

## **MEETING OF MAY 24, 2005**

(The meeting convened at 10:00 a.m. recessed at 12:28 p.m.; reconvened at 3:00 p.m. and adjourned at 7:11 p.m.)

PLEDGE OF ALLEGIANCE was led by Vice Mayor Ben Graber, District 3.

### **CALL TO ORDER**

### **CONSENT AGENDA**

#### 1. **BOARD APPOINTMENTS**

***ACTION: (T-10:11 AM) No Board appointments were filed.***

### **AVIATION DEPARTMENT**

2. MOTION TO AUTHORIZE Office of the County Attorney and the Aviation Department to take all necessary actions at the expiration of the Short Term Lease Agreement Between Broward County and Broward Aviation, Inc. ("Short Term Lease"), should Broward Aviation, Inc. refuse to vacate the premises after June 14, 2005, which actions may include eviction and all other necessary or desirable legal and administrative proceedings.

***ACTION: (T-10:11 AM) Approved.***

3. MOTION TO APPROVE fourth amendment to the agreement for Advertising Concession ("Agreement") between Broward County ("County"), Florida and In-Ter-Space Services, Inc., d/b/a Interspace Airport Advertising ("Interspace"), to settle a \$116,199 audit dispute between the parties; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:15 AM) Approved. (Refer to minutes for full discussion.)***

### **AVIATION DEPARTMENT AND PORT EVERGLADES DEPARTMENT**

4. A. MOTION TO ADOPT budget Resolution 2005-345 transferring funds from various object codes within the operations budget of the Aviation Department in the amount of \$105,000 to increase the budget for the joint contract with Mad4Marketing d/b/a Intermedia.

***ACTION: (T-10:14 AM) Approved. (Refer to minutes for full discussion.)***



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

- B. MOTION TO ADOPT budget Resolution 2005-346 transferring funds from various object codes within the operations budget of the Port Everglades Department in the amount of \$83,000 to increase the budget for the joint contract with Mad4Marketing d/b/a Intermedia.

***ACTION: (T-10:14 AM) Approved. (Refer to minutes for full discussion.)***

## **PUBLIC WORKS AND TRANSPORTATION DEPARTMENT**

### **HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION**

5. MOTION TO APPROVE agreement between Broward County and the City of Fort Lauderdale for Right-of-Way Improvements and Beautification for SW 4<sup>th</sup> Avenue/SW 7<sup>th</sup> Avenue and the Marshall Bridge, at no cost to the County, and effective upon execution; and authorize the Mayor and Clerk to execute same. **(Commission District 7)**

***ACTION: (T-10:11 AM) Approved.***

6. MOTION TO ADOPT Resolution 2005-347 accepting a warranty deed, at a nominal cost of \$10 to the County, executed by Sterling Bank for right-of-way for Andrews Avenue at the southwest corner of the intersection with Davie Boulevard. **(Commission District 7)**

***ACTION: (T-10:11 AM) Approved.***

### **SEAPORT CONSTRUCTION AND PLANNING DIVISION**

7. A. MOTION TO ADOPT Resolution 2005-348 authorizing the Mayor and Clerk to Execute a Supplemental Joint Participation Agreement between Broward County and the State of Florida Department of Transportation (FDOT), increasing the project cost by \$1,141,640.00, for the purpose of applying grant funds in the amount of \$570,820.00 to the Port Everglades Department for Phase II, Project Development and Environmental (PD&E) Study for the Automated People Mover and Intermodal Center (requiring \$570,820 in matching funds from the County), effective upon execution by FDOT through March 31, 2006. **(Commission Districts 4 and 6)**

***ACTION: (T-10:17 AM) Approved. (Refer to minutes for full discussion.)***

- B. MOTION TO ADOPT unanticipated revenue Resolution 2005-349 within the Port Everglades Capital Fund (4710) for the Department of Port Everglades in the amount of \$570,820 for the Automated People Mover (APM) and Intermodal Center (IMC) Project Development and Environmental (PD&E) Study. **(Commission Districts 4 and 6)**

***ACTION: (T-10:17 AM) Approved. (Refer to minutes for full discussion.)***

## **WATER AND WASTEWATER SERVICES**

### **WATER AND WASTEWATER ENGINEERING DIVISION**

8. MOTION TO APPROVE Amendment 2 to Work Authorization GS 0107 between Broward County and Hazen and Sawyer, P.C., for an increase to the maximum not-to-exceed fee in the amount of \$94,550.00 and additional reimbursable expenses of \$3,000.00 for a total fee of \$279,130.00 and total reimbursable expenses of \$7,500.00, for a total cost of \$286,630.00, and to extend the time for completion by 830 days, from 870 to 1700 calendar days, to provide design and construction management services for the generator replacement at the North Regional Wastewater Treatment Plant (NRWWTP) and Master Pump Station 450; and authorize the Mayor and Clerk to execute same. (BCOES Project No. 8853) **(Commission District 2)**

***ACTION: (T-10:11 AM) Approved.***

9. MOTION TO APPROVE Work Authorization GS0169 between Broward County and Hazen and Sawyer, P.C., for a maximum not-to-exceed salary cost of \$323,620.00, a maximum not-to-exceed reimbursable cost of \$24,100.00, for a total maximum not-to-exceed cost of \$347,720.00, and a time period of 550 days, to provide design services for the 3C Potable Water Storage Tank; and authorize the Mayor and Clerk to execute same. (BCWWS 8473) **(Commission District 8)**

***ACTION: (T-10:11 AM) Approved.***

## **FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT**

10. MOTION TO AUTHORIZE execution of a quit claim deed conveying title to the property located at 1621 NW 12<sup>th</sup> Avenue, Pompano Beach, Florida, from Broward County to Namasco Corporation (as successor in interest to Diversified Steel Services, Inc.) pursuant to the terms of the bond documents executed in connection with the issuance of the Broward County Industrial Development Revenue Bonds (Diversified Steel Services, Inc. Project), Series 1981 (the "Bonds").

***ACTION: (T-10:11 AM) Approved.***

## **ACCOUNTING DIVISION**

11. 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-10:11 AM) Approved.***

## **COUNTY RECORDS DIVISION**

12. MOTION TO APPROVE minutes of the 10:00 A.M. Broward County Board of County Commissioners meetings of April 12, 2005 and April 19, 2005; and the minutes of the 2:00 P.M. Public Hearing of April 12, 2005.

***ACTION: (T-10:11 AM) Approved.***

## **PURCHASING DIVISION**

For Aviation Department and Port Everglades Department

13. MOTION TO AWARD open-end contract to low bidder, TLMC Enterprises, Inc., (TLMC) for Airport Miscellaneous Construction Items for Fort Lauderdale/Hollywood International Airport, Bid No. H-X-04-204-B1, in the estimated annual amount of \$2,661,478.40, for items 1 – 375 for the Aviation Department, and authorize the Purchasing Director to renew the contract for two, one-year periods for a potential three-year total of \$7,984,435.20. The initial contract period shall start upon receipt and acceptance of insurance/performance and payment guaranty and shall terminate one year from that date.

***ACTION: (T-10:20 AM/11:40 AM) Tabled to the conclusion of the 2:00 p.m. Public Hearing. (Refer to minutes for full discussion.)***

***ACTION: (T-5:56 PM) Approved. (Refer to minutes for full discussion.)***

14. A. MOTION TO APPROVE third renewal of open-end contract to Kone, Inc., for elevators/escalators maintenance and repair for Port Everglades, Bid No. E202028M1 in the estimated annual amount of \$147,968.16, which includes \$500.00 parts on a pass-thru for the Port Everglades Department; and authorize the Purchasing Director to renew the contract for one additional one-year period for a total potential contract amount of \$690,766.32. The contract period for the third renewal shall begin on July 16, 2005 and shall terminate July 15, 2006.

***ACTION: (T-10:11 AM) Approved.***

- B. MOTION TO APPROVE third renewal of open-end contract to sole source quoter Kone, Inc., for elevators/escalators/moving walkways, maintenance and repair for the Aviation Department, Quotation No. E2AVF1000, in the estimated annual amount of \$113,806.42, which includes \$3,000.00 parts on a pass-thru for the Aviation Department; and authorize the Purchasing Director to renew the contract for one additional one-year period for a total potential contract amount of \$531,287.52. The contract period for the third renewal shall begin on June 6, 2005 and shall terminate June 5, 2006.

***ACTION: (T-10:11 AM) Approved.***

For Public Works and Transportation Department

15. MOTION TO APPROVE first renewal of open-end contract to Vista Building Maintenance Services, awarded bidder for janitorial service for parking garages, Bid No. EX02265M1, in the annual estimated amount of \$226,025.06, for the first renewal period for the Facilities Maintenance Division; and authorize the Purchasing Director to renew the contract for one additional one-year period for a total potential contract amount of \$762,716.14. The contract period for the first renewal shall begin July 18, 2005 and shall terminate July 17, 2006.

***ACTION: (T-10:11 AM) Approved.***

16. MOTION TO AWARD open-end contract to single responsive, responsible bidder, Lawrence Fence Corporation (Lawrence), for fencing and bollards, Seaport Construction and Planning Services Division (Seaport), Bid No. T-2-04-029-B-1, in the estimated annual amount of \$785,294.04, for Items 1-48 for the Seaport; and authorize the Purchasing Director to renew the contract for one year for a potential two-year total of \$1,570,588.08. The initial contract period shall begin after receipt and acceptance of performance and payment guaranty, and shall terminate one year after that date.

***ACTION: (T-10:11 AM) Approved.***

### **RISK MANAGEMENT DIVISION**


17. MOTION TO APPROVE full and final settlement of Claim No. DEV/0710020654/03 in the amount of \$19,500.

***ACTION: (T-10:11 AM) Approved.***


18. MOTION TO APPROVE full and final settlement of Claim No. ALP0815031847 in the amount of \$60,000.

***ACTION: (T-10:11 AM) Approved.***

## HUMAN SERVICES DEPARTMENT

-  19. MOTION TO ADOPT Resolution 2005-350 of the Board of County Commissioners of Broward County, Florida; amending Resolution 2004-573 to approve the amount of \$18,750 in lieu of the previously approved amount of \$16,000 for Fiscal Year 2004-2005 for the non-profit organization, American Red Cross, Broward County Chapter for capital project; providing for severability; and providing for an effective date.

***ACTION: (T-10:11 AM) Approved.***

-  20. MOTION TO ADOPT Resolution 2005-351 of the Board of County Commissioners of Broward County, Florida; authorizing emergency funding in the amount of \$132,966 for Broward Partnership for the Homeless, Inc., for the purpose of providing continued operation of essential medical services to homeless individuals at the Broward County Homeless Center/Huizenga Family Campus; prescribing requirements and conditions for disbursement of emergency funds; approving an addendum to the previously approved standard form unit of service agreement to be used for emergency funding; authorizing the execution of same by the County Administrator; providing for severability; and providing for an effective date.

***ACTION: (T-10:11 AM) Approved.***

## COMMUNITY SERVICES DEPARTMENT

### MASS TRANSIT DIVISION

21. A. MOTION TO APPROVE Systems and Services Agreement between Broward County and StrataGen Systems, Inc., in the total amount of \$824,000; for licensed application software products (\$495,000); associated professional services and maintenance support, including new releases or upgrades and integrated third party application software products (\$329,000); for the Mass Transit Division to operate the paratransit services; commencing on the date of execution and ending five years from that date; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:11 AM) Approved.***

- B. MOTION TO APPROVE Software License Agreement between Broward County and StrataGen Systems, Inc., for a fully integrated transportation management software package titled ADEPT (Adaptive Decision Engine for Passenger Transportation) combining customer registration, trip reservations, automated scheduling, dispatch, reporting, communications, and database management functions for Demand Responsive Transportation Operations for the Mass Transit Division to operate Paratransit Services; commencing on the date of execution and ending five years from that date; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:11 AM) Approved.***

22. MOTION TO ADOPT Resolution 2005-352 of the Board of County Commissioners of Broward County, Florida, authorizing the Director of the Division of Mass Transit to execute and file a Trip & Equipment Grant Application and Agreement with the Florida Commission for the Transportation Disadvantaged for Fiscal Year 2005/2006; for the provision of non-sponsored transportation disadvantaged services in the amount of \$3,142,191; providing for an effective date; and authorizing the County Administrator to take the necessary administrative and budgetary actions to implement the grant (County match of \$314,219 will be provided through the issuance of bus passes to eligible transportation disadvantaged individuals). This grant agreement is effective from October 1, 2005, to September 30, 2006.

***ACTION: (T-10:11 AM) Approved.***

#### **PARKS AND RECREATION DIVISION**

23. MOTION TO ADOPT unanticipated revenue Resolution 2005-353 in the General Fund (0010) for the Parks and Recreation Division, in the amount of \$300,000; for the benefit of the County's SWIM Central Program.

***ACTION: (T-10:11 AM) Approved.***

#### **ENVIRONMENTAL PROTECTION DEPARTMENT**

24. MOTION TO APPROVE settlement agreement in the total estimated amount of \$23,085; between Broward County and Trademark Metals Recycling, LLC for violations of hazardous materials regulations involving Chapter 27-353 and 27-356 of the Broward County Code of Ordinances for the Environmental Protection Department (EPD); and authorize the Mayor and Clerk to execute same. **(Commission District 9)**

***ACTION: (T-10:11 AM) Approved.***

## **BIOLOGICAL RESOURCES DIVISION**

25. MOTION TO ACCEPT deed of conservation easement and agreement from Calvary Chapel of Fort Lauderdale, Inc., for preservation of a conservation area of 2.94 acres of real property located at 2401 West Cypress Creek Road in the City of Fort Lauderdale. **(Commission District 9)**

***ACTION: (T-10:11 AM) Approved.***

## **OFFICE OF MANAGEMENT AND BUDGET**

26. A. MOTION TO ADOPT budget Resolution 2005-354 transferring funds within the Emergency Services Fund in the amount of \$308,930; for reimbursement of the payout of accrued leave for employees separating from BSO through March 30, 2005.

***ACTION: (T-10:11 AM) Approved.***

- B. MOTION TO ADOPT unanticipated revenue Resolution 205-355 within the Fire Rescue Fund for the Broward Sheriff's Office (BSO) in the amount of \$308,930; for reimbursement of the payout of accrued leave for employees separating from BSO through March 30, 2005.

***ACTION: (T-10:11 AM) Approved.***

27. MOTION TO ADOPT unanticipated revenue Resolution 2005-356 within the Law Enforcement Trust Fund in the amount of \$5,336; to provide funds for Emmanuel Christian Center, Inc. of Deerfield Beach.

***ACTION: (T-10:11 AM) Approved.***

## **COUNTY AUDITOR**

28. A. MOTION TO FILE County Auditor's Report *Water Taxi Inc. Grant Compliance Review Federal Transit Administration Grants (FL-90-X417, FL-90-X457, FL-90-X488)*.

***ACTION: (T-10:14 AM) Approved. (Refer to minutes for full discussion.)***

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

***ACTION: (T-10:14 AM) Approved. (Refer to minutes for full discussion.)***

29. A. MOTION TO FILE County Auditor's Report *Review of the Strategic Testing and Recruiting (STAR) System Project and HR Recruiter System.*

***ACTION: (T-11:26 AM) Approved. (Refer to minutes for full discussion.)***

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

***ACTION: (T-11:26 AM) Approved. The Board directed the County Attorney's Office to research whether the County has a cause of action against the initial consultant and the software vendor for all of the items referenced by the County Auditor. Further, the County Attorney's Office, along with the County Auditor, was directed to determine why the retainage was released for the acceptance tests; what was tested; what was the scope of deliverables, and were the problems identified in the testing as one of the deliverables. (Refer to minutes for full discussion.)***

30. A. MOTION TO FILE County Auditor's Report - *One University Drive Construction Contract Review.*

***ACTION: (T-11:41 AM) Approved. (Refer to minutes for full discussion.)***

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

***ACTION: (T-11:41 AM) Approved. The County Auditor accepted the Management Response relating to Auditor's Recommendations #3. (Refer to minutes for full discussion.)***

#### COUNTY ATTORNEY

31. MOTION TO ADOPT Resolution 2005-357 providing for the return of 55 affordable housing units to Flexibility Zone 59.

***ACTION: (T-10:11 AM) Approved.***

#### COUNTY ADMINISTRATION

32. MOTION TO NOTE FOR THE RECORD Broward League of Cities appointment of Commissioner Hazelle P. Rogers, City of Lauderdale Lakes, to the Management and Efficiency Study Committee.

***ACTION: (T-10:11 AM) Approved.***

## REQUEST TO SET FOR PUBLIC HEARING

33. MOTION TO ADOPT Resolution 2005-358 directing County Administrator to publish Notice of Public Hearing to be held Tuesday, June 28, 2005 at 2:00 P.M. in Room 422 of the Governmental Center, 115 South Andrews Avenue, Fort Lauderdale, Florida, to vacate and abandon 25 feet of roadway reservation, lying and being in Broward County, Florida, and located at NW 91<sup>st</sup> Avenue in the City of Sunrise, at no cost to the County; and authorize the Mayor and Clerk to execute same. Petitioner: Parkwood Homes Association, Inc. (Craven Thompson and Associates, Inc. - Agent) (2004-V-13) **(Commission District 3)**

***ACTION: (T-10:11 AM) Approved.***



34. MOTION TO ADOPT Resolution 2005-359 of the Board of County Commissioners of Broward County, Florida, directing the County Administrator to publish a Notice of Public Hearing on June 14, 2005 at 2:00PM in Room 422 of the Governmental Center, to consider additional public input regarding the Broward County Consolidated Strategic Plan for Fiscal Year 2006-2010 and Annual Action Plan for Fiscal Year 2006 covering the United States Department of Housing and Urban Development (“HUD”) 31st Year Community Development Block Grant Program, the Emergency Shelter Grants Program, and the HOME Investment Partnerships Program; and providing for an effective date.

***ACTION: (T-10:11 AM) Approved.***

35. MOTION TO ADOPT Resolution 2005-360 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, June 14, 2005 at 2:00 p.m. in Room 422 of the Governmental Center, to consider the adoption of a proposed Resolution, the title of which is as follows:

RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO PUBLISH NOTICE OF PUBLIC HEARING FOR THE PURPOSE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, ACTING IN ITS CAPACITY AS THE CENTRAL COUNTY COMMUNITY REDEVELOPMENT AGENCY BOARD TO CONSIDER THE MODIFICATION OF THE CENTRAL COUNTY REDEVELOPMENT PLAN.  
**(Commission Districts 7 and 9)**

***ACTION: (T-10:11 AM) Approved.***

36. MOTION TO ADOPT Resolution 2005-361 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, June 14, 2005, at 2:00 P.M., in Room 422 of the Governmental Center to consider the adoption of a proposed Resolution, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 24, PART II, CULTURAL GRANT PROGRAMS, SECTION 24.5 AND SECTION 24.6;

AMENDING CHAPTER 29, PART II, SECTION 29.16, SPECIFIC PROGRAM ELIGIBILITY REQUIREMENTS AND SECTION 29.17, GENERAL GRANT INFORMATION, OF THE BROWARD COUNTY ADMINISTRATIVE CODE; AMENDING TO DELETE THE PREVIOUSLY APPROVED FORM AGREEMENTS SHOWN AS EXHIBIT 29A, EXHIBIT 29B, AND EXHIBIT 29C FROM CHAPTER 29, PART II OF THE BROWARD COUNTY ADMINISTRATIVE CODE; APPROVING THE USE OF PREVIOUSLY APPROVED FORM AGREEMENTS FOR ANY REMAINING FISCAL YEAR 2005 CULTURAL GRANT AWARDS; APPROVING STANDARD FORM AGREEMENTS FOR CULTURAL GRANT PROGRAMS COMMENCING IN FISCAL YEAR 2006; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE ADMINISTRATIVE CODE (EXCEPT AS OTHERWISE PROVIDED); AND PROVIDING FOR AN EFFECTIVE DATE.

**ACTION: (T-10:11 AM) Approved.**

**DEPARTMENT OF URBAN PLANNING AND REDEVELOPMENT**

**PLANNING SERVICES DIVISION**

- 37. MOTION TO DIRECT Office of the County Attorney to prepare an Ordinance for the creation of a Neighborhood Preservation and Enhancement District for the Boulevard Gardens neighborhood (**Commission District 7**).

**ACTION: (T-10:11 AM) Approved.**

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**QUASI-JUDICIAL CONSENT HEARING**

**DEPARTMENT OF URBAN PLANNING AND REDEVELOPMENT**

**DEVELOPMENT MANAGEMENT DIVISION**

- 38. DELEGATION: Susan Hess, representing the City of Coral Springs, regarding MOTION TO APPROVE Traffic Concurrency Agreement relating to the Downtown Coral Springs Development of Regional Impact (DRI). (**Commission District 3**)

**ACTION: (T-10:11 AM) Approved subject to staff's recommendation..**

**END OF QUASI-JUDICIAL CONSENT HEARING**

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**REGULAR AGENDA**

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**PUBLIC HEARING**

- 39. MOTION TO ADOPT Resolution 2005-362 revising the fee schedule for proposed amendments to the Broward County Land Use Plan Map, Broward County Trafficways Plan amendments and waiver requests, recertification of local land use plan map amendments and requests for written platting interpretations.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING RESOLUTION NO. 2004-455, THE SCHEDULE OF FEES AND CHARGES FOR LAND USE PLAN AMENDMENTS, TRAFFICWAYS AMENDMENTS AND WAIVERS, RECERTIFICATION OF LOCAL LAND USE PLAN MAP AMENDMENTS AND WRITTEN PLATTING DETERMINATIONS, PROCESSED BY THE BROWARD COUNTY PLANNING COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

***ACTION: (T-3:49 PM) Approved.***

**SAFE PARKS AND LAND PRESERVATION BOND PROGRAM**

- 40. MOTION TO APPROVE Contract for Sale and Purchase between Mount Mary Primitive Baptist Church, Inc. and Broward County in the amount of \$316,100 for the purchase of 0.35 acres (15,200 square feet) known as Open Space Site OS-70.12 in the Broward County Land Preservation Bond Program Inventory; a religious facility located at 2841 NW 11<sup>th</sup> Street, unincorporated Broward County (Fort Lauderdale), Florida; authorize Real Property Section to acquire this property using Safe Parks and Land Preservation Bond Issue funds; authorize the Mayor and Clerk to execute Contract for Sale and Purchase, and authorize acceptance and recordation of Deed.. **(Commission District 9)**

***ACTION: (T-11:48 AM) Approved. (Refer to minutes for full discussion.)***

41. MOTION TO CONSIDER Settlement and Assignment Agreement between Broward County and Soneet Kapila, Chapter 7 Trustee for South Stevedoring, Inc. ("Chapter 7 Trustee") (United States Bankruptcy Court, Southern District of Florida, Case Number 03-25110-BKC-RBR) settling all outstanding monetary cure obligations of the Chapter 7 Trustee to Broward County under the provisions of the U.S. Bankruptcy Code and assigning the Chapter 7 Trustee's rights and interests in the Marine Terminal Management Agreement between Broward County and South Stevedoring, Inc. as amended, to Florida International Terminal, LLC ("FIT") and Compania Sud Americana de Vapores S.A. as Guarantor, and authorize the Mayor and Clerk to execute all required agreements and documents to effectuate same. (This is the 1<sup>st</sup> of two Public Hearings). The second Public Hearing will be held on Tuesday, June 14, 2005 at 10:00 a.m.

***ACTION: (T-3:49 PM) Filed proof of publication and continued the Public Hearing to Tuesday, June 14, 2005 at 10:00 a.m. The issue of habitual violator must be detailed in the agreement prior to the June 14, 2005 Public Hearing. (Refer to minutes for full discussion.)***

**END PUBLIC HEARING**

**PORT EVERGLADES DEPARTMENT**

42. MOTION TO ADOPT Resolution 2005-363 directing the County Administrator to publish a Notice of Public Hearing to be held June 14, 2005 at 10:00 a.m., to consider an application from Florida International Terminal, LLC for a non-exclusive franchise to provide cargo handler services for a one-year term at Port Everglades. This item coincides with the preceding Public Hearing item (No. 41) on May 24, 2005 and June 14, 2005, approval of which results in an amended Marine Terminal Management Agreement between Broward County and Florida International Terminal, LLC.

***ACTION: (T-3:52 PM) Approved.***

43. MOTION TO ADOPT Resolution 2005-364 directing the County Administrator to publish a Notice of Public Hearing to be held June 14, 2005 at 10:00 a.m., to consider an application from Florida International Terminal, LLC for a non-exclusive franchise to provide stevedore services for a one-year term at Port Everglades. This item coincides with the preceding Public Hearing item (No. 41) on May 24, 2005 and June 14, 2005, approval of which results in an amended Marine Terminal Management Agreement between Broward County and Florida International Terminal, LLC.

***ACTION: (T-3:53 PM) Approved.***

44. A. MOTION TO CONSIDER settlement agreement and second amendment to the lease agreement between Broward County and Highwoods/Florida Holdings, L.P.; subject to holding the required public hearings for Port Everglades lease agreements.

***ACTION: (T-3:54 PM) The Board rejected the settlement. (Refer to minutes for full discussion.)***

- B. MOTION TO ADOPT Resolution 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 settlement agreement and second amendment to the lease agreement between Broward County and Highwoods/Florida Holdings, L.P.

***ACTION: (T-3:54 PM) No Board action was taken.***

#### **SAFE PARKS AND LAND PRESERVATION BOND PROGRAM**



45. A. MOTION TO DIRECT County Administrator to publish Notice of Public Hearing to be held at 10:00 AM, Tuesday, June 28, 2005, in Room 422 of the Governmental Center, 115 South Andrews Avenue, Fort Lauderdale, Florida, to consider Contract for Sale and Purchase of Safe Parks and Land Preservation Bond Program Conservation Land Site CL-39 (7.09 acres; 308,654 square feet), unimproved vacant land located at the northwest corner of Hillsboro Boulevard and NW 39<sup>th</sup> Avenue, Coconut Creek, Broward County, Florida, pursuant to Florida Statutes Chapter 125.355. **(Commission District 2)**

***ACTION: (T-4:05 PM) Approved.***

- B. MOTION TO ACKNOWLEDGE to the Broward County Board of County Commissioners that Real Property Section intends to present for consideration on or after June 28, 2005, a Contract for Sale and Purchase for the acquisition of Site CL-39 for a total purchase price of \$2,208,000. **(Commission District 2)**

***ACTION: (T-4:05 PM) Approved.***

## AVIATION DEPARTMENT

46. A. MOTION TO APPROVE deliberately phased Agreement No. 20030331-0-AV-01 for consultant services for design of Concourse "A" at the Fort Lauderdale-Hollywood International Airport, between Broward County and Gresham Smith and Partners for the maximum-not-to-exceed amount of \$5,984,282; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-4:06 PM) Approved, as corrected. (Scrivener's error - See County Administrator's memorandum: First paragraph, first sentence, in the Summary Section, remove the words "race and gender neutral.") (Refer to minutes for full discussion.)***

- B. MOTION TO AUTHORIZE Director of Aviation to notify the Federal Aviation Administration (FAA) of the County's intent to delete this project from the project scope of the current Environmental Impact Statement (EIS), and request compliance with the terms of the National Environmental Policy Act (NEPA) by the submittal of the draft Environmental Assessment (EA) Report.

***ACTION: (T-4:06 PM) Approved, as corrected. (Scrivener's error - See County Administrator's memorandum: First paragraph, first sentence, in the Summary Section, remove the words "race and gender neutral.") (Refer to minutes for full discussion.)***

47. MOTION TO APPROVE Memorandum of Agreement for Interagency Stewardship and Streamlining Fort Lauderdale-Hollywood International Airport, Environmental Impact Statement and Permitting, between Broward County and the Federal Aviation Administration (FAA), National Oceanic & Atmospheric Administration, National Marine Fisheries Service (NMFS), U.S. Army Corps of Engineers, Jacksonville District (USACE), U.S. Fish & Wildlife Service, Region 4, Southeast Region (FWS), U.S. Environmental Protection Agency, Region 4 (EPA), Federal Highway Administration (FHWA), and the Florida Department of Environmental Protection (DEP), providing for a streamlining of the Fort Lauderdale-Hollywood International Airport Environmental Impact Statement and Permitting Process for the 9R/27L Runway Extension Project at no cost to the County; effective upon execution for a term expiring upon issuance of a Record of Decision (ROD); and authorize the Mayor and Clerk to execute same.

***ACTION: (T-4:24 PM) Approved. (Refer to minutes for full discussion.)***

48. MOTION TO APPROVE agreement between Broward County and Leigh Fisher Associates (LFA) for consulting services for the completion of the Part 150 Noise Compatibility Study for the Fort Lauderdale-Hollywood International Airport (RLI No. 20040909-0-AV-01), in the maximum amount not-to-exceed \$1,235,000 for a period of two years ending April 30, 2007, with a one-year renewal option; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-4:28 PM) Approved. (Refer to minutes for full discussion.)***

## **HUMAN SERVICES DEPARTMENT**

### **OFFICE OF HOUSING FINANCE**



49. MOTION TO ADOPT Resolution 2005-365 of the Board of County Commissioners of Broward County, Florida, authorizing the issuance by the Housing Finance Authority of Broward County, Florida of not to exceed \$6,000,000; of its Multifamily Housing Revenue Bonds (Sailboat Bend Artist Lofts Project); authorizing the execution of a request for bond allocation on behalf of the Housing Finance Authority of Broward County, Florida in connection with such issuance for the purpose of providing funds to finance the acquisition and construction of a multifamily rental housing development to be located in the county, to provide rental housing for persons and families of low and moderate income to be owned by the party specified herein; approving the public hearing held in respect of such issuance; and providing an effective date. **(Commission District 7)**

***ACTION: (T-5:27 PM) Approved. (Refer to minutes for full discussion.)***

## **FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT**

### **HUMAN RESOURCES DIVISION**

50. A. MOTION TO ESTABLISH policy regarding the duration of acting appointments to Department Director positions.

***ACTION: (T-5:29 PM) Approved, as amended. Under Section 2.6 Department Directors – Appointment: Removal.: 1) The County Administrator shall have the authority to appoint acting or interim department directors for a period of time “up to 6 months.” 2) Said appointment shall be brought before the Board for confirmation. 3) The acting or interim appointee must meet the requirements set forth by the County’s Human Resources’ Job Description. 4) ~~Within a reasonable time after the appointment of an acting department director,~~ “The County Administrator shall “promptly” initiate a national search for the appointment of a department director after the appointment of an acting or interim department director.” Circumstances beyond anyone’s control shall be brought before the***

***Board for consideration and change of policy, if necessary. (Refer to minutes for full discussion.)***

- B. MOTION TO ADOPT Resolution 2005-366 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, June 14, 2005, at 2:00 p.m. in Room 422 of the Governmental Center to consider adoption of a proposed Resolution amending the Administrative Code Section, the title of which is as follows.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING SECTION 2.6 OF THE BROWARD COUNTY ADMINISTRATIVE CODE; PROVIDING FOR THE APPOINTMENT OF ACTING DEPARTMENT DIRECTORS; PROVIDING FOR THE DURATION OF TIME FOR SUCH APPOINTMENTS; PROVIDING THAT SUCH ACTING DEPARTMENT DIRECTORS SHALL MEET THE CRITERIA FOR PERMANENT DEPARTMENT DIRECTOR APPOINTMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE BROWARD COUNTY ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

***ACTION: (T-5:29 PM) Approved, as amended. (Refer to minutes for full discussion.)***

### **PURCHASING DIVISION**

For Port Everglades Department

51. MOTION TO APPOINT Selection Committee (S/C) to recommend the most qualified firm to provide consultant services to develop inventory control/recordkeeping software for Broward County Port Everglades Department; and approve Request for Letters of Interest (RLI) No. 20040923-0-PORT-01RE.

***ACTION: (T-10:11 AM) Withdrawn for further staff review.***

### **COMMUNITY SERVICES DEPARTMENT**

#### **CULTURAL DIVISION**

52. MOTION TO APPROVE grant agreement between Broward County and the Museum of Art, Inc. (Contractor), in the amount not-to-exceed \$1,500,000 (County portion is \$500,000; Contractor match is \$1,000,000), for the purpose of a matching grant for building improvements to the Museum of Art to accommodate the Tutankhamun and the Golden Age of the Pharaohs Exhibit, for a period of three years from the date of execution by both parties, and authorize the Mayor and the Clerk to execute same. **(Commission District 7)**

***ACTION: (T-5:47 PM) Approved.***

## **GREATER FORT LAUDERDALE CONVENTION AND VISITOR'S BUREAU**

53. MOTION TO APPROVE loan agreement between Broward County and the Museum of Art, Inc., Fort Lauderdale, for building improvements related to the King Tut Exhibition.

***ACTION: (T-5:48 PM) Approved, as amended: The proceeds of the loan are distributed as the associated renovation costs are incurred and matching grant funds are disbursed. (Recommendation #2 as reflected in the County Auditor's memorandum dated May 23, 2005.) (Refer to minutes for full discussion.)***

## **COUNTY ADMINISTRATION**

54. MOTION TO CONSIDER Letter of Intent between Broward County, Artspace, and Lennar Homes to enter into a 39 year lease for the Broward County Historical Commission (BCHC) pursuant to provisions outlined in the Letter of Intent.

***ACTION: (T-4:30 PM) Approved, as amended. The Board directed the County Attorney's Office to return before the Board with a more specific lease that would resolve outstanding issues discussed by the Board and to amend the Letter of Intent to recognize a "preference" for artists; allow the lender's mortgage to be superior to the Land Use Restriction Agreement (LURA); allow for the appropriate level of County uses for the Historic School, and bring the Lease back to the Board for subsequent approval. (Refer to minutes for full discussion.)***

55. MOTION TO APPOINT Ms. Debbie Bowers as interim Director of Port Everglades until a search for a permanent director is concluded and the successful candidate is confirmed by the Board.

***ACTION: (T-5:59 PM) Deferred to Tuesday, June 7, 2005. (Refer to minutes for full discussion.)***

## **COUNTY COMMISSION**

56. MOTION TO DISCUSS: Federal Aviation Administration Air Traffic Control (FAA ATC) Division's interest to institute a test program to secure runway utilization data to justify amending the Fort Lauderdale-Hollywood International Airport's Informal Runway Use Tower Order dated March 15, 1998. The specific changes the local FAA ATC are seeking is the removal of the restriction against using Runway 13/31 except in emergency situations and the removal of the restriction prohibiting the landing of jet aircraft on 9R/27L. (Commissioner Rodstrom)

***ACTION: (T-11:59 AM) The Board directed staff to provide various solutions, including legal solutions, to mitigate the traffic congestion and delay times that the Fort Lauderdale-Hollywood International Airport is experiencing to minimize the impact on the residents and at the same time***

**recognize the customers the County serves at the airport. Staff will return before the Board on Tuesday, June 7, 2005. (Refer to minutes for full discussion.)**

57. MOTION TO AUTHORIZE County Attorney to provide legal services to the Downtown Fort Lauderdale Transportation Management Association (TMA) Committee for certain legal matters as detailed in correspondence dated April 29, 2005 from the TMA Executive Director. Value of services not to exceed \$7,500. (Commissioner Rodstrom)

**ACTION: (T-7:09 PM) Approved. The Board authorized the County Attorney's Office to draft the appropriate agreement. (Refer to minutes for full discussion.)**

58. MOTION TO NOMINATE Keith M. Poliakoff to the Land Preservation Board. Mr. Poliakoff fills a vacancy. (Commissioner Gunzburger)

**ACTION: (T-10:11 AM) Approved. (Transferred to the Consent Agenda.)**

59. MAYOR'S REPORT

❖ THANKS TO SHARON CRUZ

**ACTION: (T-7:11 PM) On behalf of the Mayor and the County Commission, Vice Mayor Graber thanked Sharon Cruz for all her hard work and the great job she did as the Interim County Attorney.**

**By way of a motion, the Board awarded Ms. Cruz a \$5,000 performance bonus for the period of time she served as Interim County Attorney. (Refer to minutes for full discussion.)**

60. COUNTY COMMISSION LIAISON REPORT

**ACTION: (T- 7:11 PM) No reports were filed.**

61. COUNTY ADMINISTRATOR'S REPORT

**ACTION: (T-7:11 PM) County Administrator Roger J. Desjarlais informed the Board he had nothing to report.**

**NON AGENDA**

62. **PROVIDE LIST OF TOP LEVEL DEPARTMENT AND DIVISION DIRECTOR VACANCIES – AVIATION DEPARTMENT – COMMISSIONER LIEBERMAN**

***ACTION: (T-7:11 PM) Commissioner Lieberman requested that the County Administrator provide a list of top level department and division director vacancies that are currently open in the Aviation Department: how many positions and the job descriptions. (Refer to minutes for full discussion.)***

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**MEETING/WORKSHOP NOTICES**

**BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS  
AND  
BROWARD LEAGUE OF CITIES  
*WELCOME***

***NEWLY ELECTED AND APPOINTED MUNICIPAL OFFICIALS***

Tuesday, May 24<sup>th</sup> at 9:30 a.m.  
Room 302, S. Andrews Governmental Center, Fort Lauderdale

**INSURANCE SELECTION COMMITTEE  
RLI No. 20050121-0-CR-01**

Tuesday, May 24<sup>th</sup> at 3:00 p.m.  
Room 430, S. Andrews Governmental Center, Fort Lauderdale

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