

## **MEETING OF AUGUST 26, 2008**

(Meeting convened at 10:09 a.m., and adjourned at 10:49 a.m.)

**PLEDGE OF ALLEGIANCE** was led by Barbara Weinstein, President and CEO of Family Central of Broward County.

### **MOMENT OF SILENCE**

In memory of Leola McCoy, longtime community advocate and civic leader.

In memory of Nathan "Nat" Goren, former Director of Media Relations and Community Services for Broward Health, and longtime community activist and advocate for the elderly population.

In memory of Arline Sterling, mother of former Broward County School Board Member, Neil Sterling.

In memory of our brave soldiers serving the United States both proudly in Iraq and Afghanistan, as well as their families.

**CALL TO ORDER** Mayor Wexler called the meeting to order and declared a quorum present.

<b><u>COMMISSIONER</u></b>	<b><u>DISTRICT</u></b>	<b><u>ATTENDANCE</u></b>
Josephus Eggelletion, Jr.	9	Absent
Sue Gunzburger	6	Present
Kristin D. Jacobs	2	Present
Ken Keechl	4	Present
Ilene Lieberman	1	Present
Stacy Ritter	3	Absent
John E. Rodstrom, Jr.	7	Present
Diana Wasserman-Rubin	8	Absent
Lois Wexler	5	Present

### **CONSENT AGENDA**

**A motion was made by Commissioner Lieberman, seconded by Commissioner Gunzburger and unanimously carried to approve the Consent Agenda consisting of Items 1 through 61. At the request of the Mayor, Regular Agenda Items 64, 66, and Supplemental Item 69 were transferred to the Consent Agenda.**

**The following items were withdrawn/deferred: 27, 43, 53 & 60.**

**The following items were pulled by the Board and considered separately: 2, 19, 20 and 29.**

**The following items were pulled by members of the public and considered separately: 19 and 20.**



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

1. **BOARD APPOINTMENTS**

***ACTION: (T-10:17 AM) No Board Action taken.***

**AVIATION DEPARTMENT**

2. **MOTION TO APPROVE** Pilot Automated Retail Concession Agreement between Broward County, Florida and NewZoom, Inc., (“Agreement”) to provide a non-exclusive automated retail concession in the form of robotic kiosks for the sale of high end retail products at the Fort Lauderdale-Hollywood International Airport to be effective upon Board approval for a two year period with a Privilege Fee of 10% of monthly gross revenues, and authorize the Mayor and Clerk to execute same.

***(This item was pulled by Mayor Wexler.)***

***ACTION: (T-10:18 AM) Approved. (Refer to minutes for full discussion.)***

**VOTE: 6-0.**

3. **MOTION TO APPROVE** interagency agreement with the Transportation Security Administration (TSA) as enumerated in confidential exhibits from the Director of Aviation to the Board of County Commissioners; and to authorize the County Administrator to make the necessary administrative actions to execute same.

***ACTION: (T-10:17 AM) The Board approved, and adopted Resolution Number 2008-537.***

**FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT**

**ACCOUNTING DIVISION**

4. **MOTION TO APPROVE** list of computer checks issued from April 1, 2008 through April 30, 2008, May 1, 2008 through May 31, 2008, and June 1, 2008 through June 30, 2008.

***ACTION: (T-10:17 AM) Approved.***

## **PURCHASING DIVISION**

For Aviation Department

5. MOTION TO APPOINT Director, Operations Division, Aviation Department, as Selection Committee (SC) Chair for Request for Letters of Interest (RLI) No. 20060222-0-AV-01AA, Airport Master Signage Consultant, replacing Director, Aviation Department.

***ACTION: (T-10:17 AM) Approved.***

For Community Services Department

6. A. MOTION TO WAIVE Requirement for Umpires' Certification Numbers (Attachment "B", "List of Officials") as a non-substantive lack of conformity or minor technicality in the bid.

***ACTION: (T-10:17 AM) Approved.***

- B. MOTION TO AWARD open-end contract to single responsive, responsible bidder, Broward County Umpires Association, Inc., a Certified Small Business Enterprise, Bid No. D508155B1, for Softball Officiating Services, Groups 1 and 2, in the estimated annual amount of \$323,360 for the Parks and Recreation Division, and authorize the Director of Purchasing to renew the contract for a one-year period for a total potential contract amount of \$646,720. The initial contract period shall start on October 1, 2008 and shall terminate one year from that date.

***ACTION: (T-10:17 AM) Approved.***

For Greater Fort Lauderdale Convention and Visitors Bureau

7. MOTION TO APPROVE Third Amendment to the Agreement between Broward County and Ignite Sales and Marketing Limited (Ltd.), an Independent Contractor for Leisure Sales and Marketing for Broward County in the United Kingdom, Ireland, Scandinavia, and South Africa for the purpose of extending the Agreement due to expire on September 30, 2008. This Amendment extends the contract for one year, with \$81,960 for professional fees to conduct leisure sales and marketing services and \$114,000 for reimbursable expenses, for an annual Agreement amount of \$195,960; and will allow time for staff to initiate a competitive procurement for leisure sales and marketing services, and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:17 AM) Approved.***

For Public Works Department

8. MOTION TO APPROVE Third Amendment to Work Authorization GS0181 between Broward County and Hazen and Sawyer, P.C., RLI No. 110800-RB, for an increase of \$199,600; from \$226,074 to a total not-to-exceed amount of \$425,674; and an increase of 631 days, from 840 to 1,471 days, to provide construction management services for the Water Treatment Plant (WTP) 1A Disinfection System Modifications; and authorize the Mayor and Clerk to execute same. (BCWWS Project 8973) **(Commission District 9)**

***ACTION: (T-10:17 AM) Approved.***

9. MOTION TO APPROVE Change Order No. 8 to Contract No. H905287CF with Ocean Bay Construction, Inc., for the construction of the Central County Neighborhood Improvement Project, Melrose Park N.E., Bid Package No.10, for an increase of \$90,359.60, from \$10,635,021.52 to \$10,725,381.12, increase contract time by 18 days, from 593 to 611 days, and authorize the Mayor and Clerk to execute same. (BCWWS Project No.1149) **(Commission District 7)**

***ACTION: (T-10:17 AM) Approved.***

10. MOTION TO AWARD open-end contract to single responsive, responsible bidder, Scott Paint Company Inc., Bid No. E608193B1, for Recycling Latex Paint, in the estimated annual amount of \$234,000 for Waste and Recycling Services and authorize the Director of Purchasing to renew the contract for two, one-year periods for a potential contract amount of \$702,000. The initial contract period shall start on October 1, 2008 and shall terminate one year from that date.

***ACTION: (T-10:17 AM) Approved.***

11. MOTION TO APPROVE Agreement between Broward County and Chen and Associates Consulting Engineers, Inc., Request for Letters of Interest (RLI) No. 20060808-7-EED-02, Consultant Services for Water and Wastewater Improvements for Utility Analysis Zones (UAZ) 303, 314, 316, and 318 for a maximum not-to-exceed salary cost of \$1,031,833, a maximum not-to-exceed reimbursable cost of \$201,800, and a lump sum payment for basic services of \$1,256,966; for a total maximum Agreement amount of \$2,490,599 and a contract time frame of 480 non-cumulative days, and authorize the Mayor and Clerk to execute same. (WWS Projects 9059, 9115, 9068 and 9069) **(Commission District 7)**

***ACTION: (T-10:17 AM) Approved.***

For Transportation Department

12. MOTION TO AWARD open-end contract to low responsive, responsible bidder, Atlantic Bus Sales, for Buses, 25-Foot Midsize, Bid No. VZ07364B1, in the estimated annual amount of \$664,760 for the Transportation Department, and authorize the Director of Purchasing to renew the contract for two one-year periods for a potential total estimated amount of \$1,994,280. The initial contract period shall begin on the date of the award and shall terminate one year from that date.

***ACTION: (T-10:17 AM) Approved. (Scrivener's error – See County Administrator's Report: Add Motion to Award open-end contract to low responsive, responsible bidder, Atlantic Bus Sales, for Buses, 25-Foot Midsize, Bid No. VZ07364B1, in the estimated annual amount of \$664,760, based on an estimated purchase of ten buses, ...)***

**HUMAN SERVICES DEPARTMENT**

**CHILDREN'S SERVICES ADMINISTRATION DIVISION**

13. MOTION TO APPROVE Agreement between Broward County and Family Central, Inc. from October 1, 2008 to September 30, 2009 in the amount of \$1,677,564 to provide subsidized child care to eligible working poor families in Broward County and authorizes Mayor to execute same.

***ACTION: (T-10:17 AM) Approved.***

14. A. MOTION TO RETROACTIVELY APPROVE Florida Council Against Sexual Violence Standard Subcontract between Broward County and the Florida Council Against Sexual Violence from July 1, 2008, through June 30, 2009 in the amount of \$22,938 for the purpose of providing professional crisis intervention and advocacy services to sexual violence victims and authorize the Mayor to execute same.

***ACTION: (T-10:17 AM) Approved.***

- B. MOTION TO ADOPT Unanticipated Revenue Resolution 2008-538 within the State Grant Fund (7535) for the Children's Services Administration Division/Sexual Assault Treatment Center Section, in the amount of \$22,938 for the purpose of providing professional crisis intervention and advocacy services to sexual violence victims.

***ACTION: (T-10:17 AM) Approved.***

15. A. MOTION TO RETROACTIVELY APPROVE Amendment No. 1 to Subcontract 07RCP27 between Broward County and the Florida Council Against Sexual Violence (FCASV) from July 1, 2007, through June 30, 2010, to increase funding by \$73,071 to a total of \$139,519 for the purpose of providing professional crisis intervention and advocacy services to sexual violence victims and authorize the Mayor to execute same.

***ACTION: (T-10:17 AM) Approved.***

- B. MOTION TO ADOPT Unanticipated Revenue Resolution 2008-539 within the State Grant Fund (7535) for the Children's Services Administration Division/Sexual Assault Treatment Center Section, in the amount of \$73,071 for the purpose of providing professional crisis intervention and advocacy services to sexual violence victims.

***ACTION: (T-10:17 AM) Approved.***

16. A. MOTION TO RETROACTIVELY APPROVE Agreement between ChildNet, Inc. and Broward County from July 1, 2008 to September 30, 2008, in the amount of \$8,664 for the purpose of providing supervised visitation services for children who have been estranged from their parents due to allegations of child abuse, neglect or abandonment, and authorize the Mayor to execute same.

***ACTION: (T-10:17 AM) Approved.***

- B. MOTION TO ADOPT Unanticipated Revenue Resolution 2008-540 within the State Grant Fund (7530) for the Children's Services Administration Division, Sexual Assault Treatment Center Section, in the amount of \$8,664 for the purpose of providing visitation services for children who have been estranged from their parents due to allegations of child abuse, neglect or abandonment.

***ACTION: (T-10:17 AM) Approved.***

## **HOMELESS INITIATIVE PARTNERSHIP DIVISION**

17. A. MOTION TO APPROVE Local Homeless Coalition funding from the State of Florida, Department of Children and Families (DCF) for Fiscal Years 2007/2008 and 2008/2009; approving the Funding Agreement between Broward County and DCF in the amount of \$12,600; from September 1, 2008 through June 30, 2009, for the purpose of performing the functions of a local homeless coalition pursuant to 420.623 and 420.624 F.S., as described in the Agreement; authorizing the County Administrator to execute the Agreement, any amendments to said Agreement relating to time extensions, administrative and budgetary actions, and project changes that do not increase the total award amount; authorizing the County Administrator to terminate said Agreement for cause or convenience; and providing for an effective date.

***ACTION: (T-10:17 AM) Approved.***

- B. MOTION TO ADOPT unanticipated Revenue Resolution 2008-541 in the amount of \$12,600 for the Local Homeless Coalition Grant Fund (8015) to be used for the purpose of performing the functions of a local homeless coalition.

***ACTION: (T-10:17 AM) Approved.***

18. MOTION TO ADOPT Resolution 2008-542 of the Board of County Commissioners of Broward County, Florida, extending the term of the existing homeless Transitional Housing Rate Agreements through March 31, 2009, to allow sufficient time for an application process for new transitional housing providers to be completed; approving a standard form amendment for the extensions; authorizing the County Administrator to execute the approved standard form amendment and any necessary administrative and budgetary actions; and providing for an effective date.

***ACTION: (T-10:17 AM) Approved.***

## COMMUNITY SERVICES DEPARTMENT

### ANIMAL CARE AND REGULATION DIVISION

19. MOTION TO ADOPT Resolution 2008-543 of the Board of County Commissioners of Broward County (Board), Florida, approving the contract shell form; authorizing the Director of Animal Care and Regulation Division (Division) to execute the appropriate shell contract for each approved pet license sales agent for the issuance of pet licenses; providing for severability; and providing for an effective date.

*(This item was pulled by Commissioner Lieberman and members of the public.)*

***ACTION: (T-10:21 AM) Approved, as amended. The Board requested that veterinarians are to be provided a larger share of the license for sterilized animals (\$3.00) and a smaller portion of the license for unsterilized animals (\$2.00 or less) as the goal is to encourage animal sterilization and move towards becoming a “no kill shelter.” (Refer to minutes for full discussion.)***

**VOTE: 6-0.**

20. MOTION TO DIRECT the County Attorney to draft an Ordinance amending Chapter 4, Section 4-30 of the Broward County Code of Ordinances, to extend the authorization for the S.P.O.T. Program (Stop Pet Overpopulation Together) by six months from October 1, 2008, through March 31, 2009, in order to finalize recommendations for the continuation of a spay/neuter program.

*(This item was pulled by Commissioner Lieberman and members of the public.)*

***ACTION: (T-10:23 AM) Approved, as amended. The Board requested that veterinarians are to be provided a larger share of the license for sterilized animals (\$3.00) and a smaller portion of the license for unsterilized animals (\$2.00 or less) as the goal is to encourage animal sterilization and move towards becoming a “no kill shelter.” (Refer to minutes for full discussion.)***

**VOTE: 6-0.**

## **CULTURAL DIVISION**

21. A. MOTION TO APPROVE Agreement between Broward County and the State of Florida Division of Cultural Affairs (State) (Grant No. 09.6012) in the amount of \$10,000 for the purpose of funding the annual teacher's conference at the Dillard Center for the Arts, and supplementing the Education and Community Development (ECD) Grant to the School Board of Broward County (School Board) from July 1, 2008, through June 30, 2009, and authorize the Mayor and Clerk to execute same and sign other documents related to the grant. (Includes \$3,800 County cash match)

***ACTION: (T-10:17 AM) Approved.***

- B. MOTION TO ADOPT unanticipated revenue Resolution 2008-544 within the Cultural Council's Arts in Education Grant Fund (7250) for the Cultural Division in the amount of \$10,000 for the purpose of supplementing the Arts in Education Program (AIE).

***ACTION: (T-10:17 AM) Approved.***

- C. MOTION TO AUTHORIZE County Administrator, or designee, to sign the Fiscal Year 2009 year-end grant report.

***ACTION: (T-10:17 AM) Approved.***

22. A. MOTION TO APPROVE Agreement between Broward County and the State of Florida Division of Cultural Affairs (Grant No. 09.8002) in the amount of \$47,550 for the purpose of providing general program support for the Broward Cultural Division for the period July 1, 2008, through June 30, 2010, and authorize the Mayor and Clerk to execute same and sign other documents related to the grant. (Includes \$33,289 County cash match)

***ACTION: (T-10:17 AM) Approved.***

- B. MOTION TO ADOPT unanticipated revenue Resolution 2008-545 within the Cultural Council Local Arts Agency Grant Fund (7730) for the Cultural Division in the amount of \$47,550.

***ACTION: (T-10:17 AM) Approved, as amended, per the yellow-sheeted substitute resolution changing the amount of total appropriations from \$48,070 to \$47,550.***

- C. MOTION TO AUTHORIZE County Administrator, or designee, to sign the Fiscal Year 2009 year-end grant report.

***ACTION: (T-10:17 AM) Approved.***

### **LIBRARIES DIVISION**

23. MOTION TO APPROVE delegation of authority to the Libraries Division Director to disburse donations expected to be received by the Division and deposited in the Broward County Library Trust Fund and Account for Fiscal Year 2009 in accordance with the Code of Broward County, Section 19-32(a).

***ACTION: (T-10:17 AM) Approved.***

### **PORT EVERGLADES DEPARTMENT**

24. MOTION TO APPROVE Lease Agreement between Broward County and St. John's Shipping Co., Inc., for 3,160 square feet of vacant land and 1,600 square feet of warehouse space located at Building 28A at Port Everglades for the period of October 1, 2008 through September 30, 2011, with rent in the approximate amount of \$61,336 over the lease term; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:17 AM) Approved.***

25. MOTION TO APPROVE Lease Agreement between Broward County and Florida Transportation Services, Inc., for 11,643 square feet of vacant land and 4,691 square feet of warehouse space located at Building 28A at Port Everglades for the period of October 1, 2008 through September 30, 2011, with rent in the approximate amount of \$193,175 over the lease term; and authorize the Mayor and Clerk to execute same.

**ACTION: (T-10:17 AM) Approved.**

**OFFICE OF ECONOMIC DEVELOPMENT**

26. MOTION TO ACCEPT Broward Alliance Fiscal Year 2008 quarterly performance report for the period April 1, 2008 through June 30, 2008 pursuant to the agreement between Broward County and the Broward Alliance.

**ACTION: (T-10:17 AM) Approved.**

**OFFICE OF PUBLIC AND GOVERNMENTAL RELATIONS**

27. MOTION TO DIRECT staff to enter into agreements with existing lobbying firms, at Fiscal Year 2008 compensation/expense rates, to provide Broward County with state legislative and executive branch lobbying services during Fiscal Year 2009; and authorizing the County Administrator to execute same, and to take all necessary budgetary and administrative actions.

**ACTION: (T-10:17 AM) Withdrawn for further staff review.**

**COUNTY ATTORNEY**

28. MOTION TO APPROVE settlement in the case of *Henry and Wayne Oreal v. Elliot and Betty Gross and Broward County*, 17<sup>th</sup> Judicial Circuit Court Case No.: 05-14066(05).

**ACTION: (T-10:17 AM) Approved.**

29. MOTION TO APPROVE financial arrangements in litigation related to Regional Conflict Counsel.

***(This item was pulled by Commissioner Keechl.)***

**ACTION: (T-10:29 AM) Approved. The Board requested placing a \$6,000 cap on financial arrangements in litigation. (Refer to minutes for full discussion.)**

**VOTE: 6-0.**

## COUNTY ADMINISTRATION

30. MOTION TO APPROVE scheduling of an Executive Session (“Shade Meeting”) for September 9, 2008, beginning at 12:00 pm or following the conclusion of the morning meeting, relative to collective bargaining with the County’s Bargaining Units, pursuant to Section 447.605, Florida Statutes, and authorize the County Administrator to post the appropriate notice.

***ACTION: (T-10:17 AM) Approved.***

## COUNTY COMMISSION

31. MOTION TO FILE Resolution No. R-2008-176 adopted by the City Commission of the City of Hollywood, Florida, recommending the amendment of Florida Statute Section 101.657, “Early Voting”, to shorten the period of time for early voting. (Mayor Wexler)

***ACTION: (T-10:17 AM) Approved.***

## REQUEST TO SET FOR PUBLIC HEARING

32. A. MOTION TO ADOPT Resolution 2008-546 directing the County Administrator to publish notice of a Public Hearing to be held on Tuesday, September 9, 2008, at 5:01 P.M. at the Broward County Governmental Center, Room 422, to adopt tentative budget and millage rates and final special assessments and fees for Fiscal Year 2009.

***ACTION: (T-10:17 AM) Approved.***

- B. MOTION TO ADOPT Resolution 2008-547 directing the County Administrator to publish notice of a Public Hearing to be held on Tuesday, September 23, 2008, at 5:01 p.m. at the Broward County Governmental Center, Room 422, to adopt final budgets and millage rates for Fiscal Year 2009 and to adopt the Fiscal Year 2009-2013 capital program.

***ACTION: (T-10:17 AM) Approved.***

33. MOTION TO ADOPT Resolution 2008-548 directing the County Administrator to publish a Notice of Public Hearing to be held on September 9, 2008, at 2:00 P.M., to consider adoption of a Resolution of the Board of County Commissioners of Broward County, Florida, amending Chapter 39 of the Broward County Administrative Code, amending Section 39.2, “Rates, Fees and Charges, Fort Lauderdale-Hollywood International Airport,” to add Terminal Labor and Material charges; amending Exhibit 39.A; providing for severability; providing for inclusion in the Broward County Administrative Code; and providing for an effective date.

***ACTION: (T-10:17 AM) Approved.***

34. MOTION TO ADOPT Resolution 2008-549 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, September 23, 2008, at 2:00 P.M. in Room 422 of the Governmental Center, to vacate a platted, unimproved, 50-foot wide portion of right-of-way of SW 193<sup>rd</sup> Lane, a platted, unimproved, 80-foot wide portion of right-of-way of SW 54<sup>th</sup> Place, four platted 12-foot wide utility and drainage easements, and six platted 20-foot wide drainage easements lying within, over and across Blocks 1, 2, 3, and 4 of Frontier Trails located north of Stirling Road in the Town of Southwest Ranches; and at no cost to the County. Petitioners: Town of Southwest Ranches (The Mellgren Planning Group Inc., Agent) (2007-V-13) **(Commission District 8)**

***ACTION: (T-10:17 AM) Approved.***

35. MOTION TO ADOPT Resolution 2008-550 directing the County Administrator to publish Notice of Public Hearing to be held at the Broward County Governmental Center, on Tuesday, September 9, 2008 at 5:01 P.M. to consider adoption of a proposed Resolution, the title of which is as follows:

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING SECTION 38.19 CHAPTER 38, PART III OF THE BROWARD COUNTY ADMINISTRATIVE CODE, TO PRESCRIBE A REVISED SCHEDULE OF RAW WATER LARGE USER RATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. **(Commission Districts 1,2,3,6,7,8,9)**

***ACTION: (T-10:17 AM) Approved.***

36. MOTION TO ADOPT Resolution 2008-551 directing the County Administrator to publish Notice of Public Hearing to be held at the Broward County Governmental Center, 115 South Andrews Avenue, Room 422, Fort Lauderdale, Florida 33301 on Tuesday, September 9, 2008 at 5:01 P.M. to consider adoption of a proposed resolution, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO WATER AND WASTEWATER SERVICES; AMENDING SECTION 38.18 OF CHAPTER 38, PART III, OF THE BROWARD COUNTY ADMINISTRATIVE CODE, TO PRESCRIBE A REVISED SCHEDULE OF RETAIL WATER AND WASTEWATER RATES, FEES, AND CHARGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. **(Commission Districts 1,2,3,4,6,7,8,9).**

***ACTION: (T-10:17 AM) Approved.***

37. MOTION TO ADOPT Resolution 2008-552 directing the County Administrator to publish Notice of Public Hearing to be held at the Broward County Governmental Center, 115 South Andrews Avenue, Room 422, Fort Lauderdale, Florida 33301 on Tuesday, September 9, 2008 at 5:01 P.M. to consider 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 SECTION 38.20 OF CHAPTER 38, PART III OF THE BROWARD COUNTY ADMINISTRATIVE CODE, TO PRESCRIBE A REVISED SCHEDULE OF WASTEWATER LARGE USER RATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. **(Commission Districts 1,2,3,7,9)**

***ACTION: (T-10:17 AM) Approved.***

38. MOTION TO ADOPT Resolution 2008-553 directing the Interim County Administrator to publish Notice of Public Hearing to be held on September 9, 2008, at 2:00 PM, in Room 422 of the Governmental Center to consider adoption of a proposed Resolution amending the Administrative Code, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA AMENDING THE BROWARD COUNTY ADMINISTRATIVE CODE, VOLUME II, CHAPTER 42, FEES AND OTHER CHARGES, PORT EVERGLADES, PART IV, TARIFF NO. 4, FOREIGN- TRADE ZONE NO. 25, CODIFIED AS EXHIBIT 42.B AND INCORPORATED IN SECTION 42.29 OF THE BROWARD COUNTY ADMINISTRATIVE CODE; PROVIDING FOR INCREASES IN USER FEES, STORAGE AND HOLDOVER RATES, AND GENERAL PORT SERVICES; PROVIDING RULES AND REGULATIONS TEXT UPDATES TO DEFINITIONS AND SECTIONS ONE THROUGH SEVEN; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE BROWARD COUNTY ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

***ACTION: (T-10:17 AM) Approved.***

39. MOTION TO ADOPT Resolution 2008-554 directing the Interim County Administrator to publish Notice of Public Hearing to be held on September 9, 2008, at 2:00 PM, in Room 422 of the Governmental Center to consider adoption of a proposed Resolution amending the Administrative Code, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA AMENDING THE BROWARD COUNTY ADMINISTRATIVE CODE, VOLUME II, CHAPTER 42, SECTIONS ONE THROUGH SEVEN AND NINE THROUGH ELEVEN INCLUSIVE OF PORT EVERGLADES TARIFF NO. 12, CODIFIED AS EXHIBIT 42.A AND INCORPORATED IN SECTION 42.25 OF THE BROWARD COUNTY ADMINISTRATIVE CODE; PROVIDING FOR INCREASES IN DOCKAGE, WHARFAGE, CONTAINER CRANE RENTAL, SECURITY, AND GENERAL PORT SERVICES; PROVIDING RULES AND REGULATIONS TEXT UPDATES TO SECTIONS 1, 2, 3, 5, 9 AND 10; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE BROWARD COUNTY ADMINISTRATIVE CODE; PROVIDING FOR AN EFFECTIVE DATE.

***ACTION: (T-10:17 AM) Approved.***

40. MOTION TO ADOPT Resolution 2008-555 directing the Interim County Administrator to publish Notices of Public Hearings to be held at 2:00 p.m. on September 9, 2008 and September 23, 2008 in the County Commissioners' Meeting Room (Room 422), Governmental Center to consider approval of the Sixth Amendment to Lease and Operating Agreement between Broward County and King Ocean Service De Venezuela, S.A. and King Ocean Services, Ltd. (King Ocean).

***ACTION: (T-10:17 AM) Approved.***

41. MOTION TO ADOPT Resolution 2008-556 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, September 9, 2008, at 2:00 P.M. in Room 422 of the Governmental Center to consider adoption of a proposed resolution amending the Administrative Code, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO MEDICAL TRANSPORTATION RULES AND REGULATIONS, AMENDING CHAPTER 23, PART IV., BROWARD COUNTY ADMINISTRATIVE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE BROWARD COUNTY ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

***ACTION: (T-10:17 AM) Approved.***

42. MOTION TO ADOPT Resolution 2008-557 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, September 9, 2008, at 2:00 P.M. in Room 422 of the Governmental Center to consider enactment of a proposed Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO MEDICAL TRANSPORTATION SERVICES; AMENDING CHAPTER 3½, EMERGENCY MEDICAL SERVICES AND NONEMERGENCY MEDICAL TRANSPORTATION SERVICES, OF THE BROWARD COUNTY CODE OF ORDINANCES; AUTHORIZING THE COUNTY ADMINISTRATOR TO GRANT EXTENSIONS TO CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY (COPCN) AND NONEMERGENCY MEDICAL TRANSPORTATION SERVICE (NEMTS) LICENSES; REVISING THE RENEWAL PROCESS FOR APPLICANTS SEEKING TO RENEW A CERTIFICATE OR LICENSE; PROVIDING FOR HOUSEKEEPING REVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

***ACTION: (T-10:17 AM) Approved.***

43. MOTION TO ADOPT Resolution of the Board of County Commissioners of Broward County, Florida, directing the County Administrator to publish notice of public hearing to be held on Tuesday, October 14, 2008, at 2:00 p.m., in Room 422, Broward County Governmental Center, to receive public input on the adoption of proposed changes to the Broward County Transportation Department fixed bus routes 3, 7, 14, 20, 50, and 62, the elimination of fixed bus routes 92, 93, 94, 95, and 97, and implementation of new bus route 48, with an effective date of January 11, 2009.

***ACTION: (10:17 AM) Deferred to Tuesday, September 9, 2008.***

44. MOTION TO ADOPT Resolution 2008-558 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, September 9, 2008 at 2:00 P.M. in Room 422 of the Governmental Center to consider adoption of a proposed Resolution amending the Administrative Code, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING SECTION 40.1, LAND DEVELOPMENT PERMIT APPLICATIONS, FEE SCHEDULE, AND SECTION 40.23, ENVIRONMENTAL PROTECTION DEPARTMENT FEE SCHEDULE, OF THE BROWARD COUNTY ADMINISTRATIVE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE BROWARD COUNTY ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

***ACTION: (T-10:17 AM) Approved.***

#### **ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT**

##### **DEVELOPMENT AND ENVIRONMENTAL REGULATION DIVISION**

45. MOTION TO APPROVE Cash Bond Agreement between Broward County and Granada at North Lauderdale, LLLP in the amount of \$5,500 to be held as security for the performance of Specimen Tree relocation in the City of North Lauderdale; and to authorize the Mayor and Clerk to execute same. **(Commission District 9)**

***ACTION: (T-10:17 AM) Approved.***

46. MOTION TO ACCEPT Amended Deed of Conservation Easement and Agreement from the City of Coral Springs for mitigation of 3.34 acres of real property located north of Wiles Road and east of Riverside Drive in the City of Coral Springs. **(Commission District 1)**

***ACTION: (T-10:17 AM) Approved.***

##### **ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION**

47. MOTION TO APPROVE Settlement Agreement in the amount of \$36,450 between Broward County and H T Construction & Renovations, Inc. to resolve asbestos removal violations of Chapter 27 of the Broward County Code of Ordinances in the City of Sunrise; and authorize the Mayor and Clerk to execute same. **(Commission District 9)**

***ACTION: (T-10:17 AM) Approved.***

**POLLUTION PREVENTION, REMEDIATION AND AIR QUALITY DIVISION**

- 48. MOTION TO APPROVE Amendment No. 1 to Contract No. GC691 between Broward County and the Florida Department of Environmental Protection (FDEP) for inspection of storage tanks, to modify the scope of services to reflect the current practice of providing enforcement services using Broward County’s Code of Ordinances, and to provide for minor administrative changes requested by the FDEP; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:17 AM) Approved.***

**NATURAL RESOURCES PLANNING AND MANAGEMENT DIVISION**

- 49. MOTION TO ADOPT Resolution 2008-559 of the Board of County Commissioners of Broward County, Florida, approving the recommendation of the Broward Beautiful Committee to allocate \$131,702 to the 22 organizations specified in Exhibit 3 for funding under the Broward Beautiful Community Grants program, and authorize the County Administrator to execute contracts on behalf of the County with the specified organizations; and provide for an effective date.

***ACTION: (T-10:17 AM) Approved.***

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**QUASI-JUDICIAL CONSENT HEARING**

**ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT**

**DEVELOPMENT AND ENVIRONMENTAL REGULATION DIVISION**

- 50. DISCUSSION: of plat entitled “Elite Plat” (006-MP-08). **(Commission District 2)**

***ACTION: (T-10:17 AM) Approved the plat subject to staff’s recommendations as outlined in the Development Review Report.***

- 51. DISCUSSION: of plat entitled “Hollywood Festival Outparcels” (065-MP-06). **(Commission District 5)**

***ACTION: (T-10:17 AM) Approved the plat subject to staff’s recommendations as outlined in the Development Review Report.***

52. DISCUSSION: of plat entitled "Han Mi Baptist Church" (042-MP-05). **(Commission District 5)**

***ACTION: (T-10:17 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.***

53. DISCUSSION: of plat entitled "Park Central" (028-MP-07). **(Commission District 6)**

***ACTION: (T-10:17 AM) Deferred to April 7, 2009, or sooner, under Section 5-181 (j) of the Land Development Code to comply with the effective Land Use Plan.***

54. DISCUSSION: of plat entitled "Volkmeier Plat" (014-MP-08). **(Commission District 7)**

***ACTION: (T-10:17 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.***

55. DISCUSSION: of plat entitled "Stirling Road Plaza" (017-MP-07). **(Commission District 7)** (Deferred from May 13, 2008.)

***ACTION: (T-10:17 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.***

56. DISCUSSION: of plat entitled "World Revival Church Assembly of God" (022-MP-06). **(Commission District 9)**

***ACTION: (T-10:17 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.***

57. DELEGATION: Scott Backman regarding request to amend the note on the Louis and Geneva Sambataro Plat (064-MP-90). **(Commission District 2)**

***ACTION: (T-10:17 AM) Approved subject to staff's recommendations.***

58. DELEGATION: Gary Powell regarding request to amend the note on the C. B. I. Plat (036-UP-83). **(Commission District 7)**

***ACTION: (T-10:17 AM) Approved subject to staff's recommendations.***

59. DELEGATION: Karen Chaperon, representing the City of Coral Springs, regarding request to amend the non-vehicular access line and modify conditions of plat approval on the Coral Springs Charter School Plat (091-MP-01). **(Commission District 3)**

***ACTION: (T-10:17 AM) Approved subject to staff's recommendations.***

60. DELEGATION: Joseph Handley regarding request to amend the non-vehicular access line and modify conditions of plat approval on the New River Center Plat (028-MP-90). **(Commission District 7)**

***ACTION: (T-10:17 AM) Deferred to September 23, 2008, at the applicant's request.***

61. DELEGATION: Bill Laystrom regarding request to delete sidewalk requirement on the Pointe West Center North Plat (100-MP-99). **(Commission District 8)** (Deferred from August 5, 2008.)

***ACTION: (T-10:17 AM) Approved subject to staff's recommendations.***

**END OF QUASI-JUDICIAL CONSENT HEARING**

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**REGULAR AGENDA**

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**AVIATION DEPARTMENT**

62. MOTION TO APPROVE Request for Letters Interest for a Registered Traveler Program Concession at Fort Lauderdale-Hollywood International Airport RLI No. 20080505-0-AV-01("Registered Traveler RLI") and appoint a Selection Negotiation Committee ("SNC") to recommend the most qualified firm for the Registered Traveler RLI.

***ACTION: (10:31 AM) The Board approved the following to serve on the Selection Committee (S/C): Mayor Wexler, Commissioners Gunzburger, Keechl, Lieberman, Director of Operations, Aviation Department (Chair); Director of Maintenance, Aviation Department; Director of Operations; Port Everglades Department; Deputy Federal Security Director, Transportation Security Administration (TSA); President, Airline Managers Association; plus administrative support staff from the offices of the County Attorney, County Auditor, Small Business Development Division, Risk Management Division, Purchasing Division, and the Aviation Department. (Refer to minutes for full discussion.)***

**VOTE: 6-0.**

## FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

### PURCHASING DIVISION

For Community Services Department

63. MOTION TO APPOINT Selection Committee (SC) to recommend the most qualified firm to provide Business Application Software for the Broward County Parks and Recreation Division to address the areas of on-line (Internet) reservation of park facilities, on-line registration, league scheduling, membership management, and point of sale, and approve Request for Letters of Interest (RLI) No. 20080604-0-PA-1.

**ACTION: (T-10:32 AM) (Scrivener's error – See County Administrator's Report: On Page 11 of the RLI under "Legal Requirements," change <http://www.broward.org/purchasing/bids/stdcontreq.pdf> to read: <http://www.broward.org/purchasing/bids/softwarelicagmt.pdf> and <http://www.broward.org/purchasing/bids/systemsvcsagmt.pdf>) The Board approved the following to serve on the Selection Committee (S/C): Commissioner Jacobs, Director, Parks and Recreation Division, Community Services Department (Chair); Director, Construction Management Division, Public Works Department; Interim Director; Enterprise Technology Services Division; Finance and Administrative Services Department; plus administrative support staff from the offices of the County Attorney, County Auditor, Purchasing Division, Small Business Development Division, Risk Management Division, and the Parks and Recreation Division. (Refer to minutes for full discussion.)**

**VOTE: 6-0.**

### COUNTY ATTORNEY

64. DISCUSSION: County Attorney's advice and request for a shade meeting pursuant to Subsection 286.011 (8), Florida Statutes, regarding settlement negotiations or strategy related to litigation expenditures in *South Florida Chapter of the Associated General Contractors, et al., Plaintiffs, v. Broward County, Florida, et al., Defendants*, United States District Court for the Southern District of Florida, Case No. 07-60374.

**ACTION: (T-10:17 AM) Broward County Attorney Jeffrey Newton informed the Board of the shade meeting in the case of *South Florida Chapter of the Associated General Contractors, et al., Plaintiffs, v. Broward County Florida, et al.* (Transferred to the Consent Agenda.) (Refer to minutes for full discussion.)**

## COUNTY COMMISSION

65. A. MOTION TO ADOPT Resolution 2008-560 of the Board of County Commissioners of Broward County, Florida, concerning the donation(s) to Antigua and Barbuda of uniforms, protective clothing, and non-specific equipment upon it becoming available and deemed surplus by the Broward County Sheriff's Office. (Commissioner Lieberman)

***ACTION: (T-10:32 AM) Approved, as amended. The Board requested broadening an economic basis for donations as well as an economic measure. (Refer to minutes for full discussion.).***

- B. MOTION TO GRANT PERMISSION to the Purchasing Division to take all administrative actions necessary to implement the donation(s) to Antigua and Barbuda. (Commissioner Lieberman)

***ACTION: (T-10:32 AM) Approved, as amended. (Refer to minutes for full discussion.) The Board requested broadening an economic basis for donations as well as an economic measure. (Refer to minutes for full discussion.).***

66. MOTION TO DISCUSS: request by the Florida Forestry Association (FFA) to have the Broward County Commission adopt a resolution recognizing the Florida forestry community's continued implementation and adherence to the 2007 Florida Silviculture Best Management Practices (BMPs) and the corresponding commitment by Florida's public and private forest landowners to protect Florida's wetlands and water resources. (Mayor Wexler)

***ACTION: (T-10:17 AM) The Board approved, and adopted Resolution Number 2008-562. (Transferred to the Consent Agenda.) (Scrivener's error – See County Administrator's Report: Change motion to read: MOTION TO ADOPT a resolution recognizing the Florida forestry community's continued implementation and adherence to the 2007 Florida Silviculture Best Management Practices (BMPs) and the corresponding commitment by Florida's public and private forest landowners to protect Florida's wetlands and water resources.)***

67.

**COUNTY ADMINISTRATOR'S REPORT**

*(No report given.)*

68.

**MAYOR'S REPORT**

A. TROPICAL STORM FAY UPDATE

***ACTION: (T-10:36 AM) Mayor Wexler referenced a yellow-sheeted update on Tropical Storm Fay. In addition, Mayor Wexler informed the Board that the Emergency Operations Center, (EOC) will be closely monitoring Hurricane Gustav. Mayor Wexler will provide a written report to the EOC after every emergency operation event. (Refer to minutes for full discussion.)***

B. HEALTH EXPOSITION AT WAR MEMORIAL AUDITORIUM

***ACTION: (T-10:37 AM) Mayor Wexler made announcement that a Retiree Health Exposition will be held at War Memorial Auditorium on Tuesday, October 7, 2008, from 9:00 a.m. to 1:00 p.m. Free diagnostic tests will be offered at the Retiree Health Exposition. (Refer to minutes for full discussion.)***

C. MITIGATION PLAN FOR WEST LAKE PARK AND SELECTION COMMITTEE

***ACTION: (T-10:39 AM) Mayor Wexler requested being appointed as a voting member to the Selection Committee for RLI # 021899 Master Mitigation Plan for West Lake Park. (Refer to minutes for full discussion.)***

D. BUDGET WORKSHOP RESCHEDULED TO TUESDAY, SEPTEMBER 2, 2008, AT 2:00 P.M.

***ACTION: (T-10:39 AM) Mayor Wexler referenced the rescheduled Budget Workshop on Tuesday, September 2, 2008, at 2:00 p.m., and explained that Broward County Court issues are to be discussed. Mayor Wexler informed the Board that Interim County Administrator Bertha Henry has asked the Board to make her aware of any issues that the Board wants to discuss in a timely matter so as to allow her sufficient time to place additional items on the Budget Workshop Agenda. Commissioner Lieberman asked that the Assistant to the County Administrator, Pete Corwin, or the Office of Management and Budget, Kayla Olsen, prepare the financial issues for the three items that are to be discussed with Chief Judge Victor Tobin. (Refer to minutes for full discussion.)***

## **SUPPLEMENTAL AGENDA**

### **COUNTY COMMISSION**

69. MOTION TO ADOPT Resolution 2008-561 of the Board of County Commissioners of Broward County, Florida, opposing proposed Amendment 2 to the Florida Constitution, entitled the "Florida Marriage Protection Amendment"; and providing for an effective date. (Commissioner Jacobs)

***ACTION: (T-10:17 AM) Approved. (Transferred to the Consent Agenda.)***

### **NON-AGENDA**

70. TROPICAL STORM FAY-COMMISSIONERS JACOBS, KEECHL, LIEBERMAN

***ACTION: (T-10:42 AM) Commissioners Jacobs, Keechl and Lieberman, extended thanks to Mayor Wexler, and Interim County Administrator Bertha Henry, as well as staff, for providing informative updates to the public during Tropical Storm Fay. (Refer to minutes for full discussion.)***

71. WATERSHED IMPROVEMENT DISTRICT- COMMISSIONER JACOBS

***ACTION: (T-10:42 AM) Commissioner Jacobs informed the Board that an item will be placed on the November ballot asking to create a Watershed Improvement District. Commissioner Jacobs asked the County Attorney's Office to review questions and ensure that the item will pass legal veracity, and that the Board be made aware of its findings. Commissioner Jacobs made suggestion that if the Water Improvement District item passes, that the Board direct the appropriate staff to examine costs associated with the potential Watershed Improvement District. (Refer to minutes for full discussion.)***

72. ELECTION DAY-COMMISSIONER LIEBERMAN

***ACTION: (T-10:43 AM) Commissioner Lieberman encouraged the public to cast their votes today. (Refer to minutes for full discussion.)***

73. DIGITAL TELEVISION IMPACTS ON THE COMMUNITY- COMMISSIONER LIEBERMAN

**ACTION: (T-10:44 AM) Commissioner Lieberman asked staff to examine the potential impacts that could be made to the community as a result of the implementation of digital television, as well as what can be done to raise awareness. (Refer to minutes for full discussion.)**

74. BROWARD COUNTY TRANSPORTATION AWARD-COMMISSIONER LIEBERMAN

**ACTION: (T-10:45 AM) Commissioner Lieberman congratulated Chris Walton, Director, Broward County Transportation, for receiving a recent award for Paratransit Services. (Refer to minutes for full discussion.)**

75. FLORIDA REGIONAL COUNCIL ASSOCIATION-COMMISSIONER LIEBERMAN

**ACTION: (T-10:45 AM) Commissioner Lieberman informed the Board that she was elected as Chair to the Florida Regional Council Association. Commissioner Lieberman encouraged the Board to forward any concerns the Board has as it relates to the State's Growth Management Laws. (Refer to minutes for full discussion.)**

76. AMENDMENT 2-COMMISSIONERS KEECHL AND GUNZBURGER

**ACTION: (T-10:46 AM) Commissioner Keechl thanked Commissioner Jacobs for providing a Motion to Adopt Resolution opposing Amendment 2. Commissioner Keechl stated that if Amendment 2 passes it could result in eliminating domestic partnership benefits. Commissioner Keechl subsequently asked Broward County Attorney Jeffrey Newton to examine any alternative that could be made to Broward County employees as to their benefits. (Refer to minutes for full discussion.)**

77. FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT-COMMISSIONER GUNZBURGER

**ACTION: (T-10:49 AM) Commissioner Gunzburger congratulated Director of Aviation, Kent George, as well as staff, for receiving a zero discrepancy in FAA Safety Inspections for the tenth consecutive year. (Refer to minutes for full discussion.)**