

MEETING OF APRIL 20, 1999

(Meeting convened at 10:00 a.m. and recessed at 1:10 p.m.)

MOMENT OF SILENCE - The Chair requested a moment of silence in memory of Leon Watts, a longtime community activist, who passed away April 19, 1999.

PLEDGE OF ALLEGIANCE - Led by John Flint, Weston City Manager

CALL TO ORDER

CONSENT AGENDA

BOARD APPOINTMENTS

1. MOTION TO APPROVE the reappointment of G. Wil Trower to the Broward Regional Health Planning Council. (Commissioner Abramowitz)

ACTION: (A-525) Approved.

AVIATION DEPARTMENT

2. MOTION TO APPROVE Consent to Sublease between AMR Combs, Inc. and Business Jet Solutions at AMR Combs, Inc.'s leasehold at Fort Lauderdale- Hollywood International Airport, and authorize the Chair and Clerk to execute same.

ACTION: (A-525) Approved.

3. MOTION TO ADOPT Resolution 1999-604 authorizing acceptance and execution of a Joint Participation Agreement between Broward County and the Florida Department of Transportation WPI No. 4820371 in the amount of \$3,100,000 (state's share) for Acquisition of Avigation Easements and Voluntary Sales Assistance associated with the 1994 FAR Part 150 Update at Fort Lauderdale-Hollywood International Airport; and authorize the County Administrator to make the necessary administrative and budgetary actions to execute the grant.

ACTION: (A-525) Approved.

PUBLIC WORKS DEPARTMENT

REAL PROPERTY SECTION

4. MOTION TO ADOPT Resolution authorizing the sale and conveyance by Quit Claim Deed of Lot 4, Block 48, A Carver Ranches Rev. Plat, at Plat Book 21, Page 8B and Lot 22, Block 46, A Carver Ranches Rev. Plat, at Plat Book 21, Page 218B declared surplus at Broward County Commission meeting June 4, 1996, Item No. 6 to Jo-C Builders, Inc. located at 4401 SW 25th Street, Hollywood, Florida for a total of \$11,890 pursuant to Florida Statutes 125.35(1)(b), and authorize the Chair and Clerk to execute same.

ACTION: (A-606) Rejected all bids, approved rebidding the property for the reasons outlined by staff, and request each bidder to place in their bid the intended use of the property.

OFFICE OF TRANSPORTATION ENGINEERING DIVISION

5. A. MOTION TO ADOPT Resolution 1999-605 accepting a road easement executed by Sterling Road Retail Sites, Inc. and Cooper City No. 1, L.C., donating right-of-way at the northwest corner of Stirling Road and Pine Island Road.

ACTION: (A-525) Approved.

B. MOTION TO ADOPT Resolution 1999-606 accepting a road easement executed by The City of Cooper City, donating right-of-way at the northwest corner of Stirling Road and Pine Island Road.

ACTION: (A-525) Approved.

6. MOTION TO APPROVE agreement among Broward County, Sterling Road Retail Sites, Inc., and Cooper City No.1, L.C. for installation of required offsite improvements (at no cost to the County) relating to the Country Address Plat (171- CP-79); and authorize the Chair and Clerk to execute same.

ACTION: (A-525) Approved.

7. A. MOTION TO ADOPT Resolution accepting a drainage, flowage and storage retention easement executed by General Charter Corporation and Hawks Landing Property Owners Association, Inc., donating said easement for Hiatus Road drainage. Said easement is located on the east side of Hiatus Road and connects into a lake system at three points, approximately 900 feet, 1,500 feet and 2,450 feet south of Broward Boulevard.

ACTION: (A-525) Deferred at the request of the County Administrator.

B. MOTION TO APPROVE agreement among Broward County, General Charter Corporation and Hawks Landing Property Owners Association for joint participation in the improvement of Hiatus Road, from I-595 to Broward Boulevard, Project 5143; at no recurring cost to the County, but with a payment of \$85,556 to General Charter Corporation; and authorize the Chair and Clerk to execute same.

ACTION: (A-525) Deferred at the request of the County Administrator.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT

ACCOUNTING DIVISION

8. MOTION TO APPROVE business travel for County employees in accordance with Administrative Order 105.

ACTION: (A-525) Approved.

9. MOTION TO APPROVE check lists issued from January 1, 1999 through January 31, 1999 in accordance with Florida Statute 136.06.

ACTION: (A-525) Approved.

COUNTY RECORDS DIVISION

10. MOTION TO APPROVE FOR FILING supplemental papers pertaining to the plats and other items listed below that were approved in prior years.

ACTION: (A-525) Approved.

PURCHASING DIVISION

For Aviation Department

11. MOTION TO APPROVE increase in the change order allowance in the amount of \$21,309 from \$15,221 (5%) to \$36,530.00, which is 12% of the original contract amount of \$304,422.39 for Contract No. P-03-98-056-CF with Ampco Electric, Inc., for VASI Replacement Program at Fort Lauderdale-Hollywood International Airport (FLL) and North Perry Airport (HWO).

ACTION: (A-525) Approved.

For Community Services Department

12. A. MOTION TO AWARD fixed contract to the low bidder Homestead Concrete and Drainage, Inc. for construction of a Concession Building at North Broward Park, (Bid No. P-1-99-015-CF), in the amount of \$137,578 for the Parks and Recreation Division, subject to receipt and acceptance of Insurance/Performance and Payment Guaranty, and authorize the Chair and Clerk to execute same.

ACTION: (A-690) Approved.

B. MOTION TO APPROVE 10% change order contingency to cover unanticipated electrical

requirements.

ACTION: (A-690) Approved.

For Public Works Department

13. MOTION TO APPROVE limitation of competition for contract No. P-1-99-010-CF, Bid Package E, Dewatering, Scrubber and Generator Improvements at the North Regional Wastewater Treatment Plant (NRWWTP), for: Belt Press Equipment, estimated cost of \$750,000 to specify only Andritz, Inc. and Sernagiotto, Inc. ; Electrical Generator Equipment, estimated cost of \$300,000 to specify only Caterpillar, Inc. and Detroit Diesel, Inc.; Paralleling of Existing Generator Equipment, estimated cost of \$30,000 to sole source vendor, Electrical Contractors, Inc., for the Environmental Operations Division

ACTION: (A-525) Approved.

RISK MANAGEMENT DIVISION

14. MOTION TO AUTHORIZE full and final settlement of claim No. BBT/032499TRUI in the amount of \$20,000.

ACTION: (A-525) Approved.

HUMAN SERVICES DEPARTMENT

ALCOHOL AND DRUG ABUSE SERVICES DIVISION

15. A. MOTION TO ADOPT budget Resolution 1999-607 transferring funds within the General Fund for the Alcohol and Drug Abuse Services Division in the amount of \$241,647 for the purpose of funding the Fiscal Year 1999 employee compensation increases. This is the annual mid-year adjustment to account for the difference between the State Fiscal Year and the County Fiscal Year.

ACTION: (A-525) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 1999-608 within the Grant Fund for the Alcohol and Drug Abuse Services Division in the amount of \$241,647 for the purpose of funding the Fiscal Year 1999 employee compensation increases.

ACTION: (A-525) Approved.

16. MOTION TO ADOPT unanticipated revenue Resolution 1999-609 within the Grant Fund for the

Alcohol and Drug Abuse Services Division in the amount of \$16,558 for computer hardware from fines collected by the Courts for miscellaneous drug charges. No County funds are required.

ACTION: (A-525) Approved.

HEALTHCARE MANAGEMENT DIVISION

17. MOTION TO APPROVE Agreement FHK-99 between Broward County and Florida Healthy Kids Corporation from the date of execution to September 30, 1999, in the amount of \$400,000 for the purpose of funding comprehensive health care services for disadvantaged school age children, and authorize the Chair and Clerk to execute same. Funds are provided through the Broward County Health Care Management Division's budget through the General Fund and have been allocated and approved for Fiscal Year 1999.

ACTION: (A-525) Approved.

COMMUNITY SERVICES DEPARTMENT

LIBRARIES DIVISION

18. A. MOTION TO FILE unaudited annual financial statement dated March 17, 1999, submitted by the Friends of the Broward County Library, Inc., for the period October 1, 1997 to September 30, 1998 as provided for in the revocable license agreement between Broward County and the Friends of the Broward County Library, Inc., relating to operation of a gift shop at the Main Library.

ACTION: (A-525) Approved.

B. MOTION TO FILE unaudited annual financial statement dated March 17, 1999, submitted by the Friends of the Broward County Library, Inc. for the period October 1, 1997 to September 30, 1998 as provided for in the second amendment to the revocable license agreement between Broward County and the Friends of the Broward County Library, Inc. for placement of

photocopy machines in libraries.

ACTION: (A-525) Approved.

PARKS AND RECREATION DIVISION

19. MOTION TO ADOPT Resolution 1999-610 of the Board of County Commissioners of Broward County, Florida, authorizing the Chair to sign statutory County Quitclaim Deed conveying certain lands, seven acres, described in such deed to the City of Weston, as a public park site, pursuant to certain conditions; providing for severability; and providing for an effective date.

ACTION: (A-525) Approved.

20. MOTION TO ADOPT Resolution 1999-611 of the Board of County Commissioners of Broward County, Florida, authorizing the County Administrator to make application for a \$297,000 grant under the Florida Inland Navigation District Waterways Assistance Program for a project entitled "Secret Woods Nature Center Exhibit Building Improvement, Phase II", for a total project cost of \$396,000; providing for an effective date; and authorize the County Administrator to take the necessary administrative and budgetary actions to execute the grant. (The \$297,000 grant request requires a 25% County match, \$99,000, for a total project cost of \$396,000; the County match to be identified in the proposed Fiscal Year 2000 Capital Budget.)

ACTION: (A-525) Approved.

DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION

LAND USE AND PERMIT DIVISION

21. A. MOTION TO APPROVE Cooperative Agreement with the EPA in the amount of \$10,000 for a Special Purpose Grant which is a new award called Common Sense Initiative - Metal Finishing Sector in Broward County, Florida, and authorize the Chair and Clerk to execute same, and authorize the County Administrator to make the necessary administrative and budgetary actions to execute the grant.

ACTION: (A-525) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 1999-612 within the Grant Fund Department of Planning & Environmental Protection (DPEP) in the amount of \$10,000 to recognize a grant from the Environmental Protection Agency (EPA). The federal share of the grant is \$10,000 and the County match is zero.

ACTION: (A-525) Approved.

DEPARTMENT OF SAFETY AND EMERGENCY SERVICES

FIRE RESCUE DIVISION

22. MOTION TO APPROVE First Amendment to Interlocal Agreement between Broward County and the City of Weston providing for delivery of emergency medical and fire protection services by Broward County within the respective Municipal Service Benefit Units through September 30, 2000, authorizing a second Advanced Life Support (ALS) rescue/transport unit in the City at a cost of \$713,679 for Fiscal Year 1998-99 of which City shall pay 28% and crediting City \$100,000 towards City's portion due to costs of the second ALS rescue/transport unit, providing for the conveyance by County to City of existing fire station property located at 2500 Windmill Ranch Road, and authorize the Chair and Clerk to execute same.

ACTION: (A-525) Approved.

BUILDING CODE SERVICES DIVISION

23. MOTION TO ADOPT budget Resolution 1999-613 transferring within the 003/030/5200 Building and Permitting Fund the amount of \$25,000 from the Building and Permitting Reserve Fund for attendance by the Director, Building Official, Assistant Building Officials, Plans Examiners/Inspectors and key personnel to attend mandatory educational conferences and automation seminars for the balance of Fiscal Year 1999, and enable the Director to continue to participate in monthly meetings of the Governor's Building Code Commission.

ACTION: (A-525) Approved.

24. MOTION TO APPROVE interlocal agreement between Broward County and the Town of Davie to provide the Town of Davie, South Florida Building Code inspection/plan review services to be performed by the Broward County Building and Permitting Division from April 21, 1999 to April 20, 2001, and authorize the Chair and Clerk to execute same.

ACTION: (A-525) Approved.

PORT EVERGLADES DEPARTMENT

25. MOTION TO APPROVE Port Everglades Taxi/Limo/Bus Service Business Permits between Broward County, Florida and ACC Tours, Inc.; and A Cobblestone Limousine Service, Inc., respectively, in accordance with Chapter 32 of the Broward County Administrative Code, effective from the date of approval, with an expiration date of December 31, 1999, and authorize the Chair and Clerk to execute same.

ACTION: (A-525) Approved.

26. MOTION TO APPROVE lease agreement between Broward County and MG Productions of South Florida, Inc. for use of 4.5 acres of land as a parking lot on Saturday, May 1, 1999, and authorize the Chair and Clerk to execute same.

ACTION: (A-525) Approved.

27. MOTION TO ADOPT Resolution 1999-614 for a waiver of dockage fees in an amount not to exceed \$32,000 from April 29 through May 4, 1999 for the participation of the Navy's USS BATAAN and the Coast Guard's USCG MONHEGAN in the 1999 Air & Sea Show; providing for severability, and providing for an effective date.

ACTION: (A-525) Approved.

COUNTY ATTORNEY

28. MOTION TO AUTHORIZE the Chair and Clerk to execute and deliver a Satisfaction of Mortgage for a certain Mortgage Deed executed by Pearlie B. Pughsley to Broward County for the purpose of posting a Property Bond in the case of State of Florida v. Willie Fulton a/k/a Willie Pughsley, Seventeenth Circuit Court Case No. 90-21044CF10A.

ACTION: (A-525) Approved.

COUNTY COMMISSION

29. MOTION TO FILE letter from Broward County Municipal Services Advisory Board dated April 9, 1999. (Chair)

ACTION: (A-525) Approved.

30. MOTION TO FILE School Board of Broward County, Florida's Resolution No. 99-52, dated April 6, 1999, entitled

RESOLUTION IN OPPOSITION OF HB 1953, AN ACT RELATING TO SCHOOL IMPACT FEES.

(Chair)

ACTION: (A-525) Approved.

31. MOTION TO FILE Downtown Development Authority's Resolution No. 04-01-99, dated April 8, 1999, entitled

A RESOLUTION OF THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENCOURAGING THE BROWARD COUNTY COMMISSIONERS TO CONTINUE TO OWN AND OCCUPY ITS BUILDING - THE BROWARD COUNTY GOVERNMENTAL CENTER - LOCATED AT 115 SOUTH ANDREWS AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Chair)

ACTION: (A-525) Approved.

REQUEST TO SET FOR PUBLIC HEARING

32. MOTION TO ADOPT Resolution 1999-615 authorizing a Public Hearing to exchange County property to be held Tuesday, May 11, 1999 at 2:00 p.m. in Room 422 of the Governmental Center, and directing the County Administrator to publish Notice of Exchange of County property for property

owned by Lennar Land Partners, a Florida General Partnership, as provided in Section 125.37, Florida Statutes. (Parcel 99-4)

ACTION: (A-525) Approved.

REGULAR AGENDA

COUNTY ADMINISTRATOR'S REPORT

33. Hermino Lorenzo, Chief, Fire Rescue, gave a report on the fires currently burning in the Everglades.

ACTION: (A-713) No action taken.

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

34. DISCUSSION: of plat entitled "Falls at Marina Bay" - District 6, (057-MP-98).

ACTION: (A-938) Approved subject to staff's recommendations.

35. DELEGATION: Ralph D. Denuzzio regarding request to amend the note on the "D" and "R" Plat (091-MP-90).

ACTION: (A-958) Approved subject to staff's recommendations.

36. DELEGATION: Roger Maki regarding request to revise the note on the Kingdom Hall of Jehovah's Witnesses Plat (022-MP-98).

ACTION: (A-985) Approved subject to staff's recommendations.

37. DELEGATION: Robert B. Lochrie regarding request to amend the note on the Turtle Run Plat (109-MP-86).

ACTION: (A-1010) Approved subject to staff's recommendations.

38. DELEGATION: Richard G. Coker regarding request to amend the note on the Westport Business Park, Parcels A & B, Plat (028-MP-89).

ACTION: (A-525) Deferred to November 30, 1999 or sooner, under Section 5-181(i) of the Land Development Code, to study regional road concurrency.

39. DELEGATION: Kenneth Baye regarding request to amend the note on the ICW North Plat (008-MP-96).

ACTION: (A-525) Deferred to November 30, 1999 or sooner, under Section 5-181(i) of the Land Development Code, to study regional road concurrency.

40. DELEGATION: Elizabeth Pulice regarding request to modify the plat boundary on the Barclay Hollywood Plat (078-MP-97).

ACTION: (A-1078) Approved subject to staff's recommendations.

41. DELEGATION: Gustavo X. Aguirre regarding request to change from sewers to septic tanks for the Miele-Simonson Estates Plat (018-MP-97).

ACTION: (A-1102) Deferred for up to 35 days to study the issues with respect to the connections to sewer versus septic tank. Commissioner Parrish requested staff to research the legal issues of the Burt J. Harris Act with respect to a plat in progress.

42. DELEGATION: Gustavo X. Aguirre regarding request to delete impact fee requirements for two existing single family residences within the Miele-Simonson Estates Plat (018-MP-97).

ACTION: (A-1555) Approved staff's recommendation of denial.

43. DELEGATION: Thomas Lira, representing the City of Coconut Creek, regarding request for waiver of road impact fees for the Banyan Trails Plat (084-MP-90).

ACTION: (A-1701) Approved.

44. DELEGATION: Rosana Cordova, representing the City of Pembroke Pines, regarding MOTION TO APPROVE agreement between Broward County and the City of Pembroke Pines relating to issuance of building permits while platting is in progress for the Big Sky North Residential Plat (010-MP-98). (Deferred from April 6, 1999)

ACTION: (A-1724) Approved.

45. DELEGATION: Charlie C. Winningham regarding request to revise the non- vehicular access line on the Spielman-Margolis Replat Plat (006-MP-96).

ACTION: (A-525) Deferred to May 18, 1999 at the applicant's request.

END OF QUASI-JUDICIAL HEARING

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT

ACCOUNTING DIVISION

46. MOTION TO APPROVE travel for County employees on the attached list, in accordance with Administrative Order 105.

ACTION: (A-1758) Approved as amended per staff's addendum.

HUMAN SERVICES DEPARTMENT

47. MOTION TO FILE Response to Commission Auditor's Report concerning the Broward Partnership For the Homeless, Inc., (BPHI).

ACTION: (A-1774) The Board filed the report and directed that Commissioner Rodstrom, as district representative, meet as a negotiator to try and resolve the issues between county staff and the Homeless Assistance Center Board, and address the concerns of the commissioners on various issues.

REQUEST TO SET FOR PUBLIC HEARING

48. A. MOTION TO WAIVE by a majority plus one vote, the Public Hearing after 5:00 p.m. for a rezoning ordinance as required by Section 125.66(4), Florida Statutes.

ACTION: (A-525) Deferred at the request of the County Attorney.

B. MOTION TO ADOPT Resolution setting a Public Hearing on Tuesday, May 11, 1999 at 2:00 p.m. in Room 422 of the Governmental Center to enact an ordinance changing the Zoning District of certain lands within the Unincorporated Area of Broward County, Florida.

ACTION: (A-525) Deferred at the request of the County Attorney.

This is required by Section 125.66(4), Florida Statutes. In order to schedule the Public Hearing at 2:00 p.m., the Board of County Commissioners must approve this proposed resolution by a majority plus one vote. The May 11, 1999 Public Hearing is to be a Quasi-Judicial Public Hearing.

REZONING PETITION 3-Z-99

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 12, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA; FROM B-2A, PLANNED BUSINESS CENTER DISTRICT, TO B-2, COMMUNITY BUSINESS DISTRICT; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL REZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HERewith; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

49. A. MOTION TO WAIVE by a majority plus one vote, the public hearing after 5:00 p.m. for a rezoning ordinance as required by Section 125.66(4), Florida Statutes.

ACTION: (A-525) Deferred at the request of the County Attorney.

B. MOTION TO ADOPT Resolution setting a Public Hearing on Tuesday, May 11, 1999 at 2:00 p.m. in Room 422 of the Governmental Center to enact an ordinance changing the Zoning District of certain lands within the Unincorporated Area of Broward County, Florida.

ACTION: (A-525) Deferred at the request of the County Attorney.

This is required by Section 125.66(4), Florida Statutes. In order to schedule the Public Hearing at 2:00 p.m., the Board of County Commissioners must approve this proposed resolution by a majority plus one vote. The May 11, 1999 Public Hearing is to be Quasi-Judicial Public Hearing.

REZONING PETITION 4-Z-99

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 13, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA; FROM B-2A, PLANNED BUSINESS CENTER DISTRICT, TO B-2, COMMUNITY BUSINESS DISTRICT; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL REZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

50. A. MOTION TO WAIVE by a majority plus one vote, the Public Hearing after 5:00 p.m. for a rezoning ordinance as required by Section 125.66(4), Florida Statutes.

ACTION: (A-525) Deferred at the request of the County Attorney.

B. MOTION TO ADOPT Resolution setting a Public Hearing on Tuesday, May 11, 1999 at 2:00 p.m. in Room 422 of the Governmental Center to enact an ordinance changing the Zoning District of certain lands within the Unincorporated Area of Broward County, Florida.

ACTION: (A-525) Deferred at the request of the County Attorney.

This is required by Section 125.66(4), Florida Statutes. In order to schedule the Public Hearing at 2:00 p.m., the Board of County Commissioners must approve this proposed resolution by a majority plus one vote. The May 11, 1999 Public Hearing is to be a Quasi-Judicial Public Hearing.

REZONING PETITION 6-Z-99

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY,

FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 13, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA; FROM B-2A, PLANNED BUSINESS CENTER DISTRICT, TO B-2, COMMUNITY BUSINESS DISTRICT; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL REZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

51. A. MOTION TO WAIVE by a majority plus one vote, the Public Hearing after 5:00 p.m. for a rezoning ordinance as required by Section 125.66(4), Florida Statutes.

ACTION: (A-525) Deferred at the request of the County Attorney.

B. MOTION TO ADOPT Resolution setting a Public Hearing on Tuesday, May 11, 1999 at 2:00 p.m. in Room 422 of the Governmental Center to enact an ordinance changing the Zoning District of certain lands within the Unincorporated Area of Broward County, Florida.

ACTION: (A-525) Deferred at the request of the County Attorney.

This is required by Section 125.66(4), Florida Statutes. In order to schedule the Public Hearing at 2:00 p.m., the Board of County Commissioners must approve this proposed resolution by a majority plus one vote. The May 11, 1999 Public Hearing is to be a Quasi-Judicial Public Hearing.

REZONING PETITION 8-Z-99

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 14, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA; FROM B-2A, PLANNED BUSINESS CENTER DISTRICT, TO B-2, COMMUNITY BUSINESS DISTRICT; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL REZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

COUNTY ATTORNEY

52. MOTION TO APPROVE settlement agreement and general release as full and complete resolution of a federal action styled O'Hara v. Broward County, Case No. 97-6744-CIV-DAVIS, attendant with dismissal of the action with prejudice, and authorize the Chair and Clerk to execute same.

ACTION: (A-4650) Approved.

53. MOTION TO APPROVE 38 agreements for legal representation of indigents and/or juveniles and to approve fee schedules adopted by the Conflict Committee in the areas of Life Felonies as classified by Section 775.081, Florida Statutes; Non- Capital Felonies; Misdemeanors (Including Traffic); Dependency; Mental Health; Guardian Ad Litem; and Juvenile Delinquency between Broward County and the attorneys on the attached list, and authorize the Chair to execute same.

ACTION: (A-4660) Approved as amended with the inclusion, at a later date, of any further applicants approved by the committee.

COUNTY COMMISSION

54. A. MOTION TO ADOPT a Resolution amending the Broward County Administrative Code, the title of which is as follows: (Deferred from April 6, 1999, Item 78) (Substitute motion - April 20, 1999)

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, REQUIRING THAT CERTAIN ACTIONS TO BE TAKEN BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY BE APPROVED BY AN EXTRAORDINARY VOTE; PROVIDING FOR INCLUSION IN THE ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Exhibit 1)

(Chair)

ACTION: (A-5035) No action taken.

B. MOTION TO ADOPT Resolution 1999-616 amending the Broward County Administrative Code, the title of which is as follows: (Deferred from April 6, 1999, Item 78) (Substitute motion - April 20, 1999)

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 6, SUBSECTION 6.3.P., OF THE BROWARD COUNTY ADMINISTRATIVE CODE; REQUIRING AN EXTRAORDINARY VOTE WHEN THE PROPOSED PURCHASE PRICE OF REAL PROPERTY EXCEEDS THE AVERAGE OF THE APPRAISALS BY MORE THAN TEN (10) PERCENT; PROVIDING FOR INCLUSION IN THE ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Exhibit 2)

(Chair)

ACTION: (A-5035) Approved.

55. DISCUSSION of Lake County Board of County Commissioners Resolution No.. 1999-46, dated March 15, 1999. (Chair)

ACTION: (A-5012) There were no objections to this resolution.

SUPPLEMENTAL AGENDA

56. MOTION TO FILE letter from Manatee County Board of County Commissioners dated April 8, 1999. (Chair)

ACTION: (A-525) Approved.

57. MOTION TO FILE School Board of Broward County, Florida's Resolution No. 99- 53, dated April 6, 1999, entitled:

RESOLUTION IN SUPPORT OF APRIL 13, 1999 AS A DAY OF UNIVERSAL REFLECTION.

(Chair)

ACTION: (A-525) Approved.

NON AGENDA

58. PROCLAMATION - Commissioner Rodstrom read into the record a proclamation designating Thursday, April 22, 1999 as Broward County Transit Day.

ACTION: (A-55) Michael Scanlon, Director, Mass Transit Division, accepted the proclamation on behalf of the men, women and children who collectively take about 80,000 rides each and every weekday in Broward County, and on behalf of more than 700 men and women who work diligently to provide those rides. Mr. Scanlon invited the commissioners to attend the division celebrations on Earth Day, Thursday, April 22, remarking that the tie between public transportation and protecting the environment is the message they want to promote.

59. PRESENTATION: Michael Scanlon, Director, Mass Transit Division, requested the commissioners join him in presenting a plaque to the Driver of the Year, Robert Simmons, who has been with the county since August 1975; has been named operator of the month on three separate occasions, 1982, 1991, and 1998, and has 23 years of safe driving without a chargeable accident.

ACTION: (A-130) Mr. Simmons accepted the plaque and was congratulated by the commissioners.

60. PROCLAMATION: Commissioner Lieberman read into the record a proclamation designating the week of April 25 to May 1, 1999 as Crime Victim's Rights Week.

ACTION: (A-275) Terry Speiser accepted the proclamation for Martha Patton and was congratulated by the Board.

61. PROCLAMATION: Commissioner Jacobs read into the record a proclamation designating Saturday, April 24, 1999 as March of Dimes WalkAmerica for Healthier Babies Day.

ACTION: (A-388) Linda Landers, Community Director for the March of Dimes, accepted the proclamation and thanked the county commission and the Broward County employees for their

continued support. Jack Burrie, Team Captain for Broward County government employees, invited all present to attend the walk.

62. DISCUSSION: Commissioner Parrish commented on a response from Deputy County Attorney Noel Pfeffer on filing the Broward Community College Foundation's Annual Report. Commissioner Parrish commented on a situation where the family of a student, who has received a scholarship, moves from the area before completion of schooling, and asked if there is a way that when a scholarship is awarded, the student could have the money for scholarship at that time.

ACTION: (A-5844) Commissioner Parrish asked staff to review the possibility of including a provision to handle this type situation.

63. DISCUSSION: Commissioner Rodstrom remarked that earlier in the day there was a motion made to defer an item and the Chair cut off the discussion advising that it was non-debatable. He referenced Roberts Rules of Order, which indicates that motions to defer are debatable as it relates to the motion itself.

ACTION: (A-5940) The Chair reiterated that when there is a motion and a second to defer an item the only debate will be whether or not to defer.

64. DISCUSSION: Commissioner Rodstrom referenced an opinion from the County Attorney's Office regarding the purchase order of MWI. The recommendation was that the Board rescind the purchase order and rebid. Commissioner Rodstrom stated that his recommendation would be to accept the County Attorney's opinion and instruct staff to move toward the rebid process.

ACTION: (A-6282) Approved rebidding this item.

65. DISCUSSION: Commissioner Rodstrom commented on the instances where a builder may be constructing numerous homes that are all identical. Under the county's process the builder has to have the plans approved for each home, and he thinks that is an inordinate amount of waste of staff time and it costs the builder more to build the home. He suggested having a master plan for each home providing that the same plans are used. The Chair advised that this was brought up at a prior time, and staff is working on this issue.

ACTION: (A-6304) No action necessary at this time.

66. DISCUSSION: Commissioner Jacobs expressed her displeasure with the contents of a letter from Senator Walter "Skip" Campbell, on House Bill 1573 - Annexation - North Broward Unincorporated Area, implying that the county did not provide information to the cities.

ACTION: (A-6459) No action taken at this time.

67. DISCUSSION: Commissioner Gunzburger suggested sending messages to the delegation that the intangible tax cut has been passed without a hold harmless provision and it will cost all the counties \$106 million. Also, the Florida Revenue Sharing Act of 1972 is going to be cut out completely. For Fiscal Year 1999-2000, Broward County stands to lose \$7,831,182. She suggested sending letters to the delegation, and the county's lobbyists should be contacted to do whatever can be done to hold the county harmless. On the intangible tax, Commissioner Cowan stated that he would like to know how much is regenerated back into the economy.

ACTION: (A-6639) No action taken at this time.

68. DISCUSSION: Commissioner Lieberman gave an update on her trip to Washington, D.C. with Housing and Urban Development (HUD). She believes that there is an agreement on the issue of customs, and expects to have that within 30 days. Based on last week's discussions, the county will fund \$1.1 million to retain AmeriJet at Fort Lauderdale-Hollywood International Airport. She advised that there is a possibility of three other carriers utilizing FLHIA.

ACTION: (A-6877) No action taken.

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