

## **MEETING OF MAY 17, 2005**

(Meeting convened at 10:00 a.m. and recessed at 11:55 a.m.; reconvened at 1:40 p.m. and adjourned at 5:08 p.m.)

MOMENT OF SILENCE In memory of former Plantation Councilman John Reilly Gibbs.

PLEDGE OF ALLEGIANCE was led by Commissioner Rodstrom.

CALL TO ORDER

### **CONSENT AGENDA**

1.

#### **BOARD APPOINTMENTS**

- A. MOTION TO APPOINT Ms. Margaret McPherson to serve on the Historical Commission. (Commissioner Rodstrom)

***ACTION: (T-10:08 AM) Approved.***

- B. MOTION TO REAPPOINT Ms. Barbara Effman to serve on the Broward Regional Health Planning Council. (Commissioner Rodstrom)

***ACTION: (T-10:08 AM) Approved.***

- C. MOTION TO APPOINT Mr. John Moore to the Planning Council. (Commissioner Wasserman-Rubin)

***ACTION: (T-10:08 AM) Approved.***

- D. MOTION TO REAPPOINT Mr. Bill Kling to the Elderly and Veterans Services Advisory Board. (Commissioner Wasserman-Rubin)

***ACTION: (T-10:08 AM) Approved.***

- E. MOTION TO APPOINT Phillip Hudson to the Broward Beautiful Committee. (Commissioner Eggelletion)

***ACTION: (T-10:08 AM) Approved.***

- F. MOTION TO APPOINT Commissioner Lamar Fisher to the Broward County Planning Council in the category of "elected official."

***ACTION: (T-10:08 AM) Approved.***



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

## AVIATION DEPARTMENT

2. MOTION TO ADOPT Resolution 2005-332 authorizing execution of a Florida Department of Transportation joint participation agreement (JPA), Financial Project No. 419106-1-94-01 in the amount of \$120,000 (State's share); to participate financially with the County to construct an airfield access road at North Perry Airport; and authorize the County Administrator to make the necessary administrative and budgetary actions to execute the grant and approve any non-monetary amendments to the agreement.

***ACTION: (T-10:08 AM) Approved.***

3. MOTION TO APPROVE agreement between Broward County and Tilden Lobnitz Cooper, Inc. (TLC) (d/b/a TLC Engineering for Architecture) for consultant services relating to the replacement of a cooling tower and four chillers at the Fort Lauderdale-Hollywood International Airport (RLI No. 20031215-0-AV-01), for an amount not to exceed \$339,710; effective from the date of the Notice To Proceed to a period of one year beyond completion of construction; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:08 AM) Approved.***

## PUBLIC WORKS AND TRANSPORTATION DEPARTMENT

### FACILITIES MAINTENANCE DIVISION

4. MOTION TO APPROVE second amendment to agreement between Broward County and USA Parking Associates II, providing for the continued management and operation of the Governmental Center Parking Facility with an annual management fee of \$24,000; plus 5% of net operating income; providing for a five-year renewal period effective on June 27, 2005, and terminating June 26, 2010; and authorize the Mayor and Clerk to execute same.  
**(Commission District 7)**

***ACTION: (T-10:08 AM) Approved.***

## **HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION**

5. MOTION TO APPROVE agreement between Broward County and City of Wilton Manors for trafficway beautification for NE 26<sup>th</sup> Street, from NE 19<sup>th</sup> Avenue to Coral Gardens Drive, at a cost to the County not to exceed \$270,000; effective upon execution by the Board; and authorize the Mayor and Clerk to execute same. **(Commission District 4)**

***ACTION: (T-10:08 AM) Approved, as corrected. (Scrivener's error – See County Administrator's report: Indicates on Exhibit 1 (Wilton Manor Trafficway) this item has a match requirement amount of 270K, and there is a percentage amount of 66 and 2/3, this section should be blank, this item is not a match agreement.***

6. MOTION TO APPROVE fifth amendment to agreement between Broward County and Kimley-Horn & Associates, Inc., for consultant services for improvements to Pembroke Road to Douglas Road, in an amount not to exceed \$80,380.92; from \$1,448,930.43 to \$1,529,311.35, and an increase in contract time of four months, from 62 months to 66 months, providing for additional construction engineering and inspection services; and authorize the Mayor and Clerk to execute same. (Project No. 5169) **(Commission District 8)**

***ACTION: (T-10:08 AM) Approved.***

7. A. MOTION TO APPROVE Emergency Joint Participation Agreement between Broward County and Florida Department of Transportation (FDOT) for reimbursement of Federal Highway Administration (FHWA) eligible costs for repair of FHWA classified roads damaged by Hurricane Frances, at an amount of \$451,506.28, effective upon execution by FDOT; and shall continue in effect and be binding to both parties until January 15, 2006; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:08 AM) Approved.***

- B. MOTION TO APPROVE Emergency Joint Participation Agreement between Broward County and Florida Department of Transportation for reimbursement of FHWA eligible costs for repair of FHWA classified roads damaged by Hurricane Jeanne, at an amount of \$197,553.02, effective upon execution by FDOT; and shall continue in effect and be binding to both parties until January 15, 2006; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:08 AM) Approved.***

8. MOTION TO APPROVE agreement between Broward County and the City of Pompano Beach for right-of-way beautification for Andrews Avenue, from north of Hammondville Road to NW 18<sup>th</sup> Street, at no cost to the County and effective upon execution; and authorize the Mayor and Clerk to execute same. **(Commission District 9)**

***ACTION: (T-10:08 AM) Approved.***

9. MOTION TO APPROVE first amendment to agreement between Broward County and City of Lauderdale Lakes for joint funding of improvements to NW 49<sup>th</sup> Avenue, from NW 26<sup>th</sup> Street to Oakland Park Boulevard, transferring responsibility of project administration for the construction phase from the County to the City, at no cost to the County and effective upon execution by the Board; and authorize the Mayor and Clerk to execute same. (Project No. 5149) **(Commission District 9)**

***ACTION: (T-10:08 AM) Approved.***

#### **TRAFFIC ENGINEERING DIVISION**

10. A. MOTION TO ADOPT unanticipated revenue Resolution 2005-333 within Grant Fund 8435 for the Traffic Engineering Division in the amount of \$500,000 for the expansion of the deployment of the Railroad Grade Crossing and Traffic Video Monitoring System Project in Broward County.

***ACTION: (T-10:08 AM) Approved.***

- B. MOTION TO APPROVE supplemental local agency participation agreement with the Florida Department of Transportation for the expansion of the deployment of the Railroad Grade Crossing and Traffic Video Monitoring System Project in Broward County, in the estimated amount of \$500,000; and at no cost to the County, and authorize the Mayor and the Clerk to execute the same.

***ACTION: (T-10:08 AM) Approved.***

## WATER AND WASTEWATER SERVICES

### FISCAL OPERATIONS DIVISION

11. MOTION TO APPROVE interlocal agreement between Broward County and the City of Deerfield Beach, Florida, providing for the lease of 2 million gallons per day (mgd) of wastewater treatment, transmission and disposal capacity in the North Regional Wastewater System, for a period of no more than two years, effective upon Board execution, at a cost to the City of \$27,830 per month; and authorize the Mayor and Clerk to execute same. **(Commission Districts 2, 4)**

***ACTION: (T-10:08 AM) Approved.***

### WATER AND WASTEWATER ENGINEERING DIVISION

12. MOTION TO APPROVE Work Authorization GS0156 between Broward County and Hazen and Sawyer, Inc. for a maximum not-to-exceed salary cost of \$184,737; and a maximum not-to-exceed reimbursable cost of \$5,000; for a total maximum not-to-exceed cost of \$189,737; and a time period of 400 days to provide surveying and engineering design services for drainage improvements for miscellaneous sites; and authorize the Mayor and Clerk to execute same. **(Commission District 8)**

***ACTION: (T-10:08 AM) Approved.***

## FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

### ACCOUNTING DIVISION

13. MOTION TO APPROVE list of computer checks issued from August 1, 2004 through August 31, 2004, and September 1, 2004 through September 30, 2004.

***ACTION: (T-10:08 AM) Approved.***

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

***ACTION: (T-10:08 AM) Approved.***

### HUMAN RESOURCES DIVISION

15. MOTION TO APPROVE new job classifications, salary range reallocations, reclassifications, elimination of classifications, and title changes as reflected in Exhibit 1.

***ACTION: (T-10:08 AM) Approved.***

## **PURCHASING DIVISION**

For Community Services Department

16. MOTION TO APPROVE release of retainage and final payment in the amount of \$3,732.97, to Recreational Design & Construction, Inc. for Fern Forest Park – RLI 111599RB; Phase II Work Authorization 1A. **(Commission District 2)**

***ACTION: (T-10:08 AM) Approved.***

17. MOTION TO APPROVE release of retainage and final payment in the amount of \$91,311.58, to Recreational Design & Construction, Inc. for Deerfield Island Park – Phase II, RLI – 111599RB; Work Authorization No. 4A. **(Commission District 4)**

***ACTION: (T-10:08 AM) Approved.***

18. MOTION TO APPROVE release of retainage and final payment in the amount of \$13,604.38, to Recreational Design & Construction, Inc. for North Andrews Gardens Park – RLI 111599RB; Work Authorization 7 (Design Component). **(Commission District 4)**

***ACTION: (T-10:08 AM) Approved.***

For Public Works and Transportation Department

19. MOTION TO APPROVE release of retainage and final payment in the amount of \$3,496.28, to Hazen and Sawyer, P.C. for Work Authorization GS0103 for Design Survey Base Maps for the Broadview Estates Neighborhood Improvement Project from the Agreement for General Professional Consultant Services for Water and Wastewater Services, RLI No. 110800-RB. **(Commission District 1)**

***ACTION: (T-10:08 AM) Approved.***

20. MOTION TO APPROVE release of retainage and final payment in the amount of \$183,366.24, to Foster Marine Contractors, Inc. for Central County Neighborhood Improvement Project Bid Package 4 Phase II, Contract No. N-6-00-138-CF. **(Commission District 7)**

***ACTION: (T-10:08 AM) Approved.***

## **SUPPORT ENFORCEMENT DIVISION**

21. MOTION TO ADOPT budget Resolution 2005-334 transferring \$30,000 within the General Fund from the Reserve for State Impacts to fund filing fees and copy charges due to the Clerk of Court for Support Enforcement clients.

***ACTION: (T-10:11 AM) Approved, as amended. The Board directed staff to look into whether or not it would be possible to pass along costs associated with nonpayment of fees to respondents. (Refer to minutes for full discussion.)***

## **HUMAN SERVICES DEPARTMENT**

### **COMMUNITY DEVELOPMENT DIVISION**

22. MOTION TO APPROVE reprogramming Community Development Block Grant (CDBG) Program Income funds in the amount of \$350,000 from the Housing Rehabilitation Program to the Sidewalk Construction Program for the Rock Island area, bounded by NW 26<sup>th</sup> Street on the north, I-95 on the east, NW 19<sup>th</sup> Street on the south, and NW 28<sup>th</sup> Avenue and NW 31<sup>st</sup> Street on the west (except for Royal Palms Park Subdivision). No County funds are required. **(Commission District 9)**

***ACTION: (T-10:08 AM) Approved.***

### **OFFICE OF HOUSING FINANCE**

23. MOTION TO ADOPT unanticipated revenue Resolution 2005-335 within the Broward County Affordable Housing Assistance Trust Fund (8410-024-1304-3450) in the amount of \$65,403 to recognize State Housing Initiatives Partnership (SHIP) revenue for the purpose of funding the SHIP Home Repair strategy for the City of Coral Springs in the amount of \$39,860; and the SHIP New Construction strategy and administrative costs for the Town of Davie in the amount of \$25,543. **(Commission Districts 1, 7)**

***ACTION: (T-10:08 AM) Approved.***

## **OFFICE OF MANAGEMENT AND BUDGET**

24. MOTION TO ADOPT unanticipated revenue Resolution 2005-336 within the General Fund for the Broward Sheriff's Office (BSO) in the amount of \$1,062,950; to increase the Fiscal Year 2005 BSO budget for Port related services.

***ACTION: (T-10:08 AM) Approved.***

## PORT EVERGLADES DEPARTMENT

25. MOTION TO ADOPT Budget Resolution 2005-337 transferring funds within the Port Everglades Operating Fund (4700) in the amount of \$1,062,950 from the Port Everglades Department's Reserve to increase the Fiscal Year 2005 Port budget for Broward Sheriff's Office (BSO) related services provided to the Port.

***ACTION: (T-10:15 AM) Tabled to later in the meeting.***

***ACTION: (T-11:54 AM) Approved.***

26. MOTION TO APPROVE lease agreement between Broward County and FTZ Worldwide Warehousing, Inc., for 7,110 square feet of warehouse space in Bays No. 1 and No. 14 in Building "F" of Foreign Trade Zone No. 25 at Port Everglades for a period of one-year, effective upon Board approval, with annual rent in the amount of \$56,880 over the lease term; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:08 AM) Approved.***

## COUNTY AUDITOR

27. A. MOTION TO FILE County Auditor's Review of Capital Construction Contract Management Practices within the Public Works and Transportation Department.

***ACTION: (T-10:08 AM) Approved.***

- B. MOTION TO ADOPT County Auditor's recommendations.

***ACTION: (T-10:08 AM) Approved.***

## COUNTY ATTORNEY

28. MOTION TO APPROVE settlement in the amount of \$95,000 of a lawsuit filed in Broward County Circuit Court, case styled, Steevs Armand, as Personal Representative of the Estate of Shawn Armand (deceased) v. Broward County, No. 02-10557.25. The parties to bear their own costs and attorney's fees.

***ACTION: (T-10:08 AM) Approved.***

## COUNTY COMMISSION

29. MOTION TO FILE City of Hallandale Beach, Resolution 2005-08 Florida dated April 4, 2005, supporting Senate Bill 7048 of the Florida Legislature concerning comprehensive plan amendments. (Mayor Jacobs)

***ACTION: (T-10:08 AM) Approved.***

30. MOTION TO FILE City of Hallandale Beach, Resolution 2005-09 Florida dated April 4, 2005, opposing House Bill 1173 and Senate Bill 2302 of the Florida Legislature that interfere with local governments' home rule authority by diminishing or eliminating impact fees. (Mayor Jacobs)

***ACTION: (T-10:08 AM) Approved.***

31. MOTION TO FILE City of Hallandale Beach, Resolution 2005-10 Florida dated April 4, 2005, opposing House Bill 305 and Senate Bill 620 of the Florida Legislature that seek to preempt local government authority concerning wireless communications facilities. (Mayor Jacobs)

***ACTION: (T-10:08 AM) Approved.***

32. MOTION TO FILE City of Hallandale Beach, Resolution 2005-11 Florida dated April 4, 2005, opposing House Bill 1325 and Senate Bill 1714 of the Florida Legislature that seek to prohibit municipalities from providing telecommunication services to its citizens. (Mayor Jacobs)

***ACTION: (T-10:08 AM) Approved.***

33. MOTION TO FILE City of Hallandale Beach, Resolution 2005-12 Florida dated April 4, 2005, opposing House Bill 1031 and Senate Bill 1906 of the Florida Legislature that seek to prohibit municipalities from entering franchise agreements for construction and demolition debris. (Mayor Jacobs)

***ACTION: (T-10:08 AM) Approved.***

34. MOTION TO FILE City of Hallandale Beach, Resolution 2005-13 Florida dated April 4, 2005, opposing House Bill 1521 and Senate Bill 2060 of the Florida Legislature that interfere with Cities' Community Redevelopment Agencies. (Mayor Jacobs)

***ACTION: (T-10:08 AM) Approved.***

35. MOTION TO FILE City of Hallandale Beach, Resolution 2005-14 Florida dated April 4, 2005, urging members of the Florida Legislature to substitute House Bill No. 373 which would enable local governments to adjust occupational license taxes by October 1, 2006 to meet the needs of the local government, its businesses and its residents, providing for severability and providing for an effective date. (Mayor Jacobs)

***ACTION: (T-10:08 AM) Approved.***

36. MOTION TO FILE City of Margate, Resolution No. 10-339 dated May 4, 2005, urging the Broward County Supervisor of Elections to provide more detailed election results for those voting early and using absentee ballots, providing for instructions to the City Clerk, providing for the adoption of representations, and providing for an effective date. (Mayor Jacobs)

***ACTION: (T-10:08 AM) Approved.***

37. MOTION TO FILE City of Pembroke Pines, Florida, Resolution No. 1508 amending Ordinance No. 789, originally adopted on June 11, 1986 as amended by Ordinance No. 950 adopted on April 19, 1991, and Ordinance No. 986, adopted on March 4, 1992, and Ordinance No. 10551, adopted on October 6, 1993, which approved a development order for the Pembroke Lakes Regional Center Development of Regional Impact (DRI), amending the DRI in order to extend the build out and down-zoning dates for the DRI from June 1 2001 until June 1, 2008, providing for findings of fact and conclusions of law, providing for recordation, providing for transmittal to all applicable governmental agencies, providing for conflict, providing for severability and providing for an effective date. (Mayor Jacobs)

***ACTION: (T-10:08 AM) Approved.***

38. MOTION TO FILE City of Pembroke Pines, Florida, Resolution No. 3036 opposing the adoption of Florida State Senate Bill 2072 and State House Bill HB 1325, that would prohibit local governments, except under very limited circumstances, from providing communications, internet, or cable services to residents, providing for certain other findings in support of the bill, providing for conflicts, providing for severability and providing for an effective date. (Mayor Jacobs)

***ACTION: (T-10:08 AM) Approved.***

39. MOTION TO FILE City of Pembroke Pines, Florida, Resolution No. 3037 supporting the adoption of Florida State House Bill 369, which would allow non-profit youth sporting organization to apply for automatic external defibrillators through a grant process in conjunction with local emergency service providers, providing for certain other finding in support of the bill, providing for conflicts, providing for severability and providing for an effective date. (Mayor Jacobs)

***ACTION: (T-10:08 AM) Approved.***

**REQUEST TO SET FOR PUBLIC HEARING**

40. MOTION TO ADOPT Resolution 2005-338 directing County Administrator to publish Notice of Public Hearing to be held Tuesday, June 14, 2005 at 2:00 p.m. in Room 422 of the Government Center, to vacate and abandon Road Right-of-Way, located at approximately 6301 Lyons Road in the City of Coconut Creek, lying and being in Broward County, Florida. Petitioner: Food For The Poor, Inc. (2005-V-08) (Falkanger, Synder, Martineau & Yates – Agent) **(Commission District 6)**

***ACTION: (T-10:08 AM) Approved, as corrected. (Scrivener’s error – See County Administrator’s report: Last sentence, at end, remove (Commission District 6) replace with (Commission District 2).***

41. MOTION TO ADOPT Resolution 2005-339 directing the County Administrator to publish Notices of Public Hearings to be held on June 14, 2005 and June 28, 2005, at 10:00 a.m. in Room 422 of the Governmental Center to consider a lease agreement between Broward County and Chiquita Fresh North America, L.L.C., with an initial term expiring on March 31, 2014, and options for two additional five year terms.

***ACTION: (T-10:08 AM) Approved.***

42. MOTION TO APPROVE Resolution 2005-340 directing County Administrator to publish Notices of Public Hearings to be held on June 14, 2005 and June 28, 2005 at 10:00 a.m. in Room 422 of the Governmental Center, to consider a Marine Terminal Lease and Operating Agreement for a period of five years with two additional five year options with Sawgrass Transport, Inc. to continue cargo operations at Port Everglades.

***ACTION: (T-10:16 AM) Approved. (Refer to minutes for full discussion.)***

43. MOTION TO ADOPT Resolution 2005-341 directing the County Administrator to publish Notices of Public Hearings to be held on June 14, 2005 and June 28, 2005, at 10:00 a.m. in Room 422 of the Governmental Center to consider approval of the fifth amendment to Lease and Operating Agreement between Broward County and King Ocean Service De Venezuela, S.A. and King Ocean Services, Ltd.

***ACTION: (T-10:08 AM) Approved.***

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**QUASI-JUDICIAL CONSENT HEARING**

**DEPARTMENT OF URBAN PLANNING AND REDEVELOPMENT**

**DEVELOPMENT MANAGEMENT DIVISION**

44. DISCUSSION: of plat entitled “Rayel Estates Plat 1” – **Commission District 3**, (086-MP-04).

***ACTION: (T-10:08 AM) Approved the plat subject to staff’s recommendations as outlined in the Development Review Report.***

45. DISCUSSION: of plat entitled “Rayel Estates Plat 2” – **Commission District 3**, (087-MP-04).

***ACTION: (T-10:08 AM) Approved the plat subject to staff’s recommendations as outlined in the Development Review Report.***

46. DISCUSSION: of plat entitled “Rayel Estates Plat 3” – **Commission District 3**, (088-MP-04).

***ACTION: (T-10:08 AM) Approved the plat subject to staff’s recommendations as outlined in the Development Review Report.***

47. DISCUSSION: of plat entitled “Shoal Creek At Lighthouse Point” – **Commission District 4**, (037-MP-04).

***ACTION: (T-10:08 AM) Approved the plat subject to staff’s recommendations as outlined in the Development Review Report.***

48. DISCUSSION: of plat entitled “Lago Preserve” – **Commission District 5**, (002-UP-04).

***ACTION: (T-10:08 AM) Approved the plat subject to staff’s recommendations as outlined in the Development Review Report.***

49. DISCUSSION: of plat entitled “Land Quest IX” – **Commission District 6**, (022-MP-04).

***ACTION: (T-10:08 AM) Approved the plat subject to staff’s recommendations as outlined in the Development Review Report.***

50. DISCUSSION: of plat entitled “Torral Professional Building” – **Commission District 7**, (042-MP-04).

***ACTION: (T-10:08 AM) Approved the plat subject to staff’s recommendations as outlined in the Development Review Report.***

51. DISCUSSION: of plat entitled “Sunset Falls Plat 1” – **Commission District 8**, (045-MP-04).
- ACTION: (T-10:08 AM) Approved the plat subject to staff’s recommendations as outlined in the Development Review Report.***
52. DISCUSSION: of plat entitled “Sunset Falls Plat 2” – **Commission District 8**, (046-MP-04).
- ACTION: (T-10:08 AM) Approved the plat subject to staff’s recommendations as outlined in the Development Review Report.***
53. DISCUSSION: of plat entitled “Wal-Mart At Lauderdale Lakes” - **Commission District 9**, (080-MP-04).
- ACTION: (T-10:08 AM) Approved the plat subject to staff’s recommendations as outlined in the Development Review Report.***
54. DISCUSSION: of New Findings of Adequacy for plat entitled “Pine Cone Estates” - **Commission District 9**, (068-MP-98).
- ACTION: (T-10:08 AM) Approved the plat subject to staff’s recommendations as outlined in the Development Review Report.***
55. DELEGATION: Mikki Ulrich regarding request to amend the note on the Riva Yamaha Plat - **Commission District 2**, (025-UP-95).
- ACTION: (T-10:08 AM) Approved subject to staff’s recommendations.***
56. DELEGATION: Leigh R. Kerr regarding request to amend the note on the University Hospital Replat - **Commission District 3**, (086-MP-94).
- ACTION: (T-10:08 AM) Approved subject to staff’s recommendations.***
57. DELEGATION: Gustavo X. Aquirre regarding request to amend the note on the Davie Garden Estates Plat - **Commission District 7**, (029-MP-92).
- ACTION: (T-10:08 AM) Approved subject to staff’s recommendations.***
58. DELEGATION: John D. Voigt regarding request to amend the note on the Main Street Plat - **Commission District 7**, (049-MP-85).
- ACTION: (T-10:08 AM) Approved subject to staff’s recommendations.***

59. DELEGATION: Charles Putman regarding request to amend the note on the Miramar Commons Plat - **Commission District 8**, (006-MP-97).

***ACTION: (T-10:08 AM) Defer to January 3, 2006 or sooner under Section 5-182(v) of the Land Development Code to remedy violation of approved plat note restriction.***

60. DELEGATION: Hoyt Holden regarding request to amend the note on the Miramar Residential Plat - **Commission District 8**, (053-MP-04).

***ACTION: (T-10:08 AM) Approved subject to staff's recommendations.***

61. DELEGATION: Edward P. Ploski regarding request to amend the note on the Village Marina Plat - **Commission District 7**, (037-MP-85). (Deferred from March 1, 2005.)

***ACTION: (T-10:19 AM) Deferred for up to six months. Given the fact that on March 29, 2005, the applicant made a substantial deviation and amended this application, the Board requested up to a six month time frame for staff to review the following safety issues: to obtain results of the FAA and FDOT review of the amended request; to research structures in close proximity to airport runways around the country and how these things have been dealt with; and to obtain information on why the Tri-Rail station was moved and if it was in the "clear zone" or not. The Board found that a substantial deviation took place between the initial and subsequent applications, whereby an approximate 25 percent increase took place in the number of rooms at the hotel, and in view of the FAA comments about places where people congregate, the Board needs clarification from the FAA if this creates a congregation issue with the number of units being increased, along with the FDOT letter which was written before the new amendments were floated. In addition, the Board asked the County Attorney to research whether the County could file an action for declaratory judgment regarding approval or denial of the Plat based upon safety issues. (Refer to minutes for full discussion.)***

62. DELEGATION: Paul Lovesky regarding request to revise the non-vehicular access line on the Bostery Plat **Commission District 6**, (015-MP-03).

***ACTION: (T-10:08 AM) Approved subject to staff's recommendations.***

**END OF QUASI-JUDICIAL CONSENT HEARING**

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**REGULAR AGENDA**

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**HUMAN SERVICES DEPARTMENT**

**COMMUNITY DEVELOPMENT DIVISION / OFFICE OF HOUSING FINANCE**



- 63. MOTION TO APPROVE shell agreement for HOME and SHIP projects for the Project Based proposals, which include Artspace Fort Lauderdale, LLC, Creative Choice Homes, Ltd., Habitat for Humanity, Harbour Cove, Ltd., Hollywood Housing Authority, Broward County Community Development Corporation, Mount Olive Development Corporation, and New Visions Community Development Corporation; and authorize the County Administrator to execute the agreements on behalf of the Board of County Commissioners. (Deferred from May 10, 2005 – Item No. 36)

***ACTION: (T-1:43 PM) Approved, as amended, as reflected in the memorandum from Ms. Cruz, County Attorney, and Ms. Wilson, Director, Human Services, dated May 16, 2005. (Refer to minutes for full discussion.)***

**DEPARTMENT OF URBAN PLANNING AND REDEVELOPMENT**

**PLANNING SERVICES DIVISION**

- 64. MOTION TO FIND application 05-RF-02 for the allocation of 36 flexibility units in the City of Tamarac compatible with adjacent uses, and that impacts upon public school facilities have been adequately considered (**Commission District 3**).

***ACTION: (T-1:44 PM) Approved.***

- 65. MOTION TO DEFER application 05-RF-03 for the allocation of 69 reserve units in the City of North Lauderdale until an agreement is reached between the applicant and the School Board of Broward County to mitigate impacts upon public school facilities. (**Commission District 1**). (Deferred from May 10, 2005 – Item No. 37)

***ACTION: (T-1:45 PM) Approved, with the Board finding the 69 reserve units compatible. The Board directed the County Attorney to put the resolution in her memorandum dated May 16, 2005, on the agenda for May 24, 2005, and return the 55 affordable housing units to the North Lauderdale inventory. (Refer to minutes for full discussion.)***

## OFFICE OF PUBLIC AND GOVERNMENTAL RELATIONS

66. MOTION TO NOMINATE three members to the Broward County HIV Health Services Planning Council.

***ACTION: (T-1:47 PM) Approved.***

## COUNTY COMMISSION

67. MOTION TO ADOPT Resolution 2005-342 supporting the identification of a dedicated funding source for an expanded mass transit system in Broward County. (Mayor Jacobs)

***ACTION: (T-1:47 PM) Approved, with the Board directing staff to bring back a process for moving forward, including examples of dedicated funding sources that would be considered. (Refer to minutes for full discussion.)***

68. A. MOTION TO RE-APPOINT four members to the School Oversight Committee. (Mayor Jacobs)

***ACTION: (T-1:52 PM) Approved.***

- B. MOTION TO ACCEPT nominations to appoint one member to the School Oversight Committee.

***ACTION: (T-1:52 PM)) Deferred to May 24, 2005, with Commissioners bringing forth nominations to be acted upon at that time. (Refer to minutes for full discussion.)***

69. MOTION TO DISCUSS setting rates for the provision of interfacility non-emergency medical transport services by private ambulance providers. (Mayor Jacobs)

***ACTION: (T-1:53 PM)) No Board action was taken. (Refer to minutes for full discussion.)***

70. MOTION TO DISCUSS Resolution 2005-343 urging the Congress of the United States to reject plans to privatize Social Security. (Vice Mayor Graber)

***ACTION: (T-2:34 PM) The Board passed a motion to file a resolution urging the Congress of the United States to reject plans to privatize Social Security. (Refer to minutes for full discussion.)***

71. MOTION TO DIRECT County Attorney to draft an Ordinance providing for the regulation of slot machines at the four pari-mutuel facilities, which entered into agreements with the County, in the event that the pari-mutuel facilities begin operation prior to the effective date of any statute enacted by the Legislature of the State of Florida. (Commissioner Lieberman)

***ACTION: (T-2:38 PM) The Board directed the County Administrator to meet with the three city managers in the host cities to determine what kinds of reasonable regulations they would be looking for and to determine what kinds of operational rules they are looking for. Secondly, the Board directed the County Attorney to request an opinion from the Attorney General regarding the scope of the County's regulatory authority assuming the pari-mutuel facilities begin operation legally. The County Attorney was also directed to look into whether the constitutional amendment was self executing and if necessary, seek the assistance of counsel expert in constitutional issues. In the event the County Attorney determined that outside counsel was necessary, the agreement for outside counsel would come back before the Board. Additionally, to have the County Attorney review the agreement with the School Board Association to determine under what circumstances it's operative, and whether or not, if slots are implemented locally, Broward County can keep 100 percent of the 30 percent going to the Broward County Schools. Furthermore, the Board wanted to see what could be done for the City of Hollywood or any other city that is being impacted by this issue. It should also be understood that if the Governor calls the legislation into special session and should the legislature pass implementation and regulation language, there would be no reason for Broward County to continue any further because they would have fulfilled their constitutional obligations. (Refer to minutes for full discussion.)***

72. MOTION TO DIRECT County Attorney to draft a Resolution amending the Administrative Code to provide criteria for the appointment of interim department directors. (Commissioner Lieberman)

***ACTION: (T-3:36 PM) The Board approved: 1) having the credentials for an interim department director be the same language that is currently in the Administrative Code for a department director; 2) Having a national search for replacement of a department director begin as soon as practical, following the exit of the prior employee, with the interim appointment meeting the same minimum requirements under the job description as currently defined for the department director. (Refer to minutes for full discussion.)***

73. MAYOR'S REPORT

***ACTION: (Time-4:40 PM) No report was filed.***

74. COUNTY COMMISSION LIAISON REPORT

**ACTION: (T-4:40 PM) No reports were filed.**

75. COUNTY ADMINISTRATOR'S REPORT

**ACTION: (T-4:40 PM) County Administrator Roger J. Desjarlais informed the Board there was nothing to report.**

NON AGENDA

76. CONSULTATION WITH THE COUNTY ATTORNEY'S OFFICE BEFORE TERMINATION OF ANY COUNTY EMPLOYEE – COMMISSIONER RODSTROM

**ACTION: (T-4:40 PM) Commissioner Rodstrom questioned whether or not Broward County has a policy in place that requires consultation with the County Attorney's office before any employee is terminated. Mayor Jacobs requested the County Administrator provide the Board with written policies that are in place for the termination of employees. (Refer to minutes for full discussion.)**

77. COUNTY EMPLOYEE EVALUATIONS – COMMISSIONER RODSTROM

**ACTION: (T-4:46 PM) Commissioner Rodstrom questioned why all county employees are not evaluated annually, and felt there needs to be a policy in place for annual evaluations for all county employees.**

**Commissioner Wexler questioned prior discussions about having five Board members sit on a committee to evaluate the County Administrator, County Attorney and County Auditor, with Mayor Jacobs requesting the County Administrator have staff familiarize the Mayor with that discussion. (Refer to minutes for full discussion.)**

78. CONGRATULATIONS TO COMMISSIONERS LIEBERMAN AND SCOTT AND TO MAYOR FRANK ORTIS – MAYOR JACOBS

**ACTION: (T-5:02 PM) Mayor Jacobs congratulated Commissioners Lieberman and Scott for receiving the Valor Award from the Broward County Chapter of the American Diabetes Association, and Mayor Ortis for becoming the new President of the League of Cities. (Refer to minutes for full discussion.)**

79. REQUEST TO BE ADDED TO AIRPORT MASTER PLAN PHASE II RLI – COMMISSIONER WASSERMAN-RUBIN

***ACTION: (T-5:08 PM) Commissioner Wasserman-Rubin requested to be added to Airport Master Plan Phase II, RLI 20050307-0-AV-01. (Refer to minutes for full discussion.)***

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**MEETING/WORKSHOP NOTICES**

**JOINT WORKSHOP**

**BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS  
AND  
BROWARD LEAGUE OF CITIES BOARD OF DIRECTORS  
AFFORDABLE HOUSING AND COMPATIBILITY**

Tuesday, May 17<sup>th</sup> at 12 Noon  
or immediately following the morning Commission meeting  
Room 430, S. Andrews Governmental Center, Fort Lauderdale

**AUTOMATED DOCUMENT REDACTION**

**RLI No. 20050121-0-CR-01**

Tuesday, May 17<sup>th</sup> at 2:00 p.m.  
Room 211, S. Andrews Governmental Center, Fort Lauderdale

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