

MEETING OF APRIL 14, 1998

(The meeting convened at 10:00 a.m. and adjourned at 11:40 a.m.)

PLEDGE OF ALLEGIANCE *was led by Commissioner Jack Latona, City of Fort Lauderdale*

CALL TO ORDER

CONSENT AGENDA

AVIATION DEPARTMENT

1. MOTION TO APPROVE Amendment No. 4 to the Airline-Airport Lease and Use Agreement between Broward County and United Airlines Inc. at the Fort Lauderdale- Hollywood International Airport which reflects the deletion of certain exclusively leased premises and the purchases of D4 loading bridge and holdroom furnishings effective upon Board approval, and authorize the Chair and Clerk to execute same.

ACTION: (A-293) Approved.

PUBLIC WORKS DEPARTMENT

REAL PROPERTY SECTION

2. MOTION TO APPROVE a contract for sale and purchase executed by Jerry Carter in the amount of \$64,000 for the purchase of right-of-way for NW 6th Street (Sistrunk Boulevard Project No. 5075), (Northwest 27 Avenue to Northwest 31 Avenue), Parcel 13; Engineering Division authorizes Real Property Section to acquire this property using funds from Engineering Division's budget; authorize the Chair and Clerk to execute contract for sale and purchase, and authorize acceptance and recordation of deed.

ACTION: (A-293) Approved.

3. MOTION TO APPROVE a contract for sale and purchase executed by Wilton Ventures Inc. in the amount of \$12,000 for the purchase of two lots for West Lake Park, Parcel 344; Parks and Recreation Division authorizes the Real Property Section to acquire this property using the funds from Parks and Recreation Division's budget; authorize the Chair and Clerk to execute contract for sale and purchase, and authorize acceptance and recordation of deed.

ACTION: (A-356) Approved.

OFFICE OF ENVIRONMENTAL SERVICES

ENVIRONMENTAL ENGINEERING DIVISION

4. MOTION TO APPROVE Amendment No. 3 to Agreement No. C-3126 between Broward County and the South Florida Water Management District (SFWMD) to extend completion of the Aquifer Storage and Recovery (ASR) Well, covering the investigation of Surface Water Management Strategies at no additional cost to the District or County, and increasing the time for completion of the ASR Well by 365 days, from 1,735 to 2,100 days, and authorize the Chair and Clerk to execute same. (BCOES Project Number: 1132 - Aquifer Storage and Recovery Well - County Participation.)

ACTION: (A-293) Approved.

OFFICE OF TRANSPORTATION ENGINEERING DIVISION

5. MOTION TO APPROVE the notice of termination of a Revocable License Agreement (RLA 1037) between Broward County and Tamarac Market Place Land Trust for the installation of overflow parking in the roadway easements shown on the recorded plat of Tamarac Market Place (118-20), and authorize the Chair and Clerk to execute same.

ACTION: (A-293) Approved.

6. MOTION TO APPROVE a revocable license agreement between Broward County and JBC Investments Inc., a Florida Corporation for the installation of overflow parking, a wall, additional landscaping and irrigation in the roadway easements for McNab Road and Nob Hill Road adjacent to the plat of Tamarac Market Place (118-20), and authorize the Chair and Clerk to execute same.

ACTION: (A-293) Approved.

7. MOTION TO APPROVE an agreement between Broward County and the City of Coral Springs for the joint funding of improvements to the median along Coral Springs Drive from Riverside Drive to Wiles Road, Project No. 5193, and authorize the Chair and Clerk to execute same.

ACTION: (A-293) Approved.

8. MOTION TO ADOPT Resolution 1998-307 accepting a warranty deed executed by John C. Favalora, as Archbishop of the Archdiocese of Miami, donating right-of-way for Military Trail (Northwest 9 Avenue) in Section 10, Township 48 South, Range 42 East.

ACTION: (A-293) Approved.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

OFFICE OF HOUSING FINANCE

9. A. MOTION TO APPROVE a loan purchase agreement between Broward County and SunTrust Bank/South Florida, National Association, for the purchase of one loan from SunTrust in the State Housing Incentives Partnership (SHIP) Lease/Purchase Program.

ACTION: (A-293) Approved.

B. MOTION TO APPROVE an agreement of deed restrictions among Broward County, Broward County Community Development Corporation and SunTrust Bank/South Florida, National Association for the purpose of placing deed restrictions on one property (6010 Shakerwood Circle, No. 202B, Tamarac) purchased through the State Housing Incentives Partnership Lease/Purchase Program.

ACTION: (A-293) Approved.

10. MOTION TO ADOPT Resolution 1998-308 of the Board of County Commissioners of Broward County, Florida approving the form and authorizing the execution of a Subordination and Intercreditor Agreement in connection with the issuance of its \$9,500,000 Housing Finance Authority of Broward County, Florida (The "Authority") Multifamily Housing Revenue Bonds (Pembroke Park Apartments Project), Series 1998 (The "Bonds"), between the Florida Housing Finance Corporation and the Authority, and providing for an effective date.

ACTION: (A-293) Approved.

ACCOUNTING DIVISION

11. MOTION TO APPROVE satisfactions and releases of land clearance liens.

ACTION: (A-293) Approved.

12. MOTION TO APPROVE satisfactions and releases of land clearance liens and releases of notices of non-compliance with the Land Clearing Code of Broward County.

ACTION: (A-293) Approved.

13. MOTION TO ADOPT settlement Resolution 1998-309 acknowledging satisfaction of a land clearance lien.

ACTION: (A-293) Approved.

14. MOTION TO APPROVE the check lists issued from February 1, 1998 through February 28, 1998 in accordance with Florida Statute 136.06.

ACTION: (A-293) Approved.

PURCHASING DIVISION

For Aviation Department

15. MOTION TO APPROVE Work Authorization No. 1 in accordance with the agreement of May 7, 1996 between Broward County and Brown and Caldwell from the Library for Environmental Consultant Services, to provide professional services to remove the practice fire fighting “burn pit” and contaminated soils/groundwater, to analyze the groundwater and prepare a closure and assessment reports for a maximum amount not to exceed total of \$85,728.39, and for a time period of 180 calendar days, and authorize the Chair and Clerk to execute same.

ACTION: (A-293) Approved.

For Public Works Department

16. A. MOTION TO ADOPT budget Resolution 1998-310 transferring \$739,889 from the Transportation Trust Reserve Fund 315-028-3000-9418 to Fund 315-127-7371-6300 for the purpose of funding award of construction of Douglas Road (Sheridan Street to Pembroke Road - Bid P-07-97-17-CF).

ACTION: (A-293) Approved.

B. MOTION TO APPROVE Change Order Allowance of \$673,557 which is 10 percent of total contract amount of \$6,735,572.75, for Contract P-07-97-17- CF, construction of Douglas Road (Sheridan Street to Pembroke Road).

ACTION: (A-293) Approved.

C. MOTION TO AWARD a fixed contract to Smith & Company Inc., low bidder, for construction of Douglas Road (P-07-97-17-CF) for the total bid amount of \$6,735,572.75, for the Engineering Division, subject to receipt and acceptance of insurance/performance and payment guarantee.

ACTION: (A-293) Approved.

REVENUE COLLECTION DIVISION

17. MOTION TO APPROVE AND EXECUTE satisfactions of claim of liens.

ACTION: (A-293) Approved.

HUMAN SERVICES DEPARTMENT

ALCOHOL AND DRUG ABUSE DIVISION

18. MOTION TO ACCEPT an invitation to serve as the coordinating unit of local government in the State of Florida, Department of Community Affairs' (DCA) Drug Control and System Improvement Program (Edward Byrne) for Broward County, and authorize the Chair and Clerk to execute same

ACTION: (A-293) Approved.

HEALTH CARE MANAGEMENT DIVISION

19. MOTION TO APPROVE Agreement 98-HPC between Broward County and the Broward Regional Health Planning Council Inc. from date of execution through February 28, 1999 in the amount of \$484,000 for the purpose of providing administrative support services under Ryan White Title I, Comprehensive AIDS Resources Emergency (CARE) Act Fiscal Year 1998 Grant which supports the program 100 percent, and authorize the Chair and Clerk to execute same.

ACTION: (A-293) Approved.

COMMUNITY SERVICES DEPARTMENT

PARKS AND RECREATION DIVISION

20. MOTION TO ADOPT budget Resolution 1998-311 transferring within the General Capital Outlay Fund the amount of \$120,000 for the Parks and Recreation Division to increase funding for the T.Y. Park Water Playground Project for a fire hydrant system.

ACTION: (A-293) Approved.

21. MOTION TO APPROVE the first amendment to a Joint Use Agreement among Broward County, the City of Pembroke Pines and the School Board of Broward County, Florida for Pembroke Pines Walter C. Young Human Resource Center and C.B. Smith Park, extending the time for spending the remaining impact fees from five years to seven years at no additional cost to the county, and authorize the Chair and Clerk to execute same.

ACTION: (A-293) Approved.

DEPARTMENT OF STRATEGIC PLANNING AND GROWTH MANAGEMENT

22. MOTION TO APPROVE an interlocal agreement between Broward County and the Town of Davie to perform certain development permit services for the Coquina Flats property.

ACTION: (A-293) Approved.

COMMUNITY DEVELOPMENT DIVISION

23. MOTION TO APPROVE the satisfaction of mortgage on a senior citizen deferred payment loan in the amount of \$12,900 made to Gilda Faso (now deceased), and authorize the Chair and Clerk to execute same.

ACTION: (A-293) Approved.

24. MOTION TO ADOPT unanticipated revenue Resolution 1998-312 within the Community Development Block Grant Program Income Fund 708 in the amount of \$500,000 for the receipt of program income from Housing Rehabilitation Program Loans on a continuous basis, and authorize the County Administrator to take the necessary administrative and budgetary actions.

ACTION: (A-293) Approved.

25. MOTION TO APPROVE an agreement between Broward County and Stein Gerontological Institute in the amount of \$246,913 for the Barrier Free Housing Program under the State Housing Initiatives Partnership (SHIP) Program to provide for modifications and to retrofit houses for very low, low and moderate income persons in Broward County to improve accessibility and security as needed by older and disabled persons to maintain and improve their independence, and authorize the Chair and Clerk to execute same.

ACTION: (A-293) Approved.

PORT EVERGLADES DEPARTMENT

26. MOTION TO APPROVE the Port Everglades Taxi/Limo/Bus Service Business Permits between Broward County, Florida and Amiga Tourism Service Corporation; Hummerzine Inc.; and Net Tours Inc., respectively, in accordance with Chapter 32 of the Broward County Administrative Code, effective from the date of approval, with an expiration of December 31, 1998, and authorize the Chair and Clerk

to execute same.

ACTION: (A-293) Approved.

OFFICE OF BUDGET AND MANAGEMENT POLICY

27. MOTION TO APPROVE business travel for county employees in accordance with Administrative Order 105.

ACTION: (A-293) Approved as corrected.

COUNTY ATTORNEY

28. MOTION TO APPROVE travel of Assistant County Attorney Lisa Zima Bosch to attend the Florida Shore and Beach Preservation Association: The Coastal Zone Foundation Beach Law Conference at Captiva Island, Florida, on June 3 through 5, 1998.

ACTION: (A-293) Approved.

BOARD APPOINTMENTS

29. MOTION TO APPROVE the reappointment of Mr. Dale P. Redlich to the Alcohol and Drug Abuse Advisory Board. (Commissioner Cowan)

ACTION: (A-293) Approved.

30. MOTION TO APPROVE the appointment of Mr. William Burns to the Minimum Housing Code Appeals Board. Mr. Burns fills the vacant plumbing contractor category. (Commissioner Gunzburger)

ACTION: (A-293) Approved.

REQUEST TO SET FOR PUBLIC HEARING

31. MOTION TO ADOPT Resolution 1998-313 directing the County Administrator to publish notice of public hearing to be held on Tuesday, April 28, 1998 at 2:00 p.m. in Room 422 of the Governmental Center to consider enactment of proposed Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING SECTION 4-8 OF THE BROWARD COUNTY

CODE OF ORDINANCES TO PROHIBIT ACTIONS OF ANIMALS THAT CONSTITUTE A NUISANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

(Sponsored by Commissioner Ilene Lieberman)

ACTION: (A-293) Approved.

REGULAR AGENDA

COUNTY ADMINISTRATOR

32. **REPORT** County Administrator Roger J. Desjarlais stated that he had nothing to report at this time.

ACTION: (A-406) No Board action was necessary.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

33. A. MOTION TO ADOPT Resolution 1998-314 of the Board of County Commissioners of Broward County, Florida authorizing the application of not exceeding \$39,000,000 in available moneys to defease and, if so determined, redeem a portion of the outstanding Port Everglades Authority Port Facilities Refunding Revenue Bonds, Series 1989-A; authorizing the defeasance and, if so determined, redemption of the Series 1989-A Bonds to be defeased; delegating to the County Administrator the determination of certain matters concerning said defeasance and redemption; authorizing the execution and delivery of an Escrow Deposit Agreement and appointing an escrow agent; selecting a verification agent; authorizing proper officials to do all things necessary in connection with said defeasance and redemption; and providing an effective date.

ACTION: (A-412) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 1998-315 within the Port Operating Fund (407) in the amount of \$28,700,000 to recognize funds for a defeasance of certain outstanding Port Everglades Authority Port Facilities Refunding Revenue Bonds, Series 1989-A.

ACTION: (A-412) Approved.

C. MOTION TO ADOPT budget Resolution 1998-316 transferring funds in the Port Everglades Capital Fund (471) in the amount of \$28,700,000 to allocate funds for a defeasance of certain outstanding Port Everglades Authority Port Facilities Refunding Revenue Bonds, Series 1989-A.

ACTION: (A-412) Approved.

OFFICE OF INFORMATION TECHNOLOGY

34. MOTION TO APPROVE an agreement between Broward County and MediaOne of Greater Florida Inc. for cable casting of Broward County Board of County Commissioners' meetings.

ACTION: (A-435) Tabled to the 2:00 p.m. public hearing to be heard with Public Hearing Item 10.

COMMUNITY SERVICES DEPARTMENT LIBRARIES DIVISION

35. MOTION TO ADOPT unanticipated revenue Resolution 1998-317 within the General Capital Outlay Fund for the Libraries Division in the amount of \$200,000 for the construction of the African American Research Library and Cultural Center.

ACTION: (A-662) Approved.

DEPARTMENT OF STRATEGIC PLANNING AND GROWTH MANAGEMENT

COMMUNITY DEVELOPMENT DIVISION

36. MOTION TO APPROVE an agreement between Broward County and Temple Messianique Inc. for Healthy Children Project in the amount of \$203,000, and authorize the Chair and Clerk to execute same.

ACTION: (A-668) Approved and directed the Community Development Division staff to provide a six-month report on the goals, performance measures, and standards and coordinate with Mr. Daniel Schevis, Children Services Administration Director, that trained teachers meet the minimal child day care standards, as established in the Children Services Board's criteria. Temple Messianique is to submit an annual financial audit and Community Development staff is to validate the number of children served. Further, the Board approved the direction to the County Administrator that future child care program proposals that are funded by the Board are for families, instead of specific centers, according to the new federal and state direction.

OFFICE OF BUDGET AND MANAGEMENT POLICY

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

ACTION: (A-815) Approved with addendum.

38. A. MOTION TO ADOPT budget Resolution within the General Fund transferring \$795,000 from

the County Commission Reserve for Contingency to the Clerk of the Court to fund a settlement entered into by the Clerk of the Court in Case No. 95-6808 (Beverly Smith et al v. Robert E. Lockwood Clerk of Court).

ACTION: (A-827) Tabled to the 2:00 p.m. public hearing.

B. MOTION TO ADOPT budget Resolution within the General Fund transferring \$200,000 from the Reserve for litigation expenses to the Clerk of the Court to fund a settlement entered into by the Clerk of the Court in Case No. 95-6808 (Beverly Smith et al v. Robert E. Lockwood Clerk of Court).

ACTION: (A-827) Tabled to the 2:00 p.m. public hearing.

C. MOTION TO APPROVE the repayment program in the amount of \$995,000 from the Clerk of the Court to the County to repay funds advanced to the Clerk for the settlement of Beverly Smith et al v. Robert E. Lockwood, Clerk of Court.

ACTION: (A-827) Tabled to the 2:00 p.m. public hearing to allow the respective plaintiff's attorneys to consider the Board's funding of the proposed repayment plan.

OFFICE OF PUBLIC AND EXTERNAL AFFAIRS

39. DISCUSSION: Legislative Issues.

A. DISCUSSION: Article V Assessment. (Chair) (Deferred from April 7, 1998)

ACTION: (A-2614) The Board denied participation in the education campaign with Floridians for Fairness in Court Funding, as requested by the Florida Association of Counties, due to the Article V initiative being grouped with other ballot issues as part of Revision 3.

(NOTE: At the 2:00 p.m. Public Hearing, Non Agenda 16, the Board approved the item.)

B. MOTION TO ADOPT Resolution 1998-327 opposing Senate Bills 2294, 2356 and House Bill 4141 which contain language requiring legislative approval for any coordination, cooperation, plan or expenditure to implement any project with the Central and Southern Florida Flood Control Project Restudy (C&SFP).

ACTION: (A-2960) Approved.

C. MOTION TO APPROVE the first amendment to the agreement between Broward County and Ericks Consultants Inc. providing for State Lobbyist Services.

ACTION: (A-2970) Approved.

COUNTY ADMINISTRATOR

40. A. MOTION TO APPROVE Amendment No. 1 to a lease agreement between Broward County Board of County Commissioners (Lessor) and the State of Florida Department of Juvenile Justice (Lessee) to increase land area leased to the state by 0.6 acres for parking; to provide payment of \$1,050,000 for infrastructure expenses; to lease an additional 1.2 acres subject to a six-month cancellation option for recreation space; and require adequate site security.

ACTION: (A-3137) Deferred to the April 21, 1998 meeting.

B. MOTION TO TERMINATE an agreement between Broward County and State Department of Management Services due to the termination of the adult portion of the Operation Bootstrap Project.

ACTION: (A-3137) Deferred to the April 21, 1998 meeting.

C. MOTION TO APPROVE the first amendment to an agreement between Johnson/Peterson Architects Inc. and Broward County to authorize payment for additional consultant services in the amount of \$40,475; authorize termination of the agreement due to the termination of the adult portion of the Bootstrap Project; and modify total contract amount from \$300,000 to \$239,288.

ACTION: (A-3137) Deferred to the April 21, 1998 meeting.

COUNTY COMMISSION

41. MOTION TO FILE Resolution No. 7351 adopted by Plantation City Council requesting that the Broward County Commission reconsider the acceleration and immediate installation of a traffic signal at the intersection of South Nob Hill Road and Torchwood Avenue in Plantation; providing findings; and providing an effective date therefor. (Chair)

ACTION: (A-293) Approved.

42. DISCUSSION: Resolution 98-4 adopted by the Broward County Legislative Delegation; relating to Port Everglades Fire Fighting Services; International Association of Fire Fighters, Metro-Broward Fire Fighters Local 3080. The resolution maintains the position of the Broward County Legislative Delegation with regard to the integrity of the Port Everglades Fire Fighting Division as outlined in the resolution. (Chair)

ACTION: (A-3034) Approved.

QUASI JUDICIAL HEARING

43. MOTION TO RECONSIDER Amendment PC 98-3, Planning Council Item No. 3 from March 24, 1998 at 2:00 p.m. (Commissioner Gunzburger)

ITEM 3 AMENDMENT PC 98-3

AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN - CITY OF PEMBROKE

PINES

FROM: Office Park

TO: Commercial

SIZE: Approximately 3 acres

LOCATION: in Section 16, Township 51, Range 41; located east of Douglas Road, south of Northwest 3 Street, west of Northwest 86 Avenue and north of Pines Boulevard.

ACTION: *(A-3334) Approved and directed the County Attorney's Office to place on the agenda the request to publish the notice to schedule the hearing.*

44. MOTION TO RECONSIDER Amendment PC 97-3, Planning Council Item No. 1 from March 24, 1998 at 2:00 p.m. (Commissioner Rodstrom)

ITEM 1 AMENDMENT PC 97-3

AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN - CITY OF PEMBROKE PINES

FROM: Agricultural

TO: Commercial

SIZE: Approximately 4.3 acres

LOCATION: in Section 13, Township 51, Range 39; located east of Southwest 196 Avenue; bound on the north by Pines Boulevard; located west of Southwest 184 Avenue and north of Pembroke Road.

ACTION: *(A-3396) Approved and directed the County Attorney's Office to place on the agenda the request to publish the notice to schedule the hearing.*

END OF QUASI JUDICIAL HEARING

SUPPLEMENTAL AGENDA

COUNTY COMMISSION

45. MOTION TO APPROVE an interlocal agreement between Broward County and the City of Plantation relating to the Broward County Civic Arena, and authorize the Chair and Clerk to execute same. (Commissioner Cowan)

ACTION: **(A-3154) Approved.**

46. DISCUSSION: Senate Bill No. 2044 by Senator Matt Meadows regarding revising the definitions of the terms “normal retirement date” and “early retirement date” under the Florida Retirement System. (Commissioner Lieberman)

ACTION: (A-3051) The Board directed the Public and External Affairs staff to prepare a letter of opposition identifying the financial impacts to the county.

47. MOTION TO AUTHORIZE AND RATIFY the County Attorney to retain counsel specializing in South Korean law to review the agreement with Samsung Corporation for the procurement of three container gantry cranes in a maximum amount not to exceed \$5,000. (Commissioner Parrish)

ACTION: (A-3282) Approved with the executed retention agreement and letter dated April 14, 1998 submitted by Kim & Chang indicating the hourly fee ranges.

GOOD AND WELFARE

48. A. ANNOUNCEMENT On behalf of the Board, Commissioner Rodstrom recognized the check from the Florida Department of State, Division of Library and Information Services for \$3,023,504 to the Libraries Division for the 1998 State Aid to Libraries Grant.

ACTION: (A-68) Mr. Samuel F. Morrison, Libraries Division Director, thanked the Board for the recognition.

B. PROCLAMATION On behalf of the Board, Commissioner Rodstrom read into the record a proclamation designating April 14, 1998 as “*Samuel F. Morrison Appreciation Day*” in Broward County.

ACTION: (A-68) Mr. Morrison accepted the proclamation and thanked the Board.

49. PROCLAMATION On behalf of the Board, Commissioner Cowan read into the record a proclamation designating the week of April 19 through 25, 1998 as “*Crime Victims’ Rights Week*” in Broward County.

ACTION: (A-159) Ms. Debra Burton, Broward Victims Rights Coalition, accepted the proclamation and thanked the Board for its support.

50. PROCLAMATION Commissioner Poitier read into the record a proclamation designating the week of April 19 through 25, 1998 as “*Volunteer Week*” in Broward County.

ACTION: (A-247) The proclamation will be presented to Ms. Gale Evans, Citizen’s Services Director.

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