

# MEETING OF SEPTEMBER 3, 1996

*(The meeting convened at 10:00 a.m. and adjourned at 11:25 a.m.)*

PLEDGE OF ALLEGIANCE - *led by Commissioner John P. Hart*

CALL TO ORDER

## CONSENT AGENDA

### AVIATION DEPARTMENT

1. MOTION TO ADOPT budget Resolution 96-0754 transferring \$1,000,000 within Aviation Agency Account 419, between restrictive reserves and land account.

**ACTION: (A-347) Approved.**

2. MOTION TO APPROVE Amendment No. 1 to an agreement between Broward County, Florida and Ampco Auto Parks Inc., d/b/a Ampco Parking, extending the agreement on a month-to-month basis from October 1, 1996 to March 31, 1997, and authorize the Chair and Clerk to execute same.

**ACTION: (A-347) Approved.**

### PUBLIC WORKS DEPARTMENT

#### REAL PROPERTY SECTION

3. MOTION TO ACCEPT a revocable license agreement with the Prestige Title and Research Company Inc. commencing on Broward County Commission approval for one year at an annual rate of \$120 per year, payable in advance (county may terminate this agreement with or without cause at any time during the term and option to renew annually by Prestige Title and Research Company Inc. requires Broward County Commission and/or County Administrator approval), and authorize the Chair and Clerk to execute same.

**ACTION: (A-347) Approved.**

4. MOTION TO APPROVE a contract for sale and purchase executed by Richard S. Hutchinson, personal representative of the estate of Sara H. West, deceased, in the amount of \$1,000 for the purchase of Parcel 322, West Lake Park; authorize the Chair and Clerk to execute contract for sale and purchase, and authorize acceptance and recordation of deed.

## **ACTION: (A-347) Approved.**

5. MOTION TO AUTHORIZE the Chair and Clerk to execute and deliver satisfactions of mortgage for certain mortgage deeds executed by Douglas Couvertier, an unmarried widower to Broward County as a property bond in State of Florida v. Patrick Medina, Case Numbers 90-12472CF10A and 90-12471CFB.

## **ACTION: (A-347) Approved.**

### **OFFICE OF TRANSPORTATION**

#### **ENGINEERING DIVISION**

6. MOTION TO APPROVE a termination agreement between Broward County and G.L. Homes of Davie Corporation, related to Buckram Oak Farm Plat (189-MP-89), and authorize the Chair and Clerk to execute same.

## **ACTION: (A-347) Approved.**

### **STREETS AND HIGHWAYS DIVISION**

7. MOTION TO ADOPT budget Resolution 96-0755 transferring funds within Streets and Highways' Capital Outlay Fund for Streets and Highways Division in the amount of \$45,000 for drainage improvements in Broward Estates (Northwest 4 Street), unincorporated Broward County. Project 9622.

## **ACTION: (A-347) Approved.**

### **FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT**

#### **COUNTY RECORDS DIVISION**

8. MOTION TO APPROVE the filing of supplemental papers pertaining to the plats and other items that were approved in prior years.

## **ACTION: (A-347) Approved.**

### **PURCHASING DIVISION**

For Finance and Administrative Services Department

9. MOTION TO APPROVE the first amendment to an agreement between Broward County and Langton Associates Inc. for consultant services for grants administration program in the amount of \$35,000.00, and authorize the Clerk and Chair to execute same.

**ACTION: (A-347) Approved.**

For Port Everglades Department

10. MOTION TO APPROVE an agreement between Broward County and Walter H. Keller Inc. to conduct a parking and feasibility traffic access/circulation study at the Northport area to be completed by March 31, 1997, with compensation for the scope of services being \$62,500 as reflected on Exhibit "A" of the agreement, and authorize the Chair and Clerk to execute same.

**ACTION: (A-347) Approved.**

For Public Works Department

11. MOTION TO AWARD an open-end contract to low bidder, Stimsonite Corporation, Group 2, to provide material and equipment to install pavement marking (Bid No. E-05-96-04-12) in the approximate amount of \$113,410 for the Traffic Engineering Division and authorize the Purchasing Division Director to renew the contract for two one-year periods. The initial contract period shall start September 3, 1996 and terminate September 2, 1997.

**ACTION: (A-347) Approved.**

## **REVENUE COLLECTION DIVISION**

12. MOTION TO APPROVE AND EXECUTE satisfaction of claim of lien(s) against Frank Weiss, Barry Mar and Ronnie Alter King.

**ACTION: (A-347) Approved.**

## **COMMUNITY SERVICES DEPARTMENT**

### **MASS TRANSIT DIVISION**

13. MOTION TO ADOPT Resolution 96-0756 of the Board of County Commissioners of Broward County, Florida authorizing the Broward County Commission Chair to execute and file an application for federal assistance for fiscal year 1997 with the Federal Transit Administration, pursuant to 49 United States Code Section 5307 funding, in the amount of \$9,777,060 under the Urban Mass Transportation Act of 1964 as amended, and authorize the necessary administrative and budgetary actions to implement same.

## **ACTION: (A-347) Approved.**

### **DEPARTMENT OF NATURAL RESOURCE PROTECTION**

## **BIOLOGICAL RESOURCES DIVISION**

14. MOTION TO APPROVE an agreement between the Florida Department of Environmental Protection and Broward County in the amount of \$25,000 for the purpose of constructing an artificial reef; authorize the Chair and Clerk to execute same, and authorize the County Administrator to make the necessary administrative and budgetary actions to execute the grant for the Biological Resources Division.

## **ACTION: (A-347) Approved.**

15. MOTION TO APPROVE the settlement agreements between Broward County and the listed respondents for violations of Broward County Code of Ordinances for the Department of Natural Resource Protection:

A. City of Fort Lauderdale

B. The Haskell Company

C. Gulf South System Inc.

## **ACTION: (A-347) Approved.**

### **DEPARTMENT OF STRATEGIC PLANNING**

## **AND GROWTH MANAGEMENT**

## **BUILDING AND PERMITTING DIVISION**

16. MOTION TO APPROVE the forms for immediate service agreements pursuant to Resolution 96-621, Section 1.04 wherein forms for such agreements are to be reviewed and approved by the Office of the County Attorney and approved by the Board of County Commissioners.

## **ACTION: (A-347) Approved.**

## **TRANSPORTATION PLANNING DIVISION**

17. MOTION TO APPROVE the grant applications for the Metropolitan Planning Organization (MPO)

for new grants for Fiscal Year 1996-97 in the amount of \$1,076,408 in support of the MPO 1996-97 Unified Planning Work Program, authorize the necessary administrative and budgetary actions for implementation, and authorize the Chair and Clerk to execute same.

**ACTION: (A-347) Approved.**

## **PORT EVERGLADES DEPARTMENT**

18. MOTION TO APPROVE the Port Everglades Taxi/Limo/Bus Service Business Permit between Broward County, Florida and Astronaut Charters Inc. in accordance with Chapter 32 of the Broward County Administrative Code, effective from the date of approval, with an expiration of December 31, 1996, and authorize the Chair and Clerk to execute same.

**ACTION: (A-347) Approved.**

19. MOTION TO APPROVE the Port Everglades Mobile Motorized Food/Drink Service Business Permit between Broward County, Florida, and Hector Striano d/b/a Striano Cafeteria, in accordance with Chapter 32 of the Broward County Administrative Code, effective from the date of approval, with an expiration of December 31, 1996, and authorize the Chair and Clerk to execute same.

**ACTION: (A-347) Approved.**

20. MOTION TO APPROVE the easement to Florida Power & Light Company (FP&L) for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guy, cables, conduits and appurtenant equipment) to be installed from time to time at the Northport Festival Marketplace at Port Everglades, and authorize the Chair and Clerk to execute same.

**ACTION: (A-347) Approved.**

21. MOTION TO APPROVE the renewal of a one-year lease agreement between Broward County and The Archdiocese of Miami for Suite No. 7 in Building 611 at Port Everglades, consisting of 520 square feet, for the period of October 1, 1996 through September 30, 1997, and authorize the Chair and Clerk to execute same. (Deferred from August 27, 1996)

**ACTION: (A-347) Approved.**

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

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

**ACTION: (A-347) Approved.**

## **OFFICE OF URBAN AFFAIRS**

23. MOTION TO NOTE FOR THE RECORD that nominations will be accepted on September 17, 1996 for a vacant position of the Enterprise Zone Development Agency.

**ACTION: (A-347) Approved.**

## **COUNTY ATTORNEY**

24. MOTION TO APPROVE the agreements between Broward County and Yamile Marrero Trehy, Esquire; Broward County and Paul D. Eichner, Esquire; Broward County and Karen E. Black-Barron, Esquire, and Broward County and Sharp Golub, Esquire; for the purpose of providing services as prosecuting attorneys for Unsafe Structures/Minimum Housing Boards, the Building Code Enforcement Board, and the Central Examining Boards, and authorize the Chair and Clerk to execute same.

**ACTION: (A-347) Approved.**

25. MOTION TO AUTHORIZE Ms. Patrice M. Eichen, Assistant County Attorney, to attend the 1996 NATOA Annual Conference (Telecommunications Trade Winds Conference) to be held on September 7 through 11, 1996 at The Breakers, Palm Beach, Florida.

**ACTION: (A-347) Approved.**

## **HISTORICAL COMMISSION**

26. MOTION TO APPROVE the indemnity agreement between Broward County and the City of Deerfield Beach for Pioneer Days 1996, and authorize the Chair and Clerk to execute same.

**ACTION: (A-347) Approved.**

## **METROPOLITAN PROGRAM COORDINATION**

27. MOTION TO APPROVE an agreement between the State of Florida Department of Commerce and Broward County for economic development activities along Broward Boulevard; authorize the Chair and Clerk to execute same, and authorize the necessary administrative and budgetary action to implement same.

**ACTION: (A-347) Approved.**

## **BOARD APPOINTMENTS**

28. MOTION TO APPOINT Mr. Steve Gerson to the Drug Related Nuisance Abatement Board of Broward County. Mr. Gerson fills an existing vacancy. (Commissioner Cowan)

**ACTION: (A-347) Approved.**

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

29. MOTION TO ADOPT Resolution 96-0757 authorizing the County Administrator to advertise a public hearing to be held September 24, 1996 at 2:00 p.m. in Room 422 Governmental Center for adopting supplemental budgets to recognize changes in revenues and appropriations.

**ACTION: (A-347) Approved.**

## **REGULAR AGENDA**

## **COUNTY ADMINISTRATOR'S REPORT**

30. A. REPORT County Administrator B. Jack Osterholt submitted for the record the Jail Report dated September 3, 1996 reflecting the population at 3,566.

*ACTION: (A-401) No action was necessary.*

B. HURRICANE UPDATE Mr. Sherman "Tony" Carper, Emergency Management Division Assistant Director, gave a brief update on the current status of Hurricane Fran, its movements and location. He conveyed the Hurricane Center's forecast of a turn in Hurricane Fran to the northwest and the present situation in the Bahamas; however, the hurricane's activities are being monitored closely. Mr. Osterholt commended staff for their efforts in this regard.

*ACTION: (A-408) For informational purposes.*

## **QUASI-JUDICIAL HEARING**

Please be advised that the following items on the Commission's agenda are quasi-judicial in nature. If you wish to object or comment upon these items, please indicate the item number you would like to address when the announcement regarding the quasi-judicial item is made. You must be sworn before addressing the Commission, and if you wish to address the Commission, you may be subject to cross-examination. If you refuse to submit to cross-examination, the Commission will not consider what you have said in its final deliberations.

# DEPARTMENT OF STRATEGIC PLANNING AND GROWTH MANAGEMENT DEVELOPMENT MANAGEMENT DIVISION

31. DISCUSSION of Plat entitled “Pine Sands Plat” - District 2, (104-MP-95).

***ACTION: (A-582) Approved subject to staff’s recommendations as outlined in the Development Review Report.***

32. DISCUSSION of Plat entitled “Zolghadr Plat” - District 4, (097-MP-95).

***ACTION: (A-597) Approved subject to staff’s recommendations as outlined in the Development Review Report.***

33. DISCUSSION of Plat entitled “Evergreen Lakes” - District 3, (011-MP-96).

***ACTION: (A-617) Approved, with addendum, subject to staff’s recommendations as outlined in the Development Review Report.***

34. DISCUSSION of Plat entitled “Sector 7 - Parcel O Two” - District 3, (011-UP-96).

***ACTION: (A-635) Approved subject to staff’s recommendations as outlined in the Development Review Report.***

35. DISCUSSION of Plat entitled “Country Lakes Northwest Quadrant” - District 5, (033-MP-96).

***ACTION: (A-645) Approved subject to staff’s recommendations as outlined in the Development Review Report.***

36. DISCUSSION of Plat entitled “Broward Central Catholic High School” - District 5, (011-UP-95). (Deferred from March 5, 1996)

***ACTION: (A-654) Approved staff’s recommendation of denial as outlined in the Development Review Report.***

37. DISCUSSION of Plat entitled “Coconut Point” - District 3, (061-MP-95). (Deferred from May 21, 1996)

***ACTION: (A-674) Approved, with addendum, subject to staff’s recommendations as outlined in the Development Review Report.***

38. DISCUSSION of Plat entitled “Monarch Lakes” - District 5, (091-MP-95). (Deferred from August 20, 1996)

***ACTION: (A-689) Approved staff’s verbal addendum of approval, as amended and corrected, subject***

*to staff's recommendation*

39. DELEGATION: Louis Cowling regarding request to amend the note on the Stirling Palm Estates Plat. (046-MP-89).

***ACTION: (A-744) Deferred to September 17, 1996 until The School Board of Broward County Staff Plat Report, reflecting the change in the size of the proposed units, is received.***

40. DELEGATION: Shelley Eichner regarding request to amend the note on the Pembroke Falls Phase I Plat. (068-MP-94).

***ACTION: (A-821) Approved subject to staff's recommendation.***

41. DELEGATION: William D. Kirkpatrick regarding request to amend the note on the North Andrews Industrial and Commercial Center Plat. (904-UP-92). (Deferred from August 20, 1996)

***ACTION: (A-570) Deferred to March 4, 1997 under Section 5-181(i) of the Land Development Code to study zoning issues.***

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

### **COMPREHENSIVE AND NEIGHBORHOOD PLANNING DIVISION**

42. MOTION TO TRANSMIT Land Use Plan Amendment 3-AC-96, amending the Future Unincorporated Area Land Use Element Map Series and the Broward County Land Use Plan Map Series, to the Broward County Planning Council.

**ACTION: (A-852) Approved.**

## **PUBLIC WORKS DEPARTMENT**

43. MOTION TO APPROVE an agreement between Broward County and O'Brien- Kreitzberg Inc. for owner's representative services for the Broward County Civic Arena Project, in an amount totalling \$1,012,000 for the period through September 30, 1997, and authorize the Chair and Clerk to execute same.

**ACTION: (A-861) Approved.**

### **FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT**

44. MOTION TO ADOPT Resolution 96-0758 consenting to certain actions in connection with Broward County's outstanding Industrial Development Revenue Bonds (American Whirlpool Products Corporation Project) Series 1993, including the Corporate Reformation of American Whirlpool Products Corporation, subject to receipt of an opinion of Bond Counsel, authorizing the proper officials to do all things necessary in connection with the foregoing matters, providing for conflicts, severability and an effective date.

**ACTION: (A-868) Approved.**

## **OFFICE OF INFORMATION TECHNOLOGY**

45. MOTION TO ADOPT Resolution 96-0759 of the Board of County Commissioners of Broward County, Florida reestablishing the county-wide "911" telephone fee set forth in Section 35.90 of the Broward County Administrative Code for Fiscal Year 1996-97 to pay for 911 costs, providing for severability, and providing for an effective date.

**ACTION: (A-872) Approved.**

## **PORT EVERGLADES DEPARTMENT**

46. MOTION TO ADOPT Resolution 96-0760 of the Board of County Commissioners of Broward County, Florida amending and creating new sections to the Port Everglades Tariff No. 11, attached as Exhibit 42.A and incorporated in Section 42.25, of the Broward County Administrative Code providing for an increase in and changes to application of rates for dockage, wharfage, storage, wharf demurrage, utility rates, port services, crane usage and use of port facilities, providing for creation of new sections for the reporting of hazardous commodities, vehicle examination facility change, harbor transit reporting requirements, providing for the deletion of disposal of garbage rates, fumigation charges, providing for severability, providing for inclusion in the Broward County Administrative Code, and providing for an effective date.

**ACTION: (A-880) Approved.**

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

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

**ACTION: (A-1100) Approved with addendum.**

48. MOTION TO DIRECT Office of the County Attorney to draft an ordinance imposing additional fines upon criminal offenders, establishing the amount of the fine, providing for collection and accounting of the fines by the Clerk of Court, providing for disbursement to cover the costs of collecting the fines for crime prevention programs, providing for inclusion in the code, providing for severability, and providing for an effective date.

**ACTION: (A-1107) Approved.**

# COUNTY ATTORNEY

49. MOTION TO APPROVE settlement between Broward County, Florida and Nariman S. Balsara, Leonard Hayet, Bernard N. Horovitz, Avinash Gupta, Franklin Z. Glickman, as co-partners doing business as The Smith, Korach, Hayet, Haynie Partnership, and offering Broward County \$520,000 (inclusive of attorney's fees and costs) plus contract retainage in the approximate amount of \$49,209 in settlement of a lawsuit filed by Broward County against the architect relating to the design and construction of the Public Safety Complex.

**ACTION: (A-2353) Approved.**

## SUPPLEMENTAL AGENDA

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

## OFFICE OF INFORMATION TECHNOLOGY

50. A. MOTION TO APPROVE Standardization of CrossComm Routers and internal components and Chipcom/3COM hubs and internal components.

**ACTION: (A-1420) Approved.**

B. MOTION TO APPROVE the first amendment to Contract No. A-01-95-06-12 with Maxnet Communication Systems Inc. for Bridges, Routers and Network Management Software to convert the contract from a fixed price contract to a discount from list contract, and authorize the Chair and Clerk to execute same.

REASON FOR SUPPLEMENTAL: So that components can be purchased for the Fire Rescue inter connect. To allow the fire stations to communicate with each other, this project must be completed by October 15, 1996 in order to meet commitments by the county.

**ACTION: (A-1420) Approved.**

## NON AGENDA

51. PROCLAMATION On behalf of the Board, the Chair read into the record a proclamation designating the week of August 26 through September 2, 1996, as "Fire fighter Appreciation Week" in Broward County. The Board commended Florida's Firefighters for their efforts on behalf of the Muscular Dystrophy Association.

**ACTION: (A-132) Mr. Walter Dix, International Association of Firefighters, accepted the proclamation and thanked the Board. He recognized the firefighters continued contribution to MDA and their efforts in working for the fight against muscular dystrophy.**

52. PROCLAMATION On behalf of the Board, Commissioner Gunzburger read into the record a proclamation designating the month of September 1996 as "Breast Cancer Awareness Month" in Broward County. The Board urged all women in the community to become educated on this disease and to participate in early detection screening through physical examination and mammography.

***ACTION: (A-193) Ms. Karen Ruh, Human Resources Division's Employee Benefit Services, accepted the proclamation, thanked the Board, noted the forthcoming awareness programs, and thanked county management in allowing the employees to participate.***

53. INFORMATIONAL Commissioner Gunzburger reported on how impressed she was with the cleanliness, architectural design, and the graffiti removal program in the City of Chicago, Illinois when she attended the National Democratic Convention recently.

***ACTION: (A-1420) No action was necessary.***

54. DISCUSSION: Commissioner Parrish referred to the August 27, 1996 meeting regarding the Board's discussion on the Chair's request to consider delaying the appearance of the Homeless Initiative Partnership on site locations in order to give him the opportunity to have further discussions before publicly presenting said sites. She expressed concerns on incorrect information reported by The Herald entitled "A Three-Year Circus" which indicated that the Board had abandoned the process.

***ACTION: (A-1457 & A-1652) The Board granted the Chair permission to meet with the City of Fort Lauderdale officials to try and find mutually agreeable Fort Lauderdale inter-city sites with the county by November 1, 1996.***

55. A. MOTION TO RESCIND the appointment of Chief John Auer of the Broward Sheriff's Office to serve on the Community Action Agency Board. Chief Auer will fill a vacant at-large position on the Board. (Commissioner Parrish)

**ACTION: (A-1536) Approved.**

B. INFORMATIONAL Commissioner Parrish explained that she will talk with Ms. Susan Dean, Town of Davie, to see if she could be reappointed to the Community Action Agency Board.

***ACTION: (A-1457) Commissioner Rodstrom will write a letter to Chief John Auer, Broward Sheriff's Office, stating that the appointment was made in error.***

56. MOTION TO REAPPOINT Mr. Thomas M. McDonald to the Broward County Housing Finance Authority. (Commissioner Rodstrom)

**ACTION: (A-1623) Approved.**

DISCUSSION Commissioner Gunzburger referred to a memorandum dated September 2, 1996 from Ms. Julie Shaw, Paralyzed Veterans Association of Florida Inc., regarding Accessibility at the Panther Arena and suggested that Mr. Dana Buker, Americans with Disabilities Act (ADA) Coordinator become involved in the subject issue.

***ACTION: (A-2440) The Board took no action on the item as it was previously addressed at a previous***

*meeting.*

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