate of Occupancy and Phase II road improvements from issuance of the 100th Certificate of Occupancy to the issuance of the 250th Certificate of Occupancy; adjacent to the Heron Bay North Plat 3, located in the City of Parkland; effective immediately and at no cost to the County; and authorize the Mayor and Clerk to execute same. **(Commission District 3)**

(This item was pulled by Vice Mayor Ritter.)

ACTION: (T-10:25 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 7-0. Commissioner Eggelton was out of the room during the vote.

WASTE AND RECYCLING SERVICES

RECYCLING AND CONTRACT ADMINISTRATION DIVISION

4. MOTION TO APPROVE first amendment to the Joint Participation Agreement between Broward County and the City of Dania Beach for residential usage of Broward County's Trash Transfer Stations, extending the term of the agreement by five months, from April 30, 2008 through September 30, 2008, at no cost to the County and effective upon execution; and authorize the Mayor and Clerk to execute same. **(Commission Districts 4 and 7)**

ACTION: (T-10:25 AM) Approved.

SOLID WASTE OPERATIONS DIVISION

5. A. MOTION TO APPROVE renewal of agreement between Broward County, Wheelabrator North Broward, Inc., Wheelabrator South Broward, Inc., and Dvirka and Bartilucci for independent engineering services for the Resource Recovery projects in Broward County, effective April 12, 2008 through April 11, 2009, and at an estimated annual cost to the County of \$48,330; and authorize the Mayor and Clerk to execute same. (RLI No. 20040517-0-IWA-01)

ACTION: (T-10:25 AM) Approved.

- B. MOTION TO AUTHORIZE Contract Administrator to execute future renewals of the agreement on behalf of the County.

ACTION: (T-10:25 AM) Approved.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

6. MOTION TO AUTHORIZE change in Auction Period from a 35-day Auction Period to a 7-day Auction Period for the County's outstanding Airport System Revenue Bonds, Series 2004M-1 and Series 2004M-2 pursuant to Resolution No. 2004-859 of the County, and to authorize the Mayor to execute one or more certificates evidencing the consent of the County to such change in Auction Period.

ACTION: (T-10:25 AM) Approved.

ACCOUNTING DIVISION

7. MOTION TO APPROVE business travel for County employees on the attached list, in accordance with Volume 1 of the Administrative Code Chapter 3, Part II, Section 3.10 – County Employee Travel.

ACTION: (T-10:25 AM) Approved.

8. MOTION TO FILE Report Of Broward County Office Of Transportation And The Federal Transit Administration Agreed Upon Procedures Year Ended September 30, 2007.

ACTION: (T-10:25 AM) Approved.

PURCHASING DIVISION

For Aviation Department

9. MOTION TO APPROVE release of retainage and final payment in the amount of \$15,964.99 to DeRose Design Consultants, for Air Handler Units Replacement at the Fort Lauderdale/Hollywood International Airport Project, Request for Letters of Interest (RLI) No. 041800-RB.

ACTION: (T-10:25 AM) Approved.

For Community Services Department

10. MOTION TO AWARD fixed contract to low, responsive, responsible bidder, Padula and Wadsworth Construction, Inc., for the construction of the Delevoe Park Community Center Addition, Bid No. QY06365CAF (re-bid), in the base bid amount of \$499,725 for the Parks and Recreation Division, subject to the receipt and acceptance of insurance/performance and payment guarantee; and authorize the Mayor and Clerk to execute same. **(Commission District 7)**

(This item was pulled by Commissioner Rodstrom.)

ACTION: (T-10:42 AM) Approved. The Board directed staff to make it known to companies submitting bids that their companies demonstrate a good-faith effort during the submission process of bidding, as well as have a clear understanding of what the County Commission desires as it relates to a good-faith effort. Additionally, the Board directed Interim County Administrator, Bertha Henry, to provide an update on the Disparity Study Update, and the status of contracting opportunities relating to the ethnicity of firms. Moreover, the Board directed staff to provide a status report by category as to how many firms are being certified as CDBE. (Refer to minutes for full discussion.)

VOTE: 8-0.

For Public Works Department

11. MOTION TO AWARD fixed contract to single bidder, Mullings Engineering Services, LLC, a certified Small Business Enterprise, for Aggregates, Items 1 - 5, Bid No. EX07332B1, in the estimated amount of \$118,765 for a six-month period for the Highway and Bridge Maintenance Division and authorize the Director of Purchasing to renew the contract for three, six-month periods for a potential total estimated amount of \$475,060. The initial contract period shall start on the date of the award and terminate six months from that date.

ACTION: (T-10:25 AM) Approved. (Scrivener's error – See County Administrator's Report: The motion reads MOTION TO AWARD fixed contract to single bidder, Mullings...should read MOTION TO AWARD open end contract to single bidder, Mullings...)

12. MOTION TO APPROVE release of retainage and final payment in the amount of \$24,711.48, to Hartford Fire Insurance Company, which is the Surety for the Terminal 2 Baggage Area Expansion, Port Everglades, Bid No. Q-1-04-005-CF. Project No. 654946.

ACTION: (T-10:25 AM) Approved.

13. MOTION TO APPOINT Vice Mayor Stacy Ritter as Selection Committee Member for Request for Letters of Interest (RLI) No. 20070621-7-CM-02, Addition to the Broward County Circuit Court Facility in Fort Lauderdale and the new parking structure at the North Regional Courthouse.

ACTION: (T-10:25 AM) Approved.

HUMAN SERVICES DEPARTMENT

14. MOTION TO ADOPT Resolution 2008-231 of the Board of County Commissioners of Broward County, Florida approving the allocation of \$12,620,897 in appropriated Fiscal Year 2008 Ryan White HIV/AIDS Treatment Modernization Act of 2006 for grant funding; approving the agreement shell forms and addenda; authorizing the County Administrator to execute contracts, addenda and any amendments or revisions to the approved contracts and addenda; providing for severability; and providing for an effective date.

ACTION: (T-10:25 AM) Approved.


15. MOTION TO ADOPT Resolution 2008-232 of the Board of County Commissioners of Broward County, Florida approving the allocation of \$900,428 in appropriated Fiscal Year 2008 Ryan White HIV/AIDS Treatment Modernization Act of 2006 Minority AIDS Initiative (MAI) grant funding; authorizing the use of previously approved agreement shell forms and addenda; authorizing the County Administrator to execute contracts, addenda, any amendments or revisions to the approved contracts, addenda and to take the necessary administrative and budgetary actions for the implementation of the grant award; providing for severability; and providing for an effective date.

(This item was pulled by Commissioner Lieberman.)

ACTION: (T-10:42 AM) Approved. *The Board directed staff to bring back verification of facts stated in the GAO Report as to the highest number of HIV cases in South Florida, the amount of AIDS funding, and identification of funding sources. (Refer to minutes for full discussion.)*

VOTE: 8-0.

CHILDREN'S SERVICES ADMINISTRATION DIVISION


-  16. A. MOTION TO APPROVE Child Advocacy Trust Fund Award Agreement between Broward County and the Florida Network of Children's Advocacy Centers, effective April 22, 2008 in the amount of \$9,600 for the purpose of purchasing 16 psychological evaluations for the Children's Services Administration Division Sexual Assault Treatment Center; and authorize the Mayor to execute the same.

ACTION: (T-10:25 AM) Approved.


- B. MOTION TO ADOPT unanticipated revenue Resolution 2008-233 for the Children's Services Administration Division, Sexual Assault Treatment Center, in the amount of \$9,600 for the purpose of conducting psychological evaluations.

ACTION: (T-10:25 AM) Approved.

ELDERLY AND VETERANS SERVICES DIVISION

-  17. MOTION TO APPROVE agreement between United Way of Broward County Commission on Substance Abuse and Broward County, at no cost to the County, effective upon its date of execution to June 30, 2008 for the purpose of providing older adult at-risk gambling awareness, education and prevention services throughout Broward County; and authorize the County Administrator to take all necessary administrative and budgetary actions and execute the same.

ACTION: (T-10:25 AM) Approved.


-  18. A. MOTION TO APPROVE Second Amendment to Agreement No. JC007-15-2008 between Areawide Council on Aging of Broward County, Inc., and Broward County from July 1, 2007 to June 30, 2008 for the purpose of increasing funding by \$34,976; from \$5,586,876 to \$5,621,852 State dollars; and authorize the Mayor to execute same.

ACTION: (T-10:25 AM) Approved.

- B. MOTION TO ADOPT unanticipated revenue Resolution 2008-234 within the State of Florida Grant Fund for the Elderly and Veterans Services Division in the amount of \$34,976 for the continuation of the Community Care for the Elderly Program.

ACTION: (T-10:25 AM) Approved.

HOMELESS INITIATIVE PARTNERSHIP DIVISION

-  19. A. MOTION TO ADOPT Resolution 2008-235 of the Board of County Commissioners of Broward County, Florida, approving Homeless Housing Assistance Grant (HHAG) funding from the State Of Florida, Department Of Children And Families, Office On Homelessness (DCF) for Fiscal Year 2007/2008; approving an agreement between Broward County and DCF in the amount of \$750,000 from date of execution through June 30, 2008 for the purpose of rehabilitating 38 units of transitional housing for homeless families; approving an agreement and funding to the Salvation Army as subgrantee in the amount of \$712,500; from date of execution through June 30, 2008; authorizing the County Administrator to execute the HHAG agreement with DCF and the funding agreement with the Salvation Army, and any amendments to said agreements relating to time extensions, administrative and budgetary actions, and project changes that do not increase the total award amount; authorizing the County Administrator to terminate said agreements for cause or convenience; and providing for an effective date.

ACTION: (T-10:25 AM) Approved.

- B. MOTION TO ADOPT unanticipated Revenue Resolution 2008-236 in the amount of \$750,000 for the Homeless Housing Assistance Grant Fund (9766) to be used for rehabilitation costs of the Salvation Army's Plymouth Colony transitional shelter for homeless families and for administrative costs.

ACTION: (T-10:25 AM) Approved.

MEDICAL EXAMINER AND TRAUMA SERVICES DIVISION

20. MOTION TO ACCEPT nomination Dr. Deborah Mulligan for reappointment to the Broward Regional Emergency Medical Service (EMS) Council.

ACTION: (T-10:25 AM) Approved.

PORT EVERGLADES DEPARTMENT

21. A. MOTION TO APPROVE 10-year License Agreement between Broward County and ExxonMobil Oil Corporation for Bulk Petroleum Product Pipelines at Port Everglades, effective upon approval; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:25 AM) Approved.

- B. MOTION TO GRANT Port Director the authority to amend existing Port Everglades Bulk Petroleum Product Pipeline License Agreements to allow licensees to bring product, including alternative fuels, into the Port Everglades Jurisdictional Area by rail and truck.

ACTION: (T-10:25 AM) Approved.

22. MOTION TO ADOPT Resolution authorizing the Mayor and Clerk to execute a Supplemental Joint Participation Agreement (SJPA) between Broward County and the State of Florida Department of Transportation (FDOT), for the purpose of amending Section 1.00 (Project Description) of the Joint Participation Agreement (JPA) to reallocate previously approved Fiscal Year 2006/2007 Chapter 311 grant funds in the amount of \$1,050,000 from the Cruise Terminal 27 and Berth 27 Extension Project to provide for partial funding of the preliminary engineering studies, design and construction for the upgrade of Midport crane P2, and the purchase of a mobile harbor crane to replace Midport crane P1 (requiring \$1,050,000 in matching funds for the County), effective upon execution by FDOT through June 30, 2010.

ACTION: (T-10:25 AM) Withdrawn for further staff review.

23. MOTION TO APPROVE U. S. Government Lease for Real Property between Broward County and The Government of the United States of America for Suite No. 101, consisting of 2,032 square feet of office space in the Administration Building at Port Everglades, for the period of May 1, 2008 through April 30, 2013, with rent in the approximate amount of \$315,015 over the lease term; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:25 AM) Approved.

OFFICE OF MANAGEMENT AND BUDGET

24. MOTION TO ADOPT unanticipated revenue Resolution 2008-237 within the Law Enforcement Trust Fund in the amount of \$10,000 to provide funding to support The Coordinating Council of Broward, Inc. (CCB).

ACTION: (T-10:25 AM) Approved.

25. A. MOTION TO APPROVE 2008 Amendment to the Interlocal Agreement between Broward County and its municipalities, providing for revised division and distribution of the proceeds of the six cent original local option gas tax; authorize Mayor and Clerk to execute same after execution by the municipalities and approval of the County Attorney's Office.

ACTION: (T-10:25 AM) Approved.

- B. MOTION TO APPROVE 2008 Amendment to the Interlocal Agreement between Broward County and its municipalities, providing for revised division and distribution of the proceeds from the 1994 three cent additional local option gas tax on motor fuel; and authorize Mayor and Clerk to execute same after execution by the municipalities and approval of the County Attorney's Office.

ACTION: (T-10:25 AM) Approved.

- C. MOTION TO APPROVE 2008 Amendment to the Interlocal Agreement between Broward County and its municipalities, providing for revised division and distribution of the proceeds of the one cent "Transit" gas tax; and authorize Mayor and Clerk to execute same after execution by the municipalities and approval of the County Attorney's Office.

ACTION: (T-10:25 AM) Approved.

- D. MOTION TO DIRECT County Attorney to prepare an amendment to the Additional Local Option Gas Tax Ordinance to reallocate gas taxes from the County to the Cities to reflect the incremental shift of population due to annexation.

ACTION: (T-10:25 AM) Approved.

26. A. MOTION TO ADOPT budget Resolution 2008-238 transferring \$4,146,937 from the General Capital Outlay Fund to the General Fund to transfer funding for various BSO related capital projects to BSO.

ACTION: (T-10:25 AM) Approved.

- B. MOTION TO ADOPT unanticipated revenue Resolution 2008-239 within the General Fund in the amount of \$4,146,937 to appropriate existing capital funding to the Broward Sheriff's Office to implement several projects.

ACTION: (T-10:25 AM) Approved.

DEPARTMENT OF TRANSPORTATION

27. MOTION TO TERMINATE for convenience, at the City of Plantation's request, the Interlocal Agreement between Broward County and the City of Plantation for Public Transportation Services (Midtown Trolley Service); with an effective date of April 25, 2008.

ACTION: (T-10:25 AM) Approved.

28. A. MOTION TO ADOPT Resolution 2008-240 of the Board of County Commissioners of Broward County, Florida, authorizing the Mayor and Clerk to execute and file a Supplemental Joint Participation Agreement (SJPA) with the Florida Department of Transportation (FDOT) District 4 in the amount of \$559,934 for a total of \$9,059,934 to provide funding for the purchase of buses and related expenses; authorizing the County Administrator, or designee, to take any necessary administrative actions and authorizing the Director of the Department of Transportation to sign time extensions; and providing for an effective date.

ACTION: (T-10:25 AM) Approved.

- B. MOTION TO ADOPT unanticipated revenue Resolution 2008-241 within the Capital Grant Fund (3450) for the Department of Transportation, in the amount of \$559,934, to fund the purchase of buses and related equipment.

ACTION: (T-10:25 AM) Approved.

COUNTY ATTORNEY

29. MOTION TO APPROVE Interlocal Agreement between Broward County and the City of Margate for the monitoring of development activity and enforcement of permitted land uses in the Transit Oriented Corridor (TOC) land use designation.

ACTION: (T-10:25 AM) Approved.

30. MOTION TO APPROVE proposed settlement for attorney's fees and costs incurred by Broward County in the case of *Highwoods/Florida Holdings, L.P. v. Broward County*, Case No. 04-09377.14.

(This item was pulled by Commissioner Keechl.)

ACTION: (T-10:45 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 8-0.

31. MOTION TO APPROVE settlement of claim in the case of *Ivan and Ana Carballo vs. Discovery Sun Partnership and Broward County*, 17th Judicial Circuit Court Case No.: 05-12680 (02).

ACTION: (T-10:25 AM) Approved.

COUNTY ADMINISTRATION

32. MOTION TO AMEND 2008 Broward County Board of Commissioners' meeting schedule to reflect changes to the April and May schedules.

ACTION: (T-10:25 AM) Approved. (Scrivener's error – See County Administrator's Report: Reads Chanukah – 12/29/29 should read Chanukah begins evening 12/21-28.

COUNTY COMMISSION

33. MOTION TO FILE Resolution No. 2008-07 adopted by the City Commission of the City of Coconut Creek, Florida, opposing Florida Hometown Democracy's Proposed Amendment to the Florida Constitution that would require voter referendum to decide all changes to a city or county's Comprehensive Plan and urging municipalities throughout Broward County and the State of Florida, as well as Florida electors to oppose Florida Hometown Democracy's proposed Amendment to the Florida Constitution. (Mayor Wexler)

ACTION: (T-10:25 AM) Approved.

34. MOTION TO FILE Resolution No. 2008-08 adopted by the City Commission of the City of Coconut Creek, Florida, supporting the "Send Your Sales Tax to School" initiative and encouraging businesses/local sales tax dealers in the City of Coconut Creek to direct their sales tax collection allowance to the "Educational Enhancement Trust Fund for Classroom Technology" in the Broward County School District. (Mayor Wexler)

ACTION: (T-10:25 AM) Approved.

35. MOTION TO FILE Resolution No. 2008-14 adopted by the City Commission of the City of Coconut Creek opposing a proposed local bill calling for the creation of a Taxing District called the Broward Urban Independent Fire District that would implement a system establishing one fee structure to deliver Fire and Emergency Medical Services to participating municipalities; urging all municipalities located in Broward County to oppose said proposal providing for an effective date. (Mayor Wexler)

ACTION: (T-10:25 AM) Approved.

36. MOTION TO FILE Resolution No. 2008-13 adopted by the City Commission of the City of Coconut Creek, Florida, supporting the Broward County Extension Education Division; and urging the Broward County Board of Commissioners to continue its partnership with the University of Florida necessary to fund the efforts of the Extension Education Division. (Mayor Wexler)

ACTION: (T-10:25 AM) Approved.

37. MOTION TO FILE Resolution No. 2008-010 adopted by the City Commission of the City of Coral Springs, Florida, opposing efforts by the 2008 Legislature to intervene relative to Home Rule Authority and Revenue Caps on Local Governments. (Mayor Wexler)

ACTION: (T-10:25 AM) Approved.

38. MOTION TO FILE Resolution No. 2008-011 adopted by the City Commission of the City of Coral Springs, Florida supporting efforts by the Legislature to bring relief and reforms to our unaffordable and unsustainable insurance system. (Mayor Wexler)

ACTION: (T-10:25 AM) Approved.

39. MOTION TO FILE Resolution No. 2008-042 adopted by the City Commission of the City of Dania Beach, Florida opposing the proposed Charter Review proposition providing for minimum requirements for both County Fire Rescue and Municipal Law Enforcement Standards. (Mayor Wexler)

ACTION: (T-10:25 AM) Approved.

40. MOTION TO FILE Resolution No. 2008-1621 adopted by the City Commission of the City of Lighthouse Point, Florida, supporting House Bill 101, pertaining to the regulation of specific breeds of dogs; urging municipalities throughout Broward County and the State of Florida to support House Bill 101; urging greater efforts to educate the general public about the dangers of vicious dogs and providing for an effective date. (Mayor Wexler)

ACTION: (T-10:25 AM) Approved.

41. MOTION TO FILE Resolution No. 11-184 adopted by the City Commission of the City of Margate, Florida opposing the proposed "Voice of the People Act" which would establish uniform requirements for citizen input and participation at local government meetings and workshops. (Mayor Wexler)

ACTION: (T-10:25 AM) Approved.

42. MOTION TO FILE Resolution No. 11-183 adopted by the City Commission of the City of Margate, Florida supporting House Bill 101, pertaining to the regulation of specific breeds of dogs; urging municipalities throughout Broward County and the State of Florida to support House Bill 101; directing the City Clerk to transmit a copy of this resolution to the Governor, the Broward Legislative Delegation and other members of the Florida Legislature, as well as all municipalities located within Broward County and the Board of County Commissioners for Broward County. (Mayor Wexler)

ACTION: (T-10:25 AM) Approved.

43. MOTION TO FILE Resolution No. 3176 adopted by the City Commission of the City of Pembroke Pines, Florida, opposing the Florida Department of Transportation's proposal to collect tolls electronically on certain South Florida Highways in Broward County, particularly Interstate 95 and Interstate 595; suggesting that the collection of such tolls on Interstate 95 and Interstate 595 will have an adverse impact on South Florida traffic patterns; urging that any initiative proposing to collect such tolls on certain South Florida Highways be submitted to the voters for consideration prior to implementation, and providing for an effective date. (Mayor Wexler)

ACTION: (T-10:25 AM) Approved.

REQUEST TO SET FOR PUBLIC HEARING

44. MOTION TO ADOPT Resolution 2008-242 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, April 29, 2008, at 2:00 P.M., in Room 422 of the Governmental Center, to vacate a 15-foot wide, platted, drainage easement, lying within, over and across a portion of Parcels C-1 and C-4 of the Turtle Run Plat, located south of Wiles Road, north of Turtle Creek Drive, and west of State Road 7, in the City of Coral Springs; at no cost to the County. Petitioners: Turtle Run Venture, LLC. (Greenberg Traurig, P.A., Agent) (2007-V-22) **(Commission District 1)**

ACTION: (T-10:25 AM) Approved.

45. MOTION TO ADOPT Resolution 2008-243 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, April 29, 2008, at 2:00 P.M. in Room 422 of the Governmental Center, to vacate a 5-foot wide, platted, utility easement, surrounding Parcels H-1, C-1, and C-4 of the Turtle Run Plat, located south of Wiles Road, north of Turtle Creek Drive, and west of State Road 7 in the City of Coral Springs; at no cost to the County. Petitioners: Turtle Run Venture, LLC. (Greenberg Traurig, P.A., Agent) (2007-V-23) **(Commission District 1)**


ACTION: (T-10:25 AM) Approved.

46. MOTION TO ADOPT Resolution 2008-244 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, April 29, 2008, at 2:00 P.M. in Room 422 of the Governmental Center, to vacate a platted flowage easement, lying within, over and across a portion of Parcel H-1, Tract H-2 and Tract C-3 of the Turtle Run Plat, located south of Wiles Road, north of Turtle Creek Drive, and west of State Road 7, in the City of Coral Springs; at no cost to the County. Petitioners: Turtle Run Venture, LLC. (Greenberg Traurig, P.A., Agent) (2007-V-24) **(Commission District 1)**

ACTION: (T-10:25 AM) Approved.

47. MOTION TO ADOPT Resolution 2008-245 directing the County Administrator to publish a Notice of Public Hearing to be held April 29, 2008 at 2:00 P.M. in the County Commissioners' Meeting Room (Room 422), Governmental Center, to consider a request to waive the "new business" franchise application requirement in the application of Alpha Shipping Agencies, LLC, for steamship agent franchise under Section 32.19(b)(7) of the Broward County Administrative Code and to consider an application from Alpha Shipping Agencies, LLC, for a non-exclusive restricted steamship agent franchise restricted to Maruba Lines and any other business not currently operating or calling at Port Everglades; for a one-year term at Port Everglades.

ACTION: (T-10:25 AM) Approved.

-  48. MOTION TO ADOPT Resolution 2008-246 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, April 29, 2008, 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 ADVISORY BOARDS; PROVIDING A SHORT TITLE; PROVIDING FINDINGS AND INTENT; CREATING THE "TRANSIT ADVISORY COMMITTEE" AND DECLARING ITS PURPOSE; PROVIDING FOR COMPOSITION AND APPOINTMENT OF MEMBERS; PROVIDING FOR MEETINGS, ORGANIZATION, AND QUORUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-10:25 AM) Approved.

49. MOTION TO ADOPT Resolution 2008-247 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, May 13, 2008, at 2:00 P.M. in Room 422 of the Governmental Center, to consider adoption of a Resolution approving Broward County's Annual Action Plan for Fiscal Year 2009, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, APPROVING THE BROWARD COUNTY ANNUAL ACTION PLAN FOR OCTOBER 1, 2008 TO SEPTEMBER 30, 2009, FOR THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THIRTY-FOURTH (34TH) YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM; AUTHORIZING THE COUNTY ADMINISTRATOR TO TRANSMIT THE ANNUAL ACTION PLAN AND TAKE ALL NECESSARY ADMINISTRATIVE ACTIONS FOR IMPLEMENTATION OF THE THIRTY-FOURTH (34TH) YEAR GRANTS; APPROVING THE STANDARD FORM SHELL AGREEMENTS; AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE APPROVED STANDARD FORM AGREEMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(This item was pulled by Mayor Wexler.)

ACTION: (T-10:25 AM) Withdrawn until April 29, 2008.

ACTION: (T-10:46 AM) The Board reinstated this item to place the item back on the agenda. (Refer to minutes for full discussion.)

VOTE: 8-0.

ACTION: (T-10:52 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 8-0.

50. MOTION TO ADOPT Resolution 2008-248 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, May 13, 2008, at 2:00 P.M. in Room 422 of the Governmental Center, to consider adoption of a proposed Resolution amending the Administrative Code, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CHAPTER 40, "FEES AND OTHER CHARGES, PLANNING AND ENVIRONMENTAL PROTECTION," PART VI, "BUILDING CODE SERVICES DIVISION," SECTION 40.27, "GENERAL FEES SCHEDULE," ESTABLISHING FEES FOR BUILDING CODE SERVICE DIVISION SERVICES; AMENDING SECTION 40.28, "SPECIAL FEES," PROVIDING FOR SURCHARGE FEES; AMENDING SECTION 40.29, "BUILDING PERMITS FEE SCHEDULE," SETTING FORTH FEES FOR BUILDING PERMITS; AMENDING SECTION 40.30, "ELECTRICAL PERMITS FEE SCHEDULE," SETTING FORTH FEES FOR ELECTRICAL PERMITS; AMENDING SECTION 40.31, "MECHANICAL (AIR CONDITIONING AND VENTILATION) PERMITS FEE SCHEDULE," PROVIDING FEES FOR OBTAINING MECHANICAL PERMITS; AMENDING SECTION 40.32, "PLUMBING PERMITS FEE SCHEDULE," PROVIDING FEES FOR OBTAINING PLUMBING PERMITS; AMENDING SECTION 40.33, "ELEVATORS, ESCALATORS, AND OTHER APPARATUS," PROVIDING FEES FOR DUPLICATE CERTIFICATES OF OPERATION AND PERMIT CARDS; AMENDING EXHIBIT 40B, "REGULAR AND PREMIUM SERVICE LEVEL DEFINITIONS," INCREASING HOURLY RATE FOR PREMIUM SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-10:25 AM) Approved.

ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT

BIOLOGICAL RESOURCES DIVISION

- 51. MOTION TO ACCEPT Deed of Conservation Easement and Agreement from Industrial Development Company of America, LLLP for mitigation of 0.6064 acre of real property located east of the Hiatus Road and south of McNab Road in the City of Tamarac. **(Commission District 3)**

ACTION: (T-10:25 AM) Approved.

- 52. MOTION TO ACKNOWLEDGE use of the South Dade/Everglades Mitigation Bank by Watermen Pines, LLC as a site for compensatory mitigation for wetland impacts for the construction of a commercial facility in the City of Pembroke Pines. **(Commission District 8)**

ACTION: (T-10:25 AM) Approved.

HOUSING AND COMMUNITY DEVELOPMENT DIVISION

- 53. MOTION TO ADOPT unanticipated Revenue Resolution 2008-249 within the Broward County Redevelopment Capital Fund in the amount of \$87,500 to fund the demolition of the existing Flagler Point (600 N. Andrews Avenue) site structures. **(Commission District 7)**

(This item was pulled by Commissioner Eggelletion.)

ACTION: (T-10:25 AM) Approved.

VOTE: 7-0. Commissioner Eggelletion abstained from voting. (Refer to minutes for full discussion.)

PLANNING SERVICES DIVISION

- 54. MOTION TO APPROVE election of two council members to the Washington Park Neighborhood Council, duly elected at a noticed public meeting held February 14, 2008. **(Commission District 7)**

ACTION: (T-10:25 AM) Approved.

- 55. MOTION TO APPROVE election of the Boulevard Gardens Neighborhood Council, consisting of five members, duly elected at a noticed public meeting held February 18, 2008. **(Commission District 7)**

ACTION: (T-10:25 AM) Approved.

QUASI-JUDICIAL CONSENT HEARING

ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT

DEVELOPMENT MANAGEMENT DIVISION

56. **DISCUSSION:** of plat entitled "Pompano Creek" (070-MP-07) - **Commission District 2.**

ACTION: (T-10:25 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

57. **DISCUSSION:** of plat entitled "Cactus Carwash Plat" (069-MP-07) - **Commission District 4.**

ACTION: (T-10:25 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

58. **DISCUSSION:** of plat entitled "Rancho Alegre" (005-MP-03) - **Commission District 5.**

ACTION: (T-10:25 AM) Defer until November 18, 2008, or sooner, under Section 5-181(j) of the Land Development Code to study traffic concurrency.

59. **DISCUSSION:** of plat entitled "7999 Pines" (064-MP-07) - **Commission District 5.**

ACTION: (T-10:25 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

60. **DISCUSSION:** of plat entitled "Alexan Plantation Plat" (032-MP-07) - **Commission District 5.** (Deferred from March 11, 2008.)

ACTION: (T-10:25 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

61. **DISCUSSION:** of plat entitled "New Dawn Davie" (054-MP-06) - **Commission District 7.** (Deferred from August 28, 2007.)

ACTION: (T-10:25 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

62. DISCUSSION: of New Findings of Adequacy for a plat entitled “70 Inc. – Parcel C” (101-MP-93) - **Commission District 5.**

ACTION: (T-10:25 AM) Approved the plat subject to staff’s recommendations as outlined in the Development Review Report.

63. DELEGATION: Debbie M. Orshefsky regarding request to amend the note on the Weston Commons Plat (026-MP-02) - **Commission District 8.**

(This item was pulled by Commissioner Gunzburger.)

ACTION: (T-10:55 AM) Approved subject to staff’s recommendations. (Refer to minutes for full discussion.)

VOTE: 8-0.

64. DELEGATION: James McLaughlin regarding request to amend the non-vehicular access line on the Arvida Pompano Park Plat (093-MP-87) - **Commission District 9.**

ACTION: (T-10:25 AM) Approved subject to staff’s recommendations.

65. DELEGATION: Shelley Eichner, representing the City of Weston, regarding MOTION TO APPROVE Assignment, Assumption and Consent Agreement Among City of Weston, Arvida/JMB Partners and Broward County Regarding Traffic Signalization Agreements, related to the Park of Commerce Plat (073-UP-80) – **Commission District 8.**

ACTION: (T-10:25 AM) Approved subject to staff’s recommendations.

END OF QUASI-JUDICIAL CONSENT HEARING

REGULAR AGENDA

COMMUNITY SERVICES DEPARTMENT

PARKS AND RECREATION DIVISION

- 66. MOTION TO APPROVE Concession Agreement between Broward County (County) and Toby’s Concession Services, Inc. (Toby’s), for food and beverage services in Central Broward Regional Park (CBRP), and mobile food and beverage services as needed within the Broward County Parks system; providing payment to the County from Toby’s as the Concessionaire in the form of either a minimum monthly fee guarantee or percentage of gross receipts, whichever is greater; for a term of five years from execution of the agreement, with a one, three year option for the County to renew upon approval by the Board; and authorizing Mayor and Clerk to execute same. **(Commission District 9)**

ACTION: (T-11:28 AM) Approved. (Refer to minutes for full discussion.) (Scrivener’s error – See County Administrator’s Report: Exhibit 1, Page 2, section titled “Termination and Cancellation Provisions,” reads “After a fourteen (114) day written notice...should read “After a fourteen (14) day written notice...”

VOTE: 8-0.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

- 67. MOTION TO DISCUSS recommendations for refinancing the Port Subordinate Bonds Series 1998.

ACTION: (T-11:29 AM) Board discussion took place. The Board directed staff to examine variable rates and bring this item back on Tuesday, April 29, 2008. (Refer to minutes for full discussion.)

VOTE: 7-0. Commissioner Wasserman-Rubin was out of the room during the vote.

PURCHASING DIVISION

For Aviation Department

68. A. **MOTION TO APPROVE** Emergency Interim Agreement between Broward County and Limousines of South Florida (LSF) for consolidated shuttle bus services at Fort Lauderdale/Hollywood International Airport, on a month-to-month basis, not to exceed 12 months, in the estimated monthly amount of \$835,000; and authorize the Director of Purchasing to execute the agreement.

ACTION: (T-11:38 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 7-0. Commissioner Wasserman-Rubin was out of the room during the vote.

- B. **MOTION TO AUTHORIZE** the County Administrator or designee to enter into a term agreement which may include a rate lock with GE Capital for the financing of the residual value of the Airport core bus fleet and other financing fees.

ACTION: (T-11:38 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 7-0. Commissioner Wasserman-Rubin was out of the room during the vote.

69. **MOTION TO APPOINT** Selection Committee (SC) to recommend the most qualified firm to provide Professional Program Management services for the new South Runway, Terminal 4 reconfiguration and related projects at the Fort Lauderdale/Hollywood International Airport, and approve Request for Letters of Interest (RLI) No. 20080317-0-AV-1.

ACTION: (T-11:38 AM) Approved. The Board approved the following to serve on the Selection Committee (S/C): Mayor Wexler, Vice-Mayor Ritter, Commissioners Eggelation Gunzburger, Keechl, Lieberman, Rodstrom, Wasserman-Rubin, Port Everglades Department (Chair); Acting Director, Public Works Department, CFO/Director, Finance and Administrative Services, plus administrative support staff from the offices of the County Attorney, County Auditor, Equal Opportunity, Purchasing Division, Risk Management Division and the requesting agency. (Refer to minutes for full discussion.)

VOTE: 7-0. Commissioner Wasserman-Rubin was out of the room during the vote.

For Finance and Administrative Services Department

70. MOTION TO APPOINT Selection Committee (SC) to recommend the most qualified firm to provide Cellular Wireless Services for Broward County and approve Request for Letters of Interest (RLI) No. 20071101-0-IT-1.

ACTION: (T-11:39 AM) Approved. The Board directed staff to ensure RLI responses outline how cellular phones can be utilized internationally, as well as the cost of rates and roaming charges. The Board approved the following to serve on the Selection Committee (S/C): Mayor Wexler, Commissioners Eggelation, Keechl, CFO/Director, Finance and Administrative Services Department (Chair); Director, Human Services Department, Assistant Director, Planning Services Division, plus administrative support staff from the offices of the County Attorney, County Auditor, Equal Opportunity, Purchasing Division, Risk Management Division and the requesting agency. (Refer to minutes for full discussion.)

VOTE: 8-0.

PUBLIC WORKS DEPARTMENT

CONSTRUCTION MANAGEMENT DIVISION

71. MOTION TO APPROVE First Amendment to Agreement between Broward County and Spillis Candela DMJM d/b/a Spillis Candela & Partners, Inc. for Consultant Services for the Children's Reading Center and Museum; providing additional phases for design, construction administration and warranty services; increasing the lump sum amount for Basic Services by \$1,192,000; from \$85,000 to \$1,277,000; increasing the not-to-exceed amount for Optional Services from \$60,000 to \$210,000; adding \$186,250 for Elected Optional Services; increasing Reimbursables from \$5,000 to \$75,000; bringing the cost of the amendment to \$1,598,250 and the total amended contract amount to \$1,748,250; increasing the contract time for services to be performed per the project schedule by 985 days, plus those days necessary for Municipal and County approvals, Bidding and Negotiation, Permitting and Construction; and authorize the Mayor and Clerk to execute same. (RLI 20050602-5-CM-01) (Project No. 7571) **(Commission District 5)**

ACTION: (T-10:25 AM) Approved. (Transferred to the Consent Agenda.)

COUNTY ATTORNEY

72. DISCUSSION: County Attorney's advice and request for a shade meeting pursuant to Subsection 286.011 (8), Florida Statutes, regarding settlement negotiations or strategy related to litigation expenditures in *National Beverage Corporation v. Broward County*, Case No. 02-10896.12.

ACTION: (T-11:43 AM) Board discussion took place. The Board approved the shade meeting in the case of National Beverage Corporation vs. Broward County, Case No. 02-10896.12, to take place on Tuesday, April 15, 2008, at the Broward County Governmental Center, 115 South Andrews Avenue, Room 430 at 9:30 a.m. (Refer to minutes for full discussion.)

VOTE: 8-0.

COUNTY ADMINISTRATION



73. MOTION TO ADOPT Commission Strategic Plan objectives.

ACTION: (T-11:45 AM) Approved as amended. The Board directed staff to bring back a workshop within 30 days so as to allow staff to provide the inclusion of baseline information, as well as a financial analysis to indicate what the cost will be from baseline to target. Additionally if the cost is not feasible, staff will provide an explanation as to why the cost is not feasible. (Refer to minutes for full discussion.) (Scrivener's error – See County Administrator's Report: Exhibit 1, Page 11, Objective 4 reads Target: 10% above baseline...should read 10% below the baseline.)

VOTE: 7-0. Commissioner Wasserman-Rubin was out of the room during the vote.

COUNTY COMMISSION

74. MOTION TO APPROVE retention of Evan A. Lukic as County Auditor for an additional five-year term, from July 1, 2008 to June 30, 2013. (Mayor Wexler)

ACTION: (T-10:39 PM) Approved.

VOTE: 7-0. (Commissioner Wasserman-Rubin was not present during the vote.)

75. MOTION TO NOMINATE Mr. J. Michael Reisert for appointment to the Central Examining Board Plumbing Contractors in the category of Consumer. (Commissioner Wasserman-Rubin)

ACTION: (T-10:25 AM) Approved. (Transferred to the Consent Agenda.)

76. **COUNTY ADMINISTRATOR'S REPORT**

(No report was given.)

77. **MAYOR'S REPORT**

(No report was given.)

SUPPLEMENTAL AGENDA

AVIATION DEPARTMENT

78. **MOTION TO APPROVE** Settlement Agreement among, including an escrow agreement, among Broward County, Spillis Candela & Partners, Inc; in the amount of \$1,706,804, of which \$227,053 is to be paid by Broward County with the remainder to be paid by Spillis Candela & Partners, Inc. and the Rental Car Center tenants for all claims and issues relating to mold, mildew, and water intrusion at the Quick Turn-around Area and office spaces in the Rental Car Center; effective upon execution; authorize the Director of Aviation to execute the escrow agreement and the Mayor to execute the Settlement Agreement subject to receipt of all signed original documents.

ACTION: (T-10:40 PM) Deferred to Tuesday, April 29, 2008.

COUNTY COMMISSION

79. **MOTION TO DISCUSS** adoption of a Resolution 2008-255 of the Broward County Board of County Commissioners authorizing a waiver of bus fares for military personnel in uniform, or with a military ID, riding on Broward County's fixed-route buses during Fleet Week USA 2008 (April 28, 2008 through May 4, 2008), and providing for an effective date. (Mayor Wexler)

ACTION: (T-10:40 PM) Approved.

VOTE: 7-0. (Commissioner Wasserman-Rubin was not present during the vote.)

NON-AGENDA

(Non-Agenda yellow-sheeted items 80 and 81 were submitted, but not discussed.)

80. SELECTION COMMITTEE – COMMISSIONER GUNZBURGER

(This item was considered on Tuesday, April 29, 2008, (Item 68) and approved.)

81. NEW VIDEO PROGRAM – INTERIM COUNTY ADMINISTRATOR BERTHA HENRY

ACTION: (T-10:41 AM) Interim County Administrator Bertha Henry submitted a yellow sheet referencing the New Video Program. (Refer to minutes for full discussion.)

MEETING/WORKSHOP NOTICES

SELECTION COMMITTEE
MIRAMAR PINELANDS NATURAL AREA SITE IMPROVEMENTS-STEP ONE
RLI No. 20070910-0-PA-1
Tuesday, April 8th, in Room 302 at 9:00 AM

SELECTION COMMITTEE
WEBSITE TRANSLATION
RLI No. 20060623-0-IT-AA
Tuesday, April 8th, in Room 430 at 9:30 AM

