

# MEETING OF MAY 6, 1997

(The meeting convened at 10:00 a.m. and adjourned at 12:30 p.m.)

PLEDGE OF ALLEGIANCE was led by the Chair.

## CONSENT AGENDA

### PUBLIC WORKS DEPARTMENT

#### REAL PROPERTY SECTION

1. MOTION TO ADOPT Resolution 1997-424 accepting lease for Broward County Health Department (Women, Infants and Children Nutritional Section) at 4101 Ravenswood Road, Building 3, Suites 301, 302, 303, 324, 325 and 326, Dania, Florida for 5,000 square foot at \$11.50 per square foot. Term of Lease: Three years commencing June 1, 1997 and terminating May 31, 2000 with two successive renewal option periods of two years each. Landlord: Airport Commerce Park, Inc., and authorize the Chair and Clerk to execute same. (Deferred from April 29, 1997)

**ACTION: (A-0645) Approved.**

2. MOTION TO ADOPT Resolution 1997-425 accepting lease for Human Resources/Employee Assistance Program, 1317 SE 4th Avenue, Fort Lauderdale, Florida; 1,373 square feet at \$14.97, per square foot; \$20,553.81, yearly, \$1,712.82, monthly; Term of Lease: Three years commencing on the first day of May, 1997 and terminating on the 30th day of April, 2000 with two successive renewal option periods of one year each; Landlord: Marc H. Gold and Barbara A. Gold; and authorize the Chair and Clerk to execute same.

**ACTION: (A-0645) Approved.**

3. MOTION TO APPROVE contract for sale and purchase executed by Jacqueline Gates, personal representative for Murline Gates, in the amount of \$8,500 for the purchase of Parcel 5, Franklin Park Enhancement Project; authorize the Chair and Clerk to execute contract for sale and purchase; and authorize acceptance and recordation of deed.

**ACTION: (A-0645) Approved.**

### OFFICE OF ENVIRONMENTAL SERVICES

#### ENVIRONMENTAL ENGINEERING

## **DIVISION**

4. A. MOTION TO APPROVE Joint Participation Agreement (JPA) between the State of Florida, Department of Transportation (FDOT) and Broward County for improvements to the Blue Lake drainage ditch and the Chula Vista Canal (FDOT Job No.: 86000-3508). The total cost of the project including a 15% contingency is estimated at \$3.8M, with FDOT participating in the amount of \$1,000,000.

**ACTION: (A-0645) Approved.**

B. MOTION TO ADOPT unanticipated revenue Resolution 1997-426 within the Unincorporated Capital Fund for the Office of Environmental Services in the amount of \$1,000,000 for recording the FDOT contribution toward Blue Lake and Chula Vista Canal improvements. (BCOES Project No. 1144/8405 - Riverland Village and Chula Vista Improvements)

**ACTION: (A-0645) Approved.**

## **FISCAL OPERATIONS DIVISION**

5. MOTION TO APPROVE AND EXECUTE Satisfactions of Claim of Lien to release liens recorded for unpaid water and/or sewer charges.

**ACTION: (A-0645) Approved.**

**FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT**

## **COUNTY RECORDS DIVISION**

6. MOTION TO APPROVE minutes of the 10:00 a.m. Board of County Commission meetings of February 25, 1997 and March 25, 1997; and the minutes of the 2:00 p.m. Public Hearing of February 25, 1997.

**ACTION: (A-0645) Approved.**

## **PURCHASING DIVISION**

For Community Services Department

7. MOTION TO AWARD open-end contract to low bidder, Group 1, Jerry's Caterers for Summer Food Service Program (No. G-02-97-03-12), in the approximate amount of \$160,299.75, for the Parks and Recreation Division, subject to receipt and acceptance of performance and payment guaranty. The initial contract period shall start after acceptance of performance and payment guaranty and shall terminate

September 15, 1997.

## **ACTION: (A-0645) Approved.**

For Port Everglades Department

8. MOTION TO APPROVE change in Board standardization, sole brand/sole source procurement of Seibu Ship Fendering Systems manufactured by Seibu Polymer Corporation from Mitsubishi International Corporation to Kinsho-Mataishi Corporation.

## **ACTION: (A-0645) Approved.**

For Public Works Department

9. MOTION TO APPROVE sole source procurement of electric cars from Transportation Design and Manufacturing, Inc. in the amount of \$128,000 for the Energy Management Division, and authorize the Chair and Clerk to execute same.

## **ACTION: (A-0645) Approved.**

10. MOTION TO APPROVE first amendment to Work Authorization No. 1 between Broward County and High Point for construction monitoring and claims avoidance consultant services in accordance with the Broward County Claims Consultant Services Library, approved by the Board of County Commissioners on April 11, 1995; increasing the amount by \$19,703.10, from \$70,690.63, to \$90,393.73, with no change in time limit (547 days); and authorize the Chair and Clerk to execute same. (Engineering Division Project 5081, Improvement of Broward Boulevard from Nob Hill to Pine Island Road)

## **ACTION: (A-0645) Approved.**

## **REVENUE COLLECTION DIVISION**

11. MOTION TO AUTHORIZE Chair and Clerk to execute and deliver Quit Claim Deed from Broward County to Ruthie Payton Newkirk and Willie James Newkirk, regarding property previously posted as a criminal property bond in Broward County Circuit Court, Case No 82-7008 CF-B. (Defendant: Jeffrey Newkirk)

*ACTION: (A-0672) Deferred to May 13, 1997 for additional information.*

12. MOTION TO ACKNOWLEDGE Receipt of Notice of Lands Available for Taxes submitted per Florida Statutes 197.502(7) and 12D-13.064(1)(2)(3).

## **ACTION: (A-0645) Approved.**

# **RISK MANAGEMENT DIVISION**

13. MOTION TO AUTHORIZE full and final settlement of Workers' Compensation Claim No. 93 WC 0398RS in the amount of \$32,000.

**ACTION: (A-0645) Approved.**

# **COMMUNITY SERVICES DEPARTMENT**

## **ANIMAL CARE AND REGULATION DIVISION**

14. MOTION TO APPROVE agreement between Broward County and Hollywood Animal Hospital, P.A. in the amount of \$10,000 for the purchase of injured animal radiology services and emergency medical and surgical treatment for the period May 1, 1997 to September 30, 1998, and authorize the Chair and Clerk to execute same.

*ACTION: (A-0645) Approved, as amended, correction of dollar amount.*

# **LIBRARIES DIVISION**

15. MOTION TO ADOPT unanticipated revenue Resolution within the General Capital Outlay Fund for the Libraries Division in the amount of \$11,525 for the receipt of an insurance settlement for water damage to the Main Library.

*ACTION: (A-0687) Deferred to May 13, 1997 for further staff review.*

16. MOTION TO APPROVE grant application to the Florida Humanities Council in the amount of \$46,000 for the development of a two-day historic Florida literary seminar for the period August 1, 1997 through July 31, 1998, and authorize the County Administrator to take the necessary administrative and budgetary actions to execute the grant (the total combined match is \$26,000 which consist of a \$7,000 cash match from the Bienes Center's Special Collections and Rare Book Library programming budget [funded by the Broward Public Library Foundation] and a \$19,000 County in-kind match).

*ACTION: (A-0692) Approved. Library Division requested to include the Broward County Historical Commission in the participation of this item.*

# **DEPARTMENT OF NATURAL RESOURCE PROTECTION**

17. MOTION TO APPROVE settlement agreements between Broward County and the listed respondents for violations of Broward County Code of Ordinances for Department of Natural Resource Protection. The Respondents were cited for violations of the Broward County Code of Ordinances for the attached violations and have agreed to pay Broward County for the penalties in full:

A. Chemical Conservation Corporation

B. City of Fort Lauderdale and Molloy Brothers, Inc.

C. Florida Department of Transportation; Mayo Engineering & Contracting, Inc.; and C.S.I. Tree Division, Inc.

D. Gardens By The Sea Condominium Association North and B & L Landscaping & Tree Service

*ACTION: (A-0645) Approved, as amended, correction of dollar amount. (Commissioner Parrish acknowledged Tom McDonald for saving the county 18,900 sq. ft. of tree canopy, as well as the county receiving \$25,253 in fines, by calling the county and reporting the illegal removal of trees.)*

## **BIOLOGICAL RESOURCES DIVISION**

18. MOTION TO APPROVE disbursement of \$32,134 from the Tree Preservation Trust Fund for the planting of trees along the major entryways of the Rock Island neighborhood of Unincorporated Broward County, for the Biological Resources Division.

**ACTION: (A-0645) Approved.**

## **DEPARTMENT OF STRATEGIC PLANNING & GROWTH MANAGEMENT**

### **COMMUNITY DEVELOPMENT DIVISION**

19. MOTION TO APPROVE first amendment to agreement between Broward County and Davis Financial Corporation requesting a ten-month extension to the term of agreement from May 31, 1997 to March 31, 1998 for the State Housing Initiatives Partnership (SHIP) Program with no change to the original funding allocation of \$125,000.00, and authorize the Chair and Clerk to execute same.

**ACTION: (A-0645) Approved.**

20. MOTION TO APPROVE first amendment to agreement between Broward County and Temple Messianique Child Care Center and Kindergarten requesting a line item change to the budget for the Healthy Children Project, with no change to the original funding allocation of \$202,800 or term of agreement, and authorize the Chair and Clerk to execute same.

*ACTION: (A-0645) Withdrawn. Additional information regarding the amended budget is needed.*

## **PORT EVERGLADES DEPARTMENT**

21. MOTION TO ADOPT Resolution 1997-427 waiving dockage charges in the amount of \$11,988.00 for the vessel Lady Kimberly during her preparation and lay-in period of April 17 through May 10, 1997, prior to being sunk as an artificial reef.

**ACTION: (A-0645) Approved.**

## **OFFICE OF BUDGET AND MANAGEMENT POLICY**

22. MOTION TO APPROVE business travel and trips in accordance with Administrative Order 105.

**ACTION: (A-0645) Approved.**

23. MOTION TO ADOPT budget Resolution 1997-428 within the General Fund in the amount of \$446,000 for the Broward Sheriff's Office to fund recruitment costs for staffing of the new North Broward Detention Facility.

**ACTION: (A-0645) Approved.**

## **OFFICE OF EQUAL OPPORTUNITY**

24. MOTION TO APPROVE Modification No. 2 to the Federal Employment Practice (FEP) Agency Contract between Broward County on behalf of the Human Rights Division and the Miami District Office of the Equal Employment Opportunity Commission (EEOC) to extend contract performance for a period of 12 months commencing October 1, 1996 and increasing the total contract amount by \$134,300 to a new total of \$289,700.00, and authorize the Chair and Clerk to execute same.

**ACTION: (A-0645) Approved.**

## **GREATER FORT LAUDERDALE**

## **CONVENTION & VISITORS BUREAU**

25. MOTION TO APPROVE Second Amendment to Agreement between Broward County and Mangum Management GMBH for marketing, sales, advertising, public relations, publicity and consulting services in Germany, Switzerland and Austria.

*ACTION: (A-0645) Withdrawn, item not necessary.*

## **COUNTY ATTORNEY**

26. MOTION TO APPROVE full settlement of all attorney's fees and costs for Parcel No. 6 in the amount of \$3,500 in the case of Broward County v. Prairie Realty, et. al., Case No. 97-02215.21, Douglas Road Expansion Project 5116.

**ACTION: (A-0645) Approved.**

## **COUNTY ADMINISTRATOR**

27. MOTION TO ADOPT Resolution 1997-429 conveying surplus real property on Powerline Road to the City of Pompano Beach.

**ACTION: (A-0645) Approved.**

## **BOARD APPOINTMENTS**

28. MOTION TO APPROVE appointment of Ms. Alfreda Burgess-Cole to the Broward County Board of Rules and Appeals. (Commissioner Poitier)

*ACTION: (A-0645) Withdrawn, appointment by another Commissioner needed.*

29. MOTION TO APPROVE appointment of Mr. William A. Pratt to the Broward County Board of Rules and Appeals. (Commissioner Poitier)

**ACTION: (A-0645) Approved.**

30. MOTION TO NOTE FOR THE RECORD that the vacant position on the Broward Regional Health Planning Council for County Commission District 4 should represent the "consumer" category, rather than the "provider" category.

**ACTION: (A-0645) Approved.**

31. MOTION TO APPROVE appointment of Mr. Sidney Permisson to the Broward Regional Health Planning Council in the category of Consumer. Mr. Permisson fills an existing vacancy. (Commissioner Cowan)

**ACTION: (A-0645) Approved.**

32. MOTION TO APPROVE appointment of Mr. David H. Roepnack to the Broward County Central Examining Board of General and Specialty Building Contractors. (Commissioner Abramowitz)

**ACTION: (A-0645) Approved.**

33. MOTION TO APPROVE appointment of Mr. Joseph Ditto to a position on the Central Examining Board of Liquefied Petroleum Gas Contractors. Mr. Ditto will fill a vacant position on the Board. (Commissioner Rodstrom)

**ACTION: (A-0645) Approved.**

## **REQUEST TO SET FOR PUBLIC HEARING**

34. MOTION TO ADOPT Resolution 1997-430 directing the County Administrator to publish notice of public hearing to be held on Tuesday, May 27, 1997 at 2:00 p.m. in Room 422 of the Governmental Center to consider adoption of a proposed amendment to the 1989 Broward County Comprehensive Plan which would alter the land use designation of the Fort Lauderdale-Hollywood International Airport Development of Regional Impact in the Unincorporated Area, Broward County, and the City of Fort Lauderdale.

**ACTION: (A-0645) Approved.**

## **REGULAR AGENDA**

35. **COUNTY ADMINISTRATOR'S REPORT** - County Administrator B. Jack Osterholt informed the Board there was no report.

Submitted for the record, was the jail report, which is 4,019 (283 over) the cap of 3,736.

*ACTION: (A-0732) No Board action was necessary.*

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## **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. You must be sworn before addressing the Commission, and if you wish to address the Commission, you may be subject to cross-examination. If you refuse to submit to cross-examination, the Commission will not consider what you have said in its final deliberations.

## **DEPARTMENT OF STRATEGIC PLANNING & GROWTH MANAGEMENT**

# DEVELOPMENT MANAGEMENT DIVISION

36. DISCUSSION of plat entitled "Poe's Plat" - District 2, (070-MP-95).

***ACTION: (A-0840) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.***

37. DISCUSSION of plat entitled "Leder Hillsboro Company Limited - Part 2" - District 3, (094-MP-96).

***ACTION: (A-0779) Defer to December 16, 1997 under Section 5-181(i) of the Land Development Code to study access.***

38. DISCUSSION of plat entitled "1065 Hillsboro Mile Plat" - District 2, (053-MP-93).

***ACTION: (A-0861) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.***

39. DISCUSSION of plat entitled "R.M. Green Corporation Plat" - District 3, (051-MP-96).

***ACTION: (A-0875) Approved the plat subject to staff's recommendations as outlined in the Development Review Report, with addendum.***

40. DISCUSSION of plat entitled "Green Farm Plat" - District 3, (050-MP-96). (Deferred from March 4, 1997)

***ACTION: (A-0910) Approved the plat subject to staff's recommendations as outlined in the Development Review Report. (The applicant will deliver deeds for right-of-way for Wiles Road in advance of recording the plat to enable the Engineering Division to begin the road project.)***

41. DISCUSSION of plat entitled "Huntington Section Two School and Park Plat" - District 5, (034-MP-96). (Deferred from April 15, 1997)

***ACTION: (A-0788) Deferred to June 3, 1997 under Section 5-181(i) of the Land Development Code to study consistency with DRI Development Order.***

42. DELEGATION: Elizabeth Pulice regarding request to revise the note on the Golden Plat (094-MP-95).

***ACTION: (A-0974) Approved subject to staff's recommendations, as amended. The applicant will pay the impact fees calculated as of May 6, 1997 for the entire project.***

43. DELEGATION: Robin Banks regarding request to revise the note on the Broward Central Catholic High School Plat (011-UP-95).

***ACTION: (A-0798) Deferred to June 10, 1997 at the applicant's request.***

44. DELEGATION: Chip Bryan regarding request to amend the note on the Wingate Professional Building Plat (167-MP-84).

***ACTION: (A-1235) Approved subject to staff's recommendations.***

45. DELEGATION: Emerson Allsworth regarding request to amend the note on the Blatt Commercial Plat (145-MP-85).

***ACTION: (A-1253) Approved subject to staff's recommendations.***

46. DELEGATION: Mike Whelan regarding request to waive bonding and construction requirements for the Highway Oil 441 Site Plan. (027-SP-96).

***ACTION: (A-1272) Approved subject to staff's recommendations.***

47. DELEGATION: Sandra Truitt regarding request to amend the non-vehicular access line on The Enclave 2nd Section Plat (048-MP-92).

***ACTION: (A-1288) Approved subject to staff's recommendations.***

48. DELEGATION: Lawrence P. Frank regarding request to amend the non-vehicular access line on the Discount Auto Parts No. 535 Subdivision Plat (066-MP-96).

***ACTION: (A-1302) Approved subject to staff's recommendations.***

49. DELEGATION: Gregory Mire regarding request to amend the non-vehicular access line on the Sectors 3 & 4 Boundary Plat (008-UP-89).

***ACTION: (A-1318) Approved subject to staff's recommendations.***

50. DELEGATION: Richard Coker regarding request to amend the non-vehicular access line on the Welleby NW Quadrant Plat (189-MP-80).

***ACTION: (A-1330) Approved subject to staff's recommendations, with addendum.***

51. DELEGATION: Joseph Roles regarding request to amend the non-vehicular access line on the Winston Park Section One Plat (201-MP-85). (Deferred from March 18, 1997)

***ACTION: (A-0778) Deferred to June 17, 1997 under Section 5-181(i) of the Land Development Code to study access.***

52. DELEGATION: James Thiele regarding request to amend the non-vehicular access line on the Pembroke Shores Plat (065-MP-92). (Deferred from April 15, 1997)

***ACTION: (A-1351) Deferred to May 20, 1997 at applicant's request.***

53. DELEGATION: Rosana D. Cordova, Scarborough I Plat (014-MP-83) regarding request to:

A. Amend the non-vehicular access line.

***ACTION: (A-1371) Approved subject to staff's recommendations.***

B. Modify conditions of plat approval

**ACTION: (A-1371) Approved subject to staff's recommendations.**

54. DELEGATION: James Kahn regarding request to amend the non-vehicular access line on the Marina West Parcel A. Plat (027-MP-83). (Deferred from April 15, 1997)

**ACTION: (A-0801) Withdrawn at applicant's request.**

## **END OF QUASI-JUDICIAL HEARING**

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55. DELEGATION: Pastor Robert J. Kachenmeister, Pastor of Seventh Day Adventist Church, Pompano Beach, regarding waiving fee for Church to apply to Board of Adjustment for relief from landscape code requirements. (Commissioner Poitier)

**ACTION: (A-1388) Deferred to May 20, 1997.**

## **CODE AND ZONING ENFORCEMENT DIVISION**

56. 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-2586) Approved.**

B. MOTION TO ADOPT Resolution 1997-431 setting two public hearings on Tuesday, May 27, 1997 at 2:00 p.m. and Tuesday, June 10, 1997 at 2:00 p.m. in Room 422 of the Governmental Center to enact an ordinance amending Chapter 39, Broward County Zoning Code.

**ACTION: (A-2597) Approved.**

This is required by Section 125.66(4), Florida Statutes. In order to schedule the public hearings at 2:00 p.m., the Board of County Commissioners must approve this proposed resolution by a majority plus one vote.

TEXT CHANGE 2-T-97

AN ORDINANCE OF THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS, AMENDING THE BROWARD COUNTY ZONING CODE, SECTION 39-178.1, "HOUSEHOLD PETS," ELIMINATING RESTRICTIONS ON THE PERMITTED NUMBER OF HOUSEHOLD PETS; AMENDING SECTION 39-275, "GENERAL PROVISIONS," DELETING RESTRICTIONS ON THE PERMITTED NUMBER OF HOUSEHOLD PETS IN RESIDENTIAL ZONING DISTRICTS; AMENDING SECTION 39-402, "USES PERMITTED," TO PERMIT AN UNLIMITED NUMBER OF HOUSEHOLD PETS IN AGRICULTURAL DISTRICTS; AMENDING SECTION 39-

537 PROVIDING FOR AN UNLIMITED NUMBER OF HOUSEHOLD PETS AS A PERMITTED USE IN ESTATE DISTRICTS; AMENDING SECTION 39-558, "USES PERMITTED" PROVIDING FOR THE KEEPING OF AN UNLIMITED NUMBER OF HOUSEHOLD PETS AS PERMITTED USE IN AGRICULTURAL ESTATE DISTRICTS; AMENDING SECTION 39-1325, "USES PERMITTED," TO ELIMINATE RESTRICTIONS ON THE NUMBER OF HOUSEHOLD PETS WHICH MAY BE KEPT IN RURAL ESTATES DISTRICTS; AMENDING SECTION 39-1335, "USES PERMITTED," TO ALLOW FOR KEEPING OF AN UNLIMITED NUMBER OF HOUSEHOLD PETS IN RURAL ESTATES DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

57. 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-2628) Approved.**

B. MOTION TO ADOPT Resolution 1997-432 setting two public hearings on Tuesday, May 27, 1997 at 2:00 p.m. and Tuesday, June 10, 1997 at 2:00 p.m. in Room 422 of the Governmental Center to enact an ordinance amending Chapter 39, Broward County Zoning Code.

## **ACTION: (A-2631) Approved.**

This is required by Section 125.66(4), Florida Statutes. In order to schedule the Public Hearings at 2:00 p.m., the Board of County Commissioners must approve this proposed resolution by a majority plus one vote.

TEXT CHANGE 3-T-97

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA; AMENDING CHAPTER 39, BROWARD COUNTY ZONING CODE, BY AMENDING ARTICLE IX, SECTION 39-167 ENTITLED "COUNTY USES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

58. 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-2638) Approved.**

B. MOTION TO ADOPT Resolution 1997-433 setting two public hearings on Tuesday, May 27, 1997 at 2:00 p.m. and Tuesday, June 10, 1997 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 (Rezoning Petition 24-Z-96).

# **ACTION: (A-2644) Approved.**

NOTE: When the item returns before the Board for consideration, staff will provide the Commission with information regarding whether all of the densities in Rezoning Petition 24-Z-96 are density increases or are they being implemented to reflect what presently exists.

This is required by Section 125.66(4), Florida Statutes. In order to schedule the Public Hearings at 2:00 p.m., the Board of County Commissioners must approve this proposed resolution by a majority plus one vote.

## **REZONING PETITION 24-Z-96**

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTIONS 12 AND 13, TOWNSHIP 48 SOUTH, RANGE 42 EAST AND SECTIONS 7 AND 18, TOWNSHIP 48 SOUTH, RANGE 43 EAST FROM R-1B, ONE-FAMILY DWELLING DISTRICT; R-1C, ONE-FAMILY DWELLING DISTRICT; R-1P, ONE-FAMILY DWELLING - PARKING DISTRICT; R-2, TWO-FAMILY DWELLING DISTRICT; RM-5, MULTIPLE-FAMILY DWELLING DISTRICT; R-4, APARTMENT DISTRICT; B-3, GENERAL BUSINESS DISTRICT; M-1, LIGHT INDUSTRIAL DISTRICT AND M-3, GENERAL INDUSTRIAL DISTRICT TO RS-5, ONE-FAMILY DETACHED DWELLING DISTRICT; RS-6, ONE FAMILY DETACHED DWELLING DISTRICT; RM-10, MULTIPLE-FAMILY DWELLING DISTRICT; RM-12, MULTIPLE-FAMILY DWELLING DISTRICT; RM-25, MULTIPLE-FAMILY DWELLING DISTRICT AND CONSERVATION-2 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)

The May 27, 1997 and June 10, 1997 Public Hearings are to be Quasi-Judicial Public Hearings.

## **PUBLIC WORKS DEPARTMENT**

### **REAL PROPERTY SECTION**

59. MOTION TO ADOPT Resolution accepting a lease held in escrow for the Office of Economic Development at 110 East Broward Boulevard, One Corporate Plaza, Fort Lauderdale, Florida for 2,115 square feet of office space known as Suite 820; Term of lease: Five years commencing, May 15, 1997 and terminating on May 14, 2002 with three successive renewal option periods of one year each; Landlord Corporate Center Associates, Ltd., and authorize the Chair and Clerk to execute same. (Deferred from April 29, 1997)

***ACTION: (A-2689) Deferred to May 27, 1997. Staff will explore the options of relocating the Office of Economic Development to the Governmental Center/Annex buildings and other divisions, to lower***

*rent locations and report to the Commission on May 27.*

**FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT**

**PURCHASING DIVISION**

For Port Everglades Department

60. A. MOTION TO WAIVE timely submittal of complete information to questions 4, 5 and 7 of the questionnaire contained in the County Attorney Form No. 170 bid book, section 00500 for bid Q-03-96-22-OF, Port Everglades Terminal No. 1, Phase II Improvements.

**ACTION: (A-2911) Withdrawn.**

B. MOTION TO ADOPT budget Resolution transferring within the Port Everglades Capital Fund (471) the amount of \$101,396 from Capital Reserve for Project 6475, Terminal No. 1, Phase II Improvements.

**ACTION: (A-2911) Withdrawn.**

C. MOTION TO AWARD fixed contract to low bidder, Pass International Inc., for the Port Everglades Terminal No. I, Phase II Improvements (Bid No. Q-03-96-22-OF) in the base bid amount of \$649,440 plus additive alternate for \$30,000 for a grand total amount of \$679,440 for the Port Everglades Department subject to receipt and acceptance of insurance/ performance and payment guaranty.

**ACTION: (A-2911) Withdrawn.**

For Public Works Department

61. A. MOTION TO ADOPT budget Resolution 1997-434 transferring within the Engineering Division Capital Project Fund (315) the amount of \$950,000 from the Engineering Capital Project Reserve for future capital outlay in order to meet the anticipated construction costs on Project No. 5081, improvements to Broward Boulevard from Nob Hill Road to Pine Island Road.

**ACTION: (A-2916) Approved.**

B. MOTION TO APPROVE increase to the Change Order Allowance in the amount of \$950,000 from \$316,666.67, (5%) to \$1,266,666.67, or 20% of the original contract amount of \$6,333,227.55, for Contract No. H-12-94-14-OF, improvements to Broward Boulevard from Nob Hill Road to University Drive with the DeMoya Group. (Engineering Division Project No. 5081)

***ACTION: (A-2916) Approved. Due to an error in the computation books and the transfer out to the bid documents, Craven, Thompson & Associates will deduct \$5,000 from its last invoice as compensation for the error.***

STAFF DIRECTIVE: Staff will provide a report summarizing analysis on engineering contracts,

quantity overruns, and underruns, for a period of one year.

62. MOTION TO APPROVE second amendment to the agreement between Broward County and CH2M Hill, Inc. for additional engineering services related to BCOES Project No. 8335, Supervisory Control and Data Acquisition (SCADA) System, at an increase of \$508,502 from \$950,431 to \$1,458,933 and to establish a completion time of 60 calendar days following final acceptance of construction, and authorize the Chair and Clerk to execute same. (BCOES Project Number: 8335 - Supervisory Control and Data Acquisition [SCADA] System)

**ACTION: (A-3217) Approved.**

## **HUMAN SERVICES DEPARTMENT**

### **CHILDREN'S SERVICES ADMINISTRATION**

63. A. MOTION TO GRANT one time waiver for Epilepsy Foundation, Inc., Legal Aid of Broward County, Inc., and Broward Children's Center, Inc., allowing these organizations to submit an application to the Children's Services Administration Division for funding.

**ACTION: (A-3233) Approved.**

B. MOTION TO AUTHORIZE amendment to the Broward County Administrative Code delegating authority to the Director of the Human Services Department to grant waivers on a one time basis for organizations applying for funding that fail to meet fatal flaw criteria.

***ACTION: (A-3233) Approved with revised motion as follows: MOTION TO AUTHORIZE amendment to the Broward County Administrative Code delegating authority to the Director of the Human Services Department to grant waivers allowing for the submission of applications for funding that fail to meet fatal flaw criteria.***

## **COMMUNITY SERVICES DEPARTMENT**

### **ANIMAL CARE AND REGULATION DIVISION**

64. MOTION TO DIRECT County Attorney to draft an ordinance amending Ordinance 87-21 of the Broward County Code, Section 4-4. (Nuisance animals), 4-11. (Licensing of dogs and cats), Section 4-12.5. (Hearings), 4-13. (Guard dogs), 4-14. (Reporting bites from animals), 4-15. (Suspected rabies cases), 4-28. (Enforcement of violations), 4-30. (Animal Control trust account), and adding a new section to implement a recommendation of the Pet Overpopulation Focus Group.

**ACTION: (A-3237) Approved.**

# OFFICE OF BUDGET AND MANAGEMENT POLICY

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

**ACTION: (A-3251) Approved, as amended.**

66. A. MOTION TO APPROVE amendments to two interlocal agreements for distribution of proceeds of the original local option gas tax and the additional local option gas tax to the municipalities.

**ACTION: (A-3280) Approved.**

B. MOTION TO DIRECT the Chair to execute all amendments first executed by Municipalities. (Deferred from April 15, 1997)

**ACTION: (A-3280) Approved.**

C. MOTION TO DIRECT County Attorney to draft an ordinance amending the distribution of local option gas taxes between the County and Municipalities to 61.75% for the County and 38.25% for the Municipalities to offset the impact of the creation of the City of Weston and annexation of Bonaventure.

**ACTION: (A-3280) Approved.**

NOTE: The Commission agreed to meet in the future to discuss and adopt a county policy regarding future incorporations of unincorporated areas and the distribution of local option gas taxes between the County and the municipalities.

## COUNTY ATTORNEY

67. MOTION TO DIRECT County Attorney to draft an ordinance amending Chapter 1, Article XVII, Quasi-judicial Procedures to delete the requirement that site specific land use plan amendments other than small scale land use plan amendments, be reviewed in a quasi-judicial manner.

**ACTION: (A-3698) Approved.**

68. DISCUSSION: Status of Default Notice/Public Records Request; Broward County Civic Arena.

**ACTION: (A-3766) By the unanimous consent of the Board, the Board approved the draft letter to Arena Development Company, Ltd. (ADC) regarding the possible settlement of arena issues relating to the notice of default, public records request, and prevailing wage, with the following amendments:**  
**1) Page 3, last sentence before paragraph 3.; to wit: "The County further agrees . . ." change**

*language to read: The County further agrees to provide a copy of this letter to the Broward State Attorney's Office with its position that during the pendency of appeal the matter can be stayed from their investigation standpoint. 2) Page 3, paragraph 3, Revise the paragraph to state, factually, the information regarding the County's request for the Performance Bonds. 3) Page 3, highlighted section at the top of the page 3, "This initial sum and any subsequent increases . . ." Revise section to reference the portion of the Development Agreement which states the maximum funds the County has made available for the project, and that ADC shall use their funds if the budget is overrun. 4) Page 2, paragraph 2, ". . . the initial sum of \$4,500,000.00 . . ." Revise section to be more specific to reflect that any additional expenditures over and above the County's maximum guaranteed price shall be the responsibility of ADC. 5) ADC shall not charge the project for their attorney's fees. (The County filed a motion to recover its attorney's fees from ADC.)*

## COUNTY ADMINISTRATOR

69. DISCUSSION: Legislative issues were discussed:

Steve Alexander, Director, Public and External Affairs, gave a brief update on the activities which occurred during the 1997 Legislative Session. Mr. Alexander thanked Commissioners Abramowitz, Parrish, and Rodstrom for all their assistance in Tallahassee. Special thanks was given to Commissioner Parrish for her assistance on the Concurrency issue. Lastly, Mr. Alexander thanked Pamela Madison, Assistant Director, Public and External Affairs and Assistant County Attorney Edward Labrador for all their time and efforts during the Legislative Session.

***ACTION:** (A-4325) Staff was directed to FAX a letter to the Governor, from the Chair, on behalf of the County Commission, urging the Governor to veto SB1246/HB1441 on Building Code legislation and await the findings of the Governor's Study Commission on Building Codes. (Lt. Governor Buddy MacKay will be copied.)*

***NOTE:** By the unanimous consent of the Board, Resolution 1997-435 urging the Governor to sign into law, Article V Legislation was approved.*

## NON AGENDA

70. PROCLAMATION: Commissioner Parrish, on behalf of the County Commission, read into the record a proclamation designating the **week of May 5 through May 12 as NATIONAL NURSES WEEK in Broward County**. The Commission is recognizing the contributions of the nursing profession to the health care of the County's citizens. This year's theme is "Nurses Have the Courage to Care."

***ACTION:** (A-0078) Kathleen Lowe Mele, RN, MSN, member of the District Nurses Association and a teacher, thanked the Commission and accepted the proclamation with great appreciation. Ms. Mele introduced the following individuals: Kristy Marler and Lorraine Lynch, graduating seniors from the Ely High School Licensed Practical Nurse (LPN) Program; Arlene Simon, RN, MSN, Attorney at Law & President of the District Nurses Association District 21 Inc.; Jean Ready, RN, BS; Markean Horton, BSN, MPH, ARNP; and Gina Eierman, Coordinator of Medical/Science Magnet Program at Ely High School.*

71. PROCLAMATION: The Chair, on behalf of the County Commission, read into the record a

proclamation declaring **May 6, 1997 as KEN WALKER APPRECIATION DAY in Broward County**. The Board wishes to recognize the contributions Mr. Walker has made to the community. This past February, Mr. Walker stepped down from the Historical Commission after 25 years of service. He was Chair of the Historical Commission for 22 of those years.

***ACTION: (A-0213) Mr. Walker thanked the Commission for all its done for the Historical Commission, and accepted the proclamation with great appreciation. Further, Mr. Walker thanked the Historical Commission staff for all they have done.***

***Mr. Bill Crawford, current Chair, Broward County Historical Commission, presented an award (silver bowl) to Mr. Walker, on behalf of the Historical Commission, for his 25 years of service. Mr. Crawford gave a brief synopsis of Mr. Walker's life accomplishments.***

72. PROCLAMATION: Commissioner Gunzburger, on behalf of the County Commission, read into the record a proclamation designating **Wednesday, May 14, 1997, as PASSENGER/EMPLOYEE APPRECIATION DAY in Broward County**. Public transportation is vital to the quality of life and economic well-being of Broward County's citizens and visitors to the area. The men and women of Broward County's Mass Transit Division are responsible for safely transporting 24 million residents and visitors annually. Broward County provides regularly scheduled bus service, contracted paratransit service, community buses in partnership with various municipalities and Tri-Rail feeder service.

***ACTION: (A-0435) Michael Scanlon, Director, Mass Transit Division, thanked the commission for its continued support and stated that it was a pleasure to accept the proclamation on behalf of the 80,000 daily riders and on behalf of 700 men and women who dedicated their work lives to providing safe transit trips.***

73. PROCLAMATION: Commissioner Abramowitz, on behalf of the County Commission, read into the record a proclamation designating the **week of May 5 through May 9, as NATIONAL CORRECTIONAL OFFICERS WEEK in Broward County**. The Commission wishes to acknowledge Sheriff Ron Cochran and the 1,426 men and women of the Department of Corrections and Rehabilitation. The Commission recognizes that correctional employees are professionals equal in status and importance to their colleagues in the county's criminal justice system.

***ACTION: (A-0525) Susan McCampbell, Director, Department of Corrections & Rehabilitation, thanked the Commission, on behalf of Sheriff Cochran, and accepted the proclamation with appreciation. Ms. McCampbell relayed that Broward County is the 16th largest local jail system in the United States. Further, Ms. McCampbell thanked the Board for recognizing the Department of Corrections and Rehabilitation for the third consecutive year.***

74. RECOGNITION: The County Commission extended its congratulations to Elliot Auerhahn's daughter, Louise, for being accepted to Stanford University. Ms. Auerhahn is a Merit Scholar.

***ACTION: (A-0800) No board action was necessary.***

75. INFORMATIONAL: Commissioner Abramowitz informed the Board that a delegation from the Area Agency on Aging will be visiting the County Commission at the May 13, 1997 commission meeting. The delegation will receive a proclamation from the Commission designating the month of May as Older American's Month.

***ACTION: (A-4850) No board action was necessary.***

76. REQUEST TO SEND CORRESPONDENCE: The Chair, on behalf of Commissioner Parrish, requested that the County Commission send a letter to Croissant Park Civic Association thanking them for supporting the County's position on the Homeless Assistance Center at 600 West Sunrise Boulevard.

***ACTION: (A-4927) Staff was directed to send a letter from the Chair, on behalf of the County Commission, to the Croissant Park Civic Center thanking them for supporting the County's position on the Homeless Assistance Center.***

NOTE: The Chair stated that Commissioner Parrish wanted to discuss a letter from the International Game Fish Association (IGFA) - Dr. Robert Q. Marston, Chair, Florida Marine Fisheries Commission, with respect to the Broward Artificial Reef Management Workshop held on April 21, 1997. The Chair advised that he would have the issue placed on the agenda for the May 13 commission meeting.

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