

MEETING OF APRIL 17, 2001

(The meeting convened at 10:00 a.m.; recessed at 12:40 p.m.; reconvened at 3:00 p.m. and adjourned at 4:00 p.m.)

PLEDGE OF ALLEGIANCE - led by County Attorney Ed Dion.

CALL TO ORDER

MOMENT OF SILENCE - In memory of the mother of Ms. Josephine Bieber, Minutes Secretary, who passed away on Thursday, April 12, 2001.

GOOD AND WELFARE

EIGHTY-SECOND CHAMPIONSHIP OF THE WOMEN'S INTERNATIONAL BOWLING CONGRESS Ms. Nicki Grossman, Greater Fort Lauderdale Convention and Visitors Bureau President, anticipated approximately 75,000 hotel room nights, an estimated 60,000 bowling team members and about 30,000 of their friends and families are expected to arrive at Sawgrass Lanes in Sunrise and Don Carter's Tamarac Lanes later this afternoon through June 27, 2001, for the first tournament of the 82nd Championship of the Women's International Bowling Congress. When the delegates leave, Ms. Grossman indicated that they would have left behind about \$55 million.

Ms. Grossman thanked the county commission for its direction and support.

ACTION: (A-167) No action was necessary.

CONSENT AGENDA

BOARD APPOINTMENTS

- A. **MOTION TO APPOINT** Commissioner Beam Furr to the Planning Council. Commissioner Furr will replace Commissioner Sonny Rosenberg. (Commissioner Gunzburger)

ACTION: (A-206) Approved.

B. **MOTION TO APPOINT** Commissioner Gwendolyn Clarke-Reed to fill a vacancy created by the resignation of Mayor E. Pat Larkins. (Commissioner Jacobs)

ACTION: (A-206) Approved.

C. **MOTION TO APPOINT** Mr. Harold Malinsky to the Board of Adjustments to fill an existing vacancy. (Commissioner Jacobs)

ACTION: (A-206) Approved.

AVIATION DEPARTMENT

- **MOTION TO APPROVE** the Release, Consent, Subordination, Attornment and Nondisturbance Agreement between Broward County, Florida; North Perry Aviation, Inc., and G. Patrick

Mulvany and/or Christine J. Mulvany, for T-Hangar Unit No. 12 located at North Perry Aviation, Inc. and authorize the Chair and Clerk to execute same.

ACTION: (A-206) Approved.

- MOTION TO APPROVE the Release, Consent, Subordination, Attornment and Nondisturbance Agreement between Broward County, Florida; North Perry Aviation, Inc., and Gregory L. Knapp, for T-Hangar Unit No. 20 located at North Perry Aviation, Inc. and authorize the Chair and Clerk to execute same.

ACTION: (A-206) Approved.

- MOTION TO APPROVE the Release, Consent, Subordination, Attornment and Nondisturbance Agreement between Broward County, Florida; North Perry Aviation, Inc. and Ameriship Corporation, for T-Hangar Unit No. 22 located at North Perry Aviation, Inc. and authorize the Chair and Clerk to execute same.

ACTION: (A-206) Approved.

- MOTION TO APPROVE the Release, Consent, Subordination, Attornment and Nondisturbance Agreement between Broward County, Florida; North Perry Aviation, Inc.; and Leticia Lopez and Francisco Lopez, Jr., for T-Hangar Unit No. 27 located at North Perry Aviation, Inc. and authorize the Chair and Clerk to execute same.

ACTION: (A-206) Approved.

- MOTION TO APPROVE Amendment No. 4 to the Airline-Airport Lease and Use Agreement between Broward County, Florida and Northwest Airlines, Inc. for the return of 196 square feet of operations space in Terminal 3 effective upon Board approval and authorize the Chair and Clerk to execute same.

ACTION: (A-206) Approved.

- MOTION TO ADOPT Resolution 2001-353 authorizing the Director of Aviation, on behalf of Broward County, to enter into a Grade Separation Agreement among Florida East Coast Railway (FEC), Florida Department of Transportation (FDOT) and Broward County, providing for the removal of existing Bridge "D" and installation of new Bridge "G" over the FEC railroad right-of-way and authorizing the Director of Aviation to enter into additional Grade Separation Agreements among FEC, FDOT and Broward County, as may be necessary, with respect to the removal and installation of other bridges over the FEC railroad right-of-way, as are required in connection with the reconfiguration of the entrance and exit roadways to Fort Lauderdale-Hollywood International Airport, which agreements shall be substantially in the form attached to the resolution.

ACTION: (A-206) Approved.

PUBLIC WORKS DEPARTMENT

ENGINEERING DIVISION

- MOTION TO APPROVE an amendment to an agreement between Broward County and the City of Tamarac for the funding of utility improvements along Northwest 44th Street and authorize the Chair and Clerk to execute same. (**Commission District 1**)

ACTION: (A-206) Approved.

- MOTION TO ADOPT Resolution 2001-354 authorizing conveyance of a quit claim deed for a parcel of land in Quiet Waters Park, for nominal consideration, executed by Broward County to the Florida Department of Transportation for right-of-way for Powerline Road (west side) north of Sawgrass Expressway (Southwest 10th Street). (**Commission District 2**)

ACTION: (A-206) Approved with addendum.

TRAFFIC ENGINEERING DIVISION

- MOTION TO APPROVE an agreement between Broward County and the Town of Southwest Ranches, transferring responsibility to Broward County for Traffic Engineering functions on all roads within the city and authorize the Chair and Clerk to execute same. (**Commission Districts 5 and 8**)

ACTION: (A-427) Approved.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

ACCOUNTING DIVISION

- MOTION TO FILE the Arena Operating Company, Ltd. Financial Statements as of September 30, 2000 and 1999 together with Report of Independent Certified Public Accountants.

ACTION: (A-318) Approved. The Board requested that the County Administrator and Ms. Nicki Grossman, Greater Fort Lauderdale Convention and Visitors Bureau President, meet with the Arena Operating Company, Ltd. to develop a plan to increase its revenues by utilizing more events at the facility and contact the School Board of Broward County's Superintendent before holding commencements.

PURCHASING DIVISION

For Aviation Department

- A. MOTION TO ADOPT unanticipated revenue Resolution 2001-355 within the North Perry Fund (4070) for the Aviation Department in the amount of \$232,000 for additional runway pavements at North Perry Airport.

ACTION: (A-206) Approved.

B. MOTION TO ADOPT budget Resolution 2001-356 transferring within the North Perry Fund (4070) in the amount of \$119,700 from the North Perry Fund Reserve for the additional runway pavements at North Perry Airport.

ACTION: (A-206) Approved.

C. MOTION TO AWARD a fixed contract to the low bidder, Bergeron Land Development, Inc. for additional runway pavement at North Perry General Airport, Bid No. Q-Y-00-255-CF in the amount of \$679,984 for the Aviation Department, subject to receipt and acceptance of insurance/performance and payment guarantee and authorize the Chair and Clerk to execute same.

ACTION: (A-206) Approved.

For Office of Budget Services

- MOTION TO ADOPT budget Resolution 2001-357 within the Print Shop Internal Service Fund in the amount of \$115,000 from the Print Shop Reserve for the Print Shop to provide funding for the purchase of offset printing press and a forklift.

ACTION: (A-206) Approved sub-heading as corrected to read "For Purchasing Division".

For Community Services Department

- MOTION TO APPROVE the first amendment to the agreement between Broward County and The Rubin Communications Group, Inc., for production of the Cultural Quarterly Magazine with an advertising revenue-sharing feature and the option to add up to \$40,000 for additional quantities and/or printing enhancements thereby potentially increasing the total compensation from \$80,000 per year to a total not to exceed \$120,000 per year subject to increased funding for the Cultural Affairs Division and authorize the Chair and Clerk to execute same.

ACTION: (A-483) Approved the effective date of the amendment as corrected to read "September 1, 2001" instead of "October 1, 2001". The Board approved extending the pilot advertising program through September 30, 2001; directed the County Administrator to meet with the Hotel/Motel Association to expand the distribution of The Cultural Quarterly publication in hotel rooms in the Greater Fort Lauderdale area, explore other alternatives, and provide a recommendation to the Board after reviewing the pros and cons of the program prior to Fiscal Year 2002.

For Finance and Administrative Services Department

- MOTION TO AWARD an open-end contract to all responsive and responsible bidders, Technology Training Solutions, Atrium Personnel, Kforce.com, Computer Express International, Staffing Providers, PRC Technologies and Corporate Network Systems for Temporary Microcomputer Services, Bid No. JX00213B1 for the Office of Information Technology in the estimated annual amount of \$246,480.00 and authorize the Director of Purchasing to renew the contract for a one-year period. The initial contract shall start on date of award and shall terminate one year from that date.

ACTION: (A-206) Approved.

For Public Works Department

- MOTION TO APPROVE AND AWARD a fixed contract for sole brand procurement of glass fused to steel tanks (GFTS) manufactured by A. O. Smith Co. from low quoter, Florida Aquastore and Utility Construction, Inc., to build a Leachate Storage Facility (Quote No. N-8-00-190-CF) in

the amount of \$826,206 for the Construction Management Division subject to receipt and acceptance of insurance and payment/performance guarantee and authorize the Chair and Clerk to execute same. (**Commission District 8**)

ACTION: (A-1148) Approved.

- MOTION TO AWARD a fixed contract to low bidder, Giannetti Contracting of Florida, Inc. for 8" Diameter Force Main Installation (Area 50C and 50J) BCOES Project No. 8610, Bid No. PY00248CF in the amount of \$218,774 for the Office of Environmental Services, subject to receipt and acceptance of insurance/ performance and payment guarantee and authorize the Chair and Clerk to execute same. (**Commission District 9**)

ACTION: (A-206) Approved.

REVENUE COLLECTION DIVISION

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

ACTION: (A-206) Approved.

HUMAN SERVICES DEPARTMENT

COMMUNITY DEVELOPMENT DIVISION

- A. MOTION TO APPROVE an interlocal agreement between Broward County and the City of Margate (City) in an amount not to exceed 15% per year of the City's Community Development Block Grant (CDBG) each Program Year to be paid to the Broward County Community Development Division from date of execution through September 31, 2003 for the purpose of Community Development Division staff preparing the City's Annual Action Plans for Program Years 2001 and 2002 and Administrative Services for Program Years 1998-2002 for the city's CDBG Program. (**Commission District 1**)

ACTION: (A-1194) Approved with the Commission Auditor's recommendation to include language that reads: "CITY will remit on a quarterly basis the reimbursement amount due to the COUNTY."

B. MOTION TO APPROVE an interlocal agreement between Broward County and the City of Margate (City) for administrative services in an amount not to exceed \$85,000 paid to the Broward County Community Development Division from date of execution and shall end 24 months after the effective date of the agreement for the county to manage the city's Small Cities El Nino Weather Disaster Community Development Block Grant.

ACTION: (A-206) Approved.

C. MOTION TO ADOPT unanticipated revenue Resolution 2001-358 in the amount of \$63,900 within the Community Development Block Grant fund and \$85,000 within the Small Cities El Nino Weather Disaster Community Development Block Grant for the purpose of covering administrative costs. This revenue is a result of compensation for consulting services Community Development Division staff will provide to the City of Margate. No county match is required.

ACTION: (A-206) Approved.

- MOTION TO APPROVE an agreement between Broward County and New Horizon Community Development Corporation of Deerfield Beach, Inc. from the date of execution through October 31, 2002 in the amount of \$175,000 for the purpose of acquisition of Don Carlos Apartments, 5221-5435 Northwest 18th Place, Lauderhill, Florida, 10 multi-family buildings containing a total of 84 rental units for eligible persons and authorize the Chair and Clerk to execute same. Funding is under the State Housing Initiatives Partnership (SHIP) Program. No county funds nor matching funds are required. **(Commission District 9)**

ACTION: (A-401) Deferred at the City of Lauderhill's request.

- MOTION TO APPROVE a second amendment to the Community Development Block Grant (CDBG) Agreement between Broward County and Achievement and Rehabilitation Centers, Inc. (ARC) increasing the amount by \$84,000 from \$84,000 to \$168,000 for final acquisition costs and equipment purchases necessary for the implementation of assisted living services at 3873 Northwest 83rd Terrace, Coral Springs, Florida. All other terms of the Agreement remain in full force and effect. No county funds are required. **(Commission District 3)**

ACTION: (A-206) Approved.

HOMELESS INITIATIVE PARTNERSHIP

- MOTION TO ADOPT budget Resolution 2001-359 transferring funds within the Human Services Department's Homeless Services Fund in the amount of \$600,000 from the Human Services Department Homeless Services Fund Reserve for the purpose of providing funding for the continuum of care for the homeless population of Broward County.

ACTION: (A-206) Approved.

COMMUNITY SERVICES DEPARTMENT

MASS TRANSIT DIVISION

- MOTION TO APPROVE the first amendment to agreement between Broward County and City of Deerfield Beach for public transportation services for the lease of one additional wheelchair-accessible passenger vehicle at a cost of \$10 per vehicle annually, operating costs of \$20 per revenue service hour and authorize the Chair and Clerk to execute same. The term of this agreement is effective from date of execution through September 30, 2003. **(Commission Districts 2 and 3)**

ACTION: (A-206) Approved.

PARKS AND RECREATION DIVISION

- A. MOTION TO APPROVE the Development Project Grant Agreement between Broward County and the Florida Department of Environmental Protection (DEP) for a Land and Water Conservation Fund Program (LWCF) grant in the amount of \$100,000 for Vista View Park; effective upon execution by both parties for a three-year term from date of final execution by DEP; authorize the Chair and Clerk to execute the same and authorize the County Administrator to take all necessary administrative and budgetary actions to implement the agreement. (County Match of \$100,000 is required) **(Commission District 5)**

ACTION: (A-206) Approved.

B. **MOTION TO ADOPT** unanticipated revenue Resolution 2001-360 in the General Capital Fund for the Parks and Recreation Division in the amount of \$100,000 for the construction of the Vista View Park.

ACTION: (A-206) Approved.

- **MOTION TO ADOPT** Resolution 2001-361 of the Board of County Commissioners of Broward County, Florida approving the conveyance to the City of Weston, of certain county-owned property located in the City of Weston, consisting of two park parcels of approximately 35.83 acres and 3.03 acres; authorizing the Chair and the Clerk to execute documents needed to effect the recording of the conveyance, and providing for an effective date. **(Commission District 8)**

ACTION: (A-1412) Approved with addendum.

- **MOTION TO ADOPT** Resolution 2001-362 of the Board of County Commissioners of Broward County, Florida pursuant to Sections 1-526 and 9½-16 of the Broward County Code of Ordinances, approving revised standard form agreements for the Broward Enhanced Marine Law Enforcement Grant (EMLEG) Program, for use with governmental and non-profit entities approved to receive EMLEG grant funds, as administered by the Parks and Recreation Division; providing for execution by the County Administrator on behalf of Broward County, providing for severability and providing for an effective date.

ACTION: (A-206) Approved as amended.

- A. **MOTION TO APPROVE** an agreement between Broward County and Stone Harbor, Inc. for 14.34 acres of off-site mitigation at the Pond Apple Slough for a term of completion not to exceed 65 months from the date of execution by all parties, and providing for a lump sum payment to the county from Stone Harbor, Inc. in the amount of \$57,360 to be deposited into the Natural Areas Trust Fund and authorize the Chair and Clerk to execute same. **(Commission Districts 4 and 7)**

ACTION: (A-206) Approved with the Commission Auditor's recommendations.

B. **MOTION TO APPROVE** granting a deed of conservation easement to the South Florida Water Management District (SFWMD) for the perpetual preservation of 14.34 acres of off-site Stone Harbor mitigation at the Pond Apple Slough, and authorize the Chair and Clerk to execute same. **(Commission Districts 4 and 7)**

ACTION: (A-206) Approved.

PORT EVERGLADES DEPARTMENT

- **MOTION TO APPROVE** the renewal of a lease agreement between Broward County and Global Yacht Fuel, Inc. for Suite No. 308 in Building 611 at Port Everglades, consisting of 412 square feet of office space, for the period of July 1, 2001 through June 30, 2002, with rent in the amount of \$7,210 over the lease term and authorize the Chair and Clerk to execute same.

ACTION: (A-206) Approved.

- MOTION TO APPROVE a new one-year lease agreement between Broward County and Harry P. Stampler, Inc., d/b/a Stampler Auctions, for 5,959 square feet of warehouse space in Building "B", Bay 6, and Building "E", Bay 7 of Foreign Trade Zone No. 25 at Port Everglades, for a period of one year effective upon Board approval, at an annual rental amount of \$48,863.80 and authorize the Chair and Clerk to execute same.

ACTION: (A-206) Approved.

- MOTION TO FILE the Quarterly Report for business permits issued at Port Everglades for the period January 1, 2001 through March 31, 2001.

ACTION: (A-206) Approved.

- A. MOTION TO ADOPT Resolution 2001-363 providing for a waiver of dockage charges for participating vessels in Fleet Week Celebration 2001 (April 30, 2001-May 7, 2001) in an amount not to exceed \$90,000.

ACTION: (A-206) Approved.

B. MOTION TO ADOPT budget Resolution 2001-364 transferring funds within the Port Everglades Fund for the Port Everglades Department in the amount of \$40,000 to cover costs associated with Fleet Week.

ACTION: (A-206) Approved.

COUNTY ATTORNEY

- MOTION TO APPROVE a settlement in the amount of \$130,000, including costs and attorney's fees, of a lawsuit filed in United States District Court, Southern District of Florida, John Vierling v. Celebrity Cruises, Inc., et al, Case No. 99-7059-CIV-Ferguson.

ACTION: (A-206) Approved.

REQUEST TO SET FOR PUBLIC HEARING

- A. MOTION TO ADOPT Resolution 2001-365 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, September 11, 2001, at 7:00 p.m. to adopt the tentative budget and millage rates, and final special assessments and fees for Fiscal Year 2002.

ACTION: (A-206) Approved.

B. MOTION TO ADOPT Resolution 2001-366 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, September 25, 2001, at 7:00 p.m. to adopt final budgets and millage rates for Fiscal Year 2002 and to adopt the Fiscal Year 2002-2006 Capital Program.

ACTION: (A-206) Approved.

- MOTION TO ADOPT Resolution 2001-367 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, May 8, 2001 in Room 422 of the Governmental Center to consider enactment of a proposed ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 22½ OF THE BROWARD COUNTY CODE OF ORDINANCES (MOTOR CARRIERS ORDINANCE), TO ALLOW LIMOUSINE OPERATORS LICENSED BY OTHER COUNTIES RECIPROCITY TO CONDUCT PREARRANGED TRIPS THAT ORIGINATE AND CONCLUDE OUTSIDE OF BROWARD COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (A-1476) Approved.

DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION

AIR QUALITY DIVISION

- **MOTION TO APPROVE** Amendment No. 1 to Contract AQ 157, Atmospheric Mercury Monitoring between Broward County Department of Planning and Environmental Protection, Air Quality Division and the Florida Department of Environmental Protection in the amount of \$18,000 and authorize the Chair and Clerk to execute same.

ACTION: (A-206) Approved.

DEVELOPMENT MANAGEMENT DIVISION

- **MOTION TO ADOPT** a Resolution of the Board of County Commissioners of Broward County, Florida amending the Broward County Administrative Code, Chapter 40, Part 1, entitled "Land Development Permit Applications" and Chapter 40, Part VIII, entitled "Fee Schedule;" providing for amendment of the fee schedule for plat applications; providing for severability; providing for inclusion in the Administrative Code; and providing for an effective date.

ACTION: (A-206) Deferred at the request of the Commission Auditor.

QUASI-JUDICIAL CONSENT HEARING

- **DISCUSSION:** of plat entitled "Russell Promotions Plat " - **Commission District 9**, (055-MP-00).

ACTION: (A-206) Approved subject to staff's recommendations as outlined in the Development Review Report.

- **DISCUSSION:** of plat entitled "Reef Plaza Outparcel" - **Commission District 9**, (001-MP-00).

ACTION: (A-206) Deferred to November 27, 2001 or sooner, under Section 5-181(i) of the Land Development Code, to study access.

- **DELEGATION:** Mr. Paul Koenig regarding request to amend the note on the Chapel Trail II Plat - **Commission District 8**, (033-MP-81).

ACTION: (A-206) Approved subject to staff's recommendations.

- **DELEGATION:** Alejandro Delfino regarding request to amend the note on the S&R Inverrary Parcel S Plat - **Commission District 1**, (193-MP-80).

ACTION: (A-206) *Approved subject to staff's recommendations.*

- **DELEGATION:** Mr. Neal Janov regarding request to amend the non-vehicular access line on the Nob Hill Associates Plat - **Commission District 5**, (080-MP-80).

ACTION: (A-206) *Deferred to November 27, 2001 or sooner, under Section 5-181(i) of the Land Development Code, to amend the notation on the plat.*

- **DELEGATION:** Ms. Rosana Cordova, representing the City of Miramar, regarding request to amend the non-vehicular access line on the Bluegrass Lakes West Plat - **Commission District 8**, (022-MP-96).

ACTION: (A-206) *Approved subject to staff's recommendations.*

- **DELEGATION:** Mr. Wayne Farler regarding request to dedicate right-of-way and amend the non-vehicular access line on the Lester Industrial Park Plat - **Commission District 4**, (189-MP-84).

ACTION: (A-206) *Approved subject to staff's recommendations.*

- **DELEGATION:** Mr. Richard G. Coker, Jr. regarding request to modify conditions of plat approval and amend the non-vehicular access line on the Sheridan Street Commerce Center Plat - **Commission District 8**, (063-MP-98).

ACTION: (A-206) *Approved subject to staff's recommendations.*

- **DELEGATION:** Hendrick Tenkate regarding request to waive right-of-way requirements for a building permit in the unincorporated area - **Commission District 8**.

ACTION: (A-2477) *Approved the applicant's request.*

END OF QUASI-JUDICIAL CONSENT HEARING

REGULAR AGENDA

COUNTY ADMINISTRATOR

- **REPORT** County Administrator Roger J. Desjarlais stated that he has nothing to report.

ACTION: (A-206) *No action was necessary.*

QUASI-JUDICIAL HEARING

Please be advised that the following items on the Commission's agenda are quasi-judicial in nature. If you wish to object or comment upon these items, please indicate the item number you would like to address when the announcement regarding the quasi-judicial item is made. All witnesses who will testify on any quasi-judicial item will be sworn. Participants who are members of the general public need not be sworn and will not be subject to cross examination if they are not sworn. The Commission shall not

assign unsworn testimony the same weight or credibility as sworn testimony in its deliberations.

DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION

DEVELOPMENT MANAGEMENT DIVISION

- **DISCUSSION:** of plat entitled "I.G.M." - **Commission District 9**, (007-UP-00). (Deferred from April 3, 2001)

ACTION: (A-206) *Deferred to May 22, 2001 or sooner to study access.*

- **DELEGATION:** Claudia Fontecilla regarding request to amend the note on the Greensleeves Plat - **Commission District 7**, (018-UP-91). (Deferred from April 3, 2001)

ACTION: (A-3358) *Approved subject to staff's recommendations.*

END OF QUASI-JUDICIAL HEARING

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

- **MOTION TO ADOPT** Resolution 2001-369 of the Board of County Commissioners of Broward County, Florida authorizing the negotiation of a loan in an aggregate amount not to exceed \$5,000,000 from the First Florida Governmental Financing Commission; approving the refinancing of a prior loan made by the commission to the county; approving the execution and delivery of a loan agreement with the First Florida Governmental Financing Commission; approving the execution of and delivery of an Escrow Deposit Agreement; approving the execution of and delivery of a Continuing Disclosure Certificate; providing certain other matters in connection with the making of such Loan; providing for reading of this resolution by title only; and providing an effective date.

ACTION: (A-4112) *Approved.*

- **MOTION TO ADOPT** Resolution 2001-370 of the Board of County Commissioners of Broward County, Florida approving and authorizing the form of a First Supplemental Indenture of Trust by and between Broward County, Florida (the "Issuer") and Suntrust Bank, Central Florida, N.A., as trustee which provides for the issuance of a substitute Letter of Credit and confirming Letter of Credit (collectively, the "Substitute Letter of Credit") in connection with the issuer's \$3,600,000 Industrial Development Revenue Bonds (MDR Fitness Corp. Project), Series 1995 (the "Bonds"); approving and authorizing the execution and delivery of certain other documents in connection with the foregoing, authorizing other actions required to issue the substitute Letter of Credit; and providing an effective date.

ACTION: (A-4120) *Approved.*

OFFICE OF PUBLIC AND GOVERNMENTAL RELATIONS

- **DISCUSSION:** Legislative issues.

A. BILLS TO CHANGE MUNICIPAL REGULATION OF OFF-PREMISE SIGNS

The Board discussed CS/HB 1053 and SB 2056 which include a billboard industry provision that would effectively eliminate the authority of a city to regulate off-premise outdoor advertising signs and recognized Broward County's existing ordinance for 23 cities who should be exempted from the provision.

ACTION: (A-4130) The Board directed staff to work with the lobbyists to exempt Broward County.

B. PEMBROKE PARK ANNEXATION

The Board discussed the Pembroke Park annexation issue.

ACTION: (A-4934 and B-140) The consensus was to consider the item at the April 24, 2001 meeting.

C. AGRICULTURAL AMENDMENT "BREEDING OF LIVESTOCK" Commissioner Parrish presented for discussion Senator Walter G. "Skip" Campbell Jr.'s sponsorship, in Finance and Tax Section, of an amendment to agricultural on "breeding of livestock." She noted the County Attorney's Office opinion that says, "The racetracks would never qualify even with the boarding of horses because their primary purpose has to be for agriculture, and in fact the racetracks primary purpose is for para mutuals."

ACTION: (B-155) At Commissioner Parrish's request, the Chair, in conjunction with the County Attorney's Office, will send a letter expressing that opinion, to every member of the Broward County Legislative Delegation and the county's lobbyists.

D. ASR WELLS

Commissioner Jacobs questioned the status on Senate Bill 854, Aquifer, Storage, and Recovery (ASR) wells and noted the county's intent to try and push towards testing because of proposed legislation on going into full implementation statewide without testing first.

Ms. Madison advised that the ASR bills, which allows for untreated waters to be injected, have been passed out of the Senate Committees and are expected to be heard on the house floor this week.

Commissioner Eggelton suggested that the commissioners contact Senators Ron Klein, Debbie Wasserman Schultz, and Steven A. Geller, who supported the bill last year and noted that Senators Campbell and Debby P. Sanderson were not present and did not vote. Further, he advised that as of this date, North Florida has been exempted out of the bill.

Mr. Steve Somerville, Department of Planning and Environmental Protection Director, reported that staff is sending a message to Tallahassee to proceed with caution. He advised that staff has been supporting ASR with three caveats: rule making, pilot projects, and high quality water, which they interpret as Biscayne water -- potable water that would be repumped down in the aquifer.

ACTION: (C-145) The Board directed that the legislators be advised that the county is opposed to this bill in its current form.

COUNTY COMMISSION

- **DISCUSSION:** Direct the County Attorney's Office to draft an ordinance establishing standards for tobacco product placement. (Commissioner Parrish)

ACTION: (A-5461) By unanimous consent.

NOMINATIONS

- **MOTION TO ACCEPT** nominations for at-large Board appointments.

For Legal Aid Service

A. **MOTION TO RE-NOMINATE** Mr. Charles Fox Miller to the Legal Aid Service of Broward County, Inc. Mr. Miller is eligible for a second three-year term. (Commissioner Gunzburger)

ACTION:(C-456) Deferred for two weeks.

For Education, Research and Training Authority

B. **MOTION TO NOMINATE** Mr. Mitch Ceasar for reappointment to the Education, Research and Training Authority. (Commissioner Parrish)

ACTION:(C-456) Deferred for two weeks.

For Housing Finance Authority

C. **MOTION TO NOMINATE** Mr. John D. Etling to the at-large citizen slot vacancy on the Housing Finance Authority. (Commissioner Gunzburger)

ACTION:(C-456) Deferred for two weeks.

For Central Examining Board of Engineered Construction Trades

D. **MOTION TO NOMINATE** Mr. Harvey Kram to Central Examining Board of Engineered Construction Trades as a Consumer Representative. (Commissioner Lieberman)

ACTION:(C-456) Deferred for two weeks.

E. **MOTION TO NOMINATE** Ms. Victoria L. Druding to Central Examining Board of Engineered Construction Trades as a Consumer Representative. (Commissioner Lieberman)

ACTION:(C-456) Deferred for two weeks.

NON AGENDA

- **COURTHOUSE PARKING**

Commissioner Lieberman commented on the parking at the courthouse and staff's proposal for a parking alternative of providing tram service from the Performing Arts Center's garage to the courthouse for regular employees.

The Chair referred to a recent newspaper article on a proposed parking garage and clarified that his letter was written as a reference on behalf of Mr. William H. Bodenhamer, Jr., USA Parking Systems, which in no way endorsed the project.

ACTION: (C-620) The Board suggested that staff review two alternatives: the School Board of Broward County's proposal and a private developer's proposal, as courthouse employees want to park and walk to work.

- JUVENILE COSTS

Commissioner Lieberman addressed the proposal from Mr. Bill Bankhead, Secretary of Department of Juvenile Justice, to have the county pay costs for juveniles, which would have a \$9 million impact in Broward County, is coming at a time when the Federal Government is talking about spending more to local governments for juveniles.

ACTION: (C-675) The Board authorized the Chair to send a letter to the delegation to oppose sending funds to the state for juveniles, and for the county to retain these funds in order to deal with this situation in its environment.

- FLORIDA NEIGHBORHOOD CONFERENCE

Commissioner Jacobs commented that on April 10, 2001, she addressed the Florida Neighborhood Conference and the surplus of \$30,000 and noted that the City of Fort Lauderdale has selected 10 individuals to receive up to \$500 each towards their travel for the conferences in Pittsburgh, Pennsylvania, which costs approximately \$1,000 per registrant.

Commissioner Jacobs suggested that the county implement a similar action and take the next \$10,000 of that money to allow individuals and community activists involved in the conference held in Broward County last year to attend the Florida Neighborhoods Conference in September 2001 in Orlando, Florida. She recommended that the remaining \$10,000 would be used as a sponsorship contribution towards the 2002 Florida Neighborhoods Conference.

Commissioner Jacobs referred to a recent e-mail received from Commissioner Cindy Hutchinson, City of Fort Lauderdale, requesting the need to move forward with identifying the people to be selected; noting that there will be a meeting in Fort Lauderdale to brief those people, and recommending that the county, when selecting people, choose some who were in the Area 33311 Tour, as well as people from Carvers Ranches, and Lauderdale Isles.

ACTION: (C-705) The Board approved choosing nine people, one from each commission district with funds to be distributed between those persons. Also, the Board directed Mr. Don Stone, Planning Services Division, is to provide the county commissioners with a list of those neighborhood leaders who participated in the last Neighborhoods Conference.

- SWIM CENTRAL AND BOND ISSUE

Commissioner Gunzburger commented on questions she received relative to the Swim Central and the bond issue. She explained that funds of up to \$750,000 will be going to organizations such as the Young Men's Christian Association (YMCA) to improve their pools and they would allow the pool to be used for Swim Central programs. However, since tax payer dollars are being used, she explained that said funds are only being used only on that limited basis and under current provisions the facility would only be open for Swim Central Programs. Commissioner Gunzburger requested the Board's consensus to add to the criteria that, if the YMCA receives Broward County tax payer dollars and the pool is improved or built with those dollars, it has to become a public pool rather than used only to those who pay dues to the organization and if the county is going to put public dollars into pools, it should be available to the

public.

Mr. Larry Lietzke, Community Services Department Director, noted that there are a variety of funding sources in place and explained that part of new dollars from the parks bond issue will build swimming pools for the purpose of enhancing the Swim Central Program. He indicated that all applications are of equal dignity at this point; non-profits have just as much opportunity as the cities to be considered. If the

Board decides it wants not-for-profit organizations (NPO) to be involved, there should be an agreement with them to ensure that public dollars that are spent for the purpose of the program which has to be ongoing through an agreement.

ACTION: (C-926) The county administrator confirmed that the consensus was to make sure that the bond issue dollars are spent in such a way to allow the public greatest access to the facilities that are improved or built. The Parks Advisory Board will understand that and will give the county commissioners recommendations accordingly. Also, the ongoing Swim Central Program will take place at not only those pools using bond issue dollars but the other pools currently being used.

- DENSITY IN HIGH HAZARD AREAS

Ms. Pamela Madison, Assistant to the County Administrator, noted the ongoing discussions with Senator Steven A. Geller on the density in high hazard areas, such as the beach, if there was a natural disaster and condominiums were leveled. She noted that according to the county's plan, they would be able to be built at today's density; however, Senator Geller is trying to modify legislation that would allow the redevelopment to be at the density prior to the disaster not only relative to a natural disaster.

ACTION: (C-1563) The Board gave its concurrence to lobby against that amendment.

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