

## **MEETING OF OCTOBER 10, 2006**

(Meeting convened at 10:15 a.m.; recessed at 12:33 p.m.; reconvened at 2:54 p.m. and adjourned at 7:28 p.m.)

PLEDGE OF ALLEGIANCE was led by Broward County Commissioner Lois Wexler.

CALL TO ORDER

MOMENT OF SILENCE

In memory of William "Bill" Keith, longtime business community leader.

In memory of Marine Private First Class Christopher Riviere of Cooper City.

In memory of Army Specialist Timothy Burke of Hollywood.

In memory of all men and women of the armed forces who lost their lives in Iraq.

### **CONSENT AGENDA**


#### **BOARD APPOINTMENTS**

1. MOTION TO APPOINT Randy Fleischer to the Broward County Human Rights Board. (Commissioner Lieberman)


***ACTION: (T-10:20 AM) Approved.***

#### **PUBLIC WORKS AND TRANSPORTATION DEPARTMENT**

##### **CONSTRUCTION MANAGEMENT DIVISION**

-  2. A. MOTION TO APPROVE first amendment to the Interlocal Agreement between Broward County and the City of Miramar for construction of the Miramar Branch Library, pending City of Miramar's Commission approval, adding build out costs of the additional two floors to be leased to the City of Miramar, and providing for the City's additional contribution of \$3,806,106 for such construction, and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:26 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 2006-745 transferring funds within the General Capital Outlay Fund in the amount of \$4,813,342.

***ACTION: (T-10:26 AM) Approved. (Refer to minutes for full discussion.)***

- C. MOTION TO ADOPT unanticipated revenue Resolution 2006-746 within the Library Bond Capital Outlay Fund in the amount of \$9,119,448.

***ACTION: (T-10:26 AM) Approved. (Refer to minutes for full discussion.)***

- D. MOTION TO APPROVE agreement between Broward County and Centex Construction, LLC, RLI 041700-RB, for Managing General Contractor, Phase II, construction services for the Miramar Branch Library for a guaranteed maximum price of \$16,077,661; with a contract time of 570 calendar days, subject to receipt and approval of Performance and Payment Guarantee, and authorize the Mayor and Clerk to execute same. (Project No. 60X04-99-02) **(Commission District 8)**

***ACTION: (T-10:26 AM) Approved. (Refer to minutes for full discussion.)***

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

3. MOTION TO APPROVE Amendment No. 1 to Locally Funded Agreement between Florida Department of Transportation and Broward County for Construction of Griffin Road from I-75 to Flamingo Road, at no cost to the County and effective upon execution by Florida Department of Transportation; and authorize the Mayor and Clerk to execute same. **(Commission District 5)**

***ACTION: (T-10:20 AM) Approved.***

### **REAL PROPERTY SECTION**

4. MOTION TO ADOPT Resolution 2006-747 authorizing the conveyance of Broward County's interest in certain real property to the Pine Tree Water Control District pursuant to Florida Statutes Section 125.38; authorize the Mayor and Clerk to execute Quit Claim Deed, and authorize recordation of same. **(Commission District 1)**

***ACTION: (T-10:20 AM) Approved.***

5. MOTION TO AUTHORIZE staff to initiate a private sale for the conveyance of an unbuildable strip of County owned land by Quit Claim Deed to Marvia E. Morrison, the owner of the residence under which this land lies, pursuant to Florida Statutes Chapter 125.35(2); and to return to the Board with a recommendation whether a private sale should be consummated. **(Commission District 9)**

***ACTION: (T-10:20 AM) Approved.***

6. MOTION TO APPROVE Revocable License Agreement between Broward County, Licensor, and Deerfield Auto Tag Agency, Inc., Licensee, for occupancy and use of premises located in the North Broward Regional Courthouse at 1600 W. Hillsboro Boulevard, Room 181, Deerfield Beach. The Licensee shall pay rent to the County in the amount of \$3,500 per month through September 30, 2007, increasing to \$3,600 per month, beginning October 1, 2007 through the balance of the term, for a total estimated rent of \$85,200. The agreement shall be effective upon execution and shall expire September 30, 2008, to conform to the term of the Amended Operating Agreement; and authorize the Mayor and Clerk to execute same. **(Commission District 2)**

***ACTION: (T-10:20 AM) Withdrawn for further staff review.***

7. MOTION TO APPROVE Tenant Estoppel Certificate pursuant to lease between Broward County, Tenant, and High Glenn Developments Limited, Incorporated and Rossland Real Estate Limited, Incorporated, Landlord, for premises at the Lauderhill Mall, 1501 NW 40<sup>th</sup> Avenue, Lauderhill, being a 35,000 square-foot warehouse/office for the Supervisor of Elections; and authorize the Mayor and Clerk to execute same. **(Commission District 9)**

***ACTION: (T-10:20 AM) Approved.***

## WASTE AND RECYCLING SERVICES

### RECYCLING AND CONTRACT ADMINISTRATION DIVISION

8. A. MOTION TO APPROVE Interlocal Agreement between Broward County and the School Board of Broward County for a Joint Comprehensive Recycling Program, providing for contracted recycling collection and processing services, program administration, contract management and program services, and program materials, in exchange for payments to the County in the amount of \$58,250 per month, for a total contract amount of \$2,097,000; paid to the County over the length of the term, providing for distribution to the School Board of revenues generated from the sale of recyclables, effective upon execution by the Board and extending through September 30, 2009, with two automatic one-year renewal periods; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:27 AM) Deferred to Tuesday, October 17, 2006. (Refer to minutes for full discussion.)***

- B. MOTION TO ADOPT unanticipated revenue Resolution within the Solid Waste Fund for the Public Works and Transportation Department, Waste and Recycling Services, in the amount of \$232,000; representing the increase from \$467,000; the annual payment currently received to \$699,000; the proposed charges to the School Board for program services provided by this Interlocal Agreement.

***ACTION: (T-10:27 AM) Deferred to Tuesday, October 17, 2006. (Refer to minutes for full discussion.)***

- C. MOTION TO INCREASE Personnel Cap within the Solid Waste Fund for Waste and Recycling Services by one position to establish a permanent position for administrative and technical support for the schools, Broward Community College, and government facilities recycling programs.

***ACTION: (T-10:27 AM) Deferred to Tuesday, October 17, 2006. (Refer to minutes for full discussion.)***

## **WATER AND WASTEWATER SERVICES**

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

9. MOTION TO APPROVE first amendment to Work Authorization GS0156 between Broward County and Hazen and Sawyer, P.C., for a not-to-exceed salary cost increase of \$23,348; for a total maximum not-to-exceed amount of \$213,085 and a Lump Sum amount of \$32,005; for a total cost of \$245,090 and an increase in contract time of 150 days, from 400 to 550 days, to provide surveying and engineering design services for drainage improvements for miscellaneous sites, and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:20 AM) Approved.***

## **FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT**

### **ACCOUNTING DIVISION**

10. A. MOTION TO APPROVE business 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-10:20 AM) Approved.***

- B. MOTION TO APPROVE post business 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-10:20 AM) Approved.***

### **HUMAN RESOURCES DIVISION**

11. A. MOTION TO APPROVE in concept agreement with CompBenefits for the provision of a Dental Health Maintenance Organization (DHMO) group dental insurance plan at the premium rates included in Exhibit 1, subject to the Commission's approval of the applicable service agreement.

***ACTION: (T-10:20 AM) Approved.***

- B. MOTION TO APPROVE in concept agreement with Standard Insurance Company for the provision of a Point of Service (POS) and a Preferred Provider Organization (PPO) group dental insurance plans at the premium rates included in Exhibit 1, subject to the Commission's approval of the applicable service agreement.

***ACTION: (T-10:20 AM) Approved.***

12. A. MOTION TO APPROVE proposed Unrepresented compensation increase for Fiscal Year 2006-07 in accordance with the current Leadership Performance Review (LPR) process and Unrepresented compensation policies, and providing a 4.5 % salary increase for employees who are evaluated as having met or exceeded their overall performance expectations.

***ACTION: (T-10:20 AM) Approved.***

- B. MOTION TO APPROVE proposed Fiscal Year 2006-2007 Unrepresented Pay Plan, which includes an increase of 2.5 % to the minimum and maximum of all pay ranges as reflected in Exhibit 1.

***ACTION: (T-10:20 AM) Approved.***

### **OFFICE OF INFORMATION TECHNOLOGY**

13. MOTION TO APPROVE Assignment Agreement among Broward County and City of Lauderhill and Comcast of Florida f/k/a Community Cable Television for assignment of cable television franchise for an area annexed to Lauderhill, and authorize the Mayor and Clerk to execute same. **(Commission District 9)**

***ACTION: (T-10:20 AM) Approved.***

14. MOTION TO APPROVE Assignment Agreement among Broward County and City of Parkland and Advocate Communications, Inc. d/b/a Advanced Cable Communications for assignment of cable television franchise for an area annexed to Parkland, and authorize the Mayor and Clerk to execute same. **(Commission District 1)**

***ACTION: (T-10:20 AM) Approved.***

### **PURCHASING DIVISION**

For Community Services Department

15. MOTION TO APPROVE Unilateral Change Order No. 3, H. J. Russell-Seawood Builders (the Firm), Contract No. T704154CF for the construction of the Central Broward Regional Park at 3801 West Sunrise Boulevard in the City of Lauderhill, in the amount of \$989,627; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-2:54 PM) Approved. The Board directed staff to convene a meeting with the City, the contractor, and the County. (Refer to minutes for full discussion.***

For Public Works and Transportation Department

16. MOTION TO AWARD open-end contract to the low bidder, Items 3 and 4, and low responsive, responsible bidder, Items 1, 2 and 5, Allied Tube and Conduit Corporation (Allied), in the estimated two-year amount of \$1,068,860 for Sign Post, Square, Bid No. E506199B2 for the Traffic Engineering Division; and authorize the Purchasing Director to renew the contract for a one-year period for a total potential three-year amount of \$1,603,290. The initial contract period shall begin on date of award and shall terminate two years from that date.

***ACTION: (T-10:20 AM) Approved.***

17. MOTION TO APPROVE release of retainage and final payment in the amount of \$5,000 to Coral-Tech Associates, Inc., for Port Everglades Terminals 1, 4, 19, 21, and 27 passenger loading bridges site work, Contract No. L-3-03-062-CF. (Project No. 683201A)

***ACTION: (T-10:20 AM) Approved.***

18. MOTION TO APPROVE release of retainage and final payment in the amount of \$10,000 to Foster Marine Contractors, Inc. for Riverland Village Neighborhood Improvement Project, Bid Package 3. (WWS 1144-3) **(Commission District 7)**

***ACTION: (T-10:20 AM) Approved.***

19. A. MOTION TO APPROVE sole source, sole brand standardization of 3M Company for new equipment, replacement parts, training, and future upgrades of 3M Global Positioning System (GPS) and Radio Based Priority Control System (PCS) for the Traffic Engineering Division.

***ACTION: (T-10:20 AM) Approved.***

- B. MOTION TO APPROVE sole source designation and agreement between Broward County and 3M Company to provide equipment to expand the Global Positioning Systems and Radio Based Priority Control System for the Traffic Engineering Division in the not-to-exceed amount of \$5,000,000 for the contract term which starts from date of award and terminates June 30, 2011; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:20 AM) Approved.***

## **REVENUE COLLECTION DIVISION**

20. MOTION TO ADOPT two Resolutions 2006-748 and 2006-749 authorizing cancellation of warrants from Central Account No. 2079940003785, Court Trustee Account No. 2090002760550, Payroll Account No. 2079940003798, Tax and License Account No. 2090002760916, and Self Insurance Account No. 2090002760518.

***ACTION: (T-10:20 AM) Approved.***

## **HUMAN SERVICES DEPARTMENT**

### **MEDICAL EXAMINER AND TRAUMA SERVICES DIVISION**

21. MOTION TO ACCEPT nominations of Ronald Dearing Jr. and Dr. Deborah Mulligan for reappointment to the Broward Regional Emergency Medical Service (EMS) Council.

***ACTION: (T-10:20 AM) Approved.***

## **COMMUNITY SERVICES DEPARTMENT**

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

22. MOTION TO APPROVE agreement between Broward County and the Society for the Prevention of Cruelty to Animals of Broward County, Inc., a/k/a Wildlife Care Center, for custodial and veterinary care of Broward County wildlife, for a maximum amount of \$100,000 for the term October 1, 2006 through September 30, 2007; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:20 AM) Approved.***

## **ENVIRONMENTAL PROTECTION DEPARTMENT**

### **BIOLOGICAL RESOURCES DIVISION**

23. MOTION TO ACCEPT Deed of Conservation Easement and agreement from the City of Plantation for creation of diverse freshwater marsh comprising 1.21 acres of real property located in a portion of Griffith Plat 152-29 B Parcel 'X', east of Central Park Drive, north of Broward Boulevard, west of Pine Island Road, south of Cleary Boulevard, in the City of Plantation. **(Commission District 1)**

***ACTION: (T-10:20 AM) Approved.***

24. MOTION TO ACCEPT Deed of Conservation Easement and agreement from the City of Coral Springs for creation of wetlands comprising 1.16 acres of real property located in a portion of Ramblewood Plat 76-49B at the NE corner of Shadow Wood Boulevard and NW 91<sup>st</sup> Avenue, in the City of Coral Springs. **(Commission District 3)**

***ACTION: (T-10:20 AM) Approved.***

25. MOTION TO ACCEPT Deed of Conservation Easement and agreement from Dania Distribution Center, Ltd. for preservation of a wetland mitigation area comprising 0.26 acre of real property located west of SW 12<sup>th</sup> Avenue, south of Dania Beach Boulevard, and east of the C-10 Canal, in the City of Dania Beach. **(Commission District 7)**

***ACTION: (T-10:20 AM) Approved.***

### **PORT EVERGLADES DEPARTMENT**

26. MOTION TO APPROVE Consent to Transfer Interest in Bulk Asphalt Pipeline License Agreement from Owens Coming to and assumption of obligations by High Sierra Teminaling LLC, subject to High Sierra Teminaling LLC providing proof of registration to transact business in Florida and receipt and approval by the County of the license required insurance certificates; the Port Tariff required pipeline Payment Bond of \$100,000; and an Indemnity and Payment Bond in the amount of \$150,000 providing financial guarantees for charges accruing under the license; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:20 AM) Approved.***

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

27. MOTION TO ADOPT unanticipated revenue Resolution 2006-750 within the General Fund for the Broward Sheriff's Office (BSO) in the amount of \$63,997 for amounts expended for Hurricane Wilma that are now being reimbursed by FEMA.

***ACTION: (T-10:20 AM) Approved.***

### **OFFICE OF EQUAL OPPORTUNITY**

28. A. MOTION TO APPROVE second extension of Contract No. 5FPSLPO111 between Broward County and the U.S. Equal Employment Opportunity Commission (EEOC), authorizing Broward County to investigate employment discrimination complaints on behalf of the EEOC, for Fiscal Year 2007; and authorize the County Administrator to execute same.

***ACTION: (T-10:20 AM) Approved.***

- B. MOTION TO APPROVE second extension of the Worksharing Agreement, between the Broward County Civil Rights Division and the EEOC Miami District Office, through Fiscal Year 2007; and authorize the County Administrator to execute same.

***ACTION: (T-10:20 AM) Approved.***

### **SUPERVISOR OF ELECTIONS**

29. MOTION TO APPROVE recommendation of the Supervisor of Elections amending the voting precincts which were approved on July 9, 2002, amended on August 13, 2002, January 14, 2003 and September 16, 2003, combining 19 precincts for voting in the General Election on November 7, 2006.

***ACTION: (T-10:29 AM) Approved, with staff looking into possible consolidation of voting precincts. (Refer to minutes for full discussion.)***

### **COUNTY ADMINISTRATION**

30. MOTION TO APPROVE request from the Supervisor of Elections for assistance from the County for the upcoming general election in November 2006. Assistance will include services approved by the Board on June 27, 2006, plus the pick-up of voting machines on election night at non-governmental owned facilities.

***ACTION: (T-10:20 AM) Approved.***

### **COUNTY AUDITOR**

31. A. MOTION TO FILE County Auditor's Report *Review of Port Everglades Facilities Maintenance Operations*.

***ACTION: (T-10:20 AM) Approved.***

- B. MOTION TO APPROVE County Auditor's Recommendations.

***ACTION: (T-10:20 AM) Approved.***

### **COUNTY COMMISSION**

32. MOTION TO APPROVE one year extension of the Miramar Aquatic Facility/Regional Park Broward County SWIM Central Grant No. MIR-S-001, which will currently expire on October 21, 2006. (Commissioner Wasseman-Rubin)

***ACTION: (T-10:20 AM) Approved.***

33. MOTION TO DIRECT County Attorney to draft a Resolution consistent with Resolution No. 2006-092, a Resolution of the Town Council of the Town of Southwest Ranches, Florida. (Commissioner Wasseman-Rubin)

***ACTION: (T-10:31 AM) No Board action was taken. (Refer to minutes for full discussion.)***

34. MOTION TO APPROVE 18-month extension of the Coral Gate Park Challenge Grant No. MGT-C-002, that will currently expire on February 19, 2007. (Commissioner Jacobs)

***ACTION: (T-10:20 AM) Approved.***

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

35. MOTION TO ADOPT Resolution 2006-751 directing the County Administrator to publish a Notice of Public Hearing to be held October 24, 2006 at 2:00 P.M. in Room 422 of the Governmental Center, to consider an application to renew the non-exclusive franchise of V. Ships Agency, Inc. to provide steamship agent services for a five-year term at Port Everglades.

***ACTION: (T-10:20 AM) Approved.***

36. MOTION TO ADOPT Resolution 2006-752 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, October 24, 2006, at 2:00 PM. 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, AMENDING CHAPTER 5 OF THE BROWARD COUNTY CODE OF ORDINANCES; AMENDING SUBSECTION 5-182(a)(5)b) RELATING TO REGIONAL TRANSPORTATION CONCURRENCY WITHIN STANDARD CONCURRENCY DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

***ACTION: (T-10:20 AM) Approved.***


37. MOTION TO ADOPT Resolution directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, October 24, 2006, 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, RELATING TO LOBBYING ACTIVITIES; REPEALING SECTION 1-266 OF THE BROWARD COUNTY CODE OF ORDINANCES, AND CREATING A NEW SECTION 1-266, "CONE OF SILENCE"; APPLYING THE CONE OF SILENCE TO ALL COMPETITIVE SOLICITATIONS AND AMENDMENTS TO EXISTING CONTRACTS; APPLYING THE CONE OF SILENCE TO COMMUNICATIONS BETWEEN POTENTIAL VENDORS AND AWARDDING AUTHORITIES; DESCRIBING COMMUNICATIONS THAT ARE PERMITTED AFTER THE CONE OF SILENCE IS IMPOSED; REQUIRING THAT SUCH PERMITTED COMMUNICATIONS BE IN WRITING, FILED WITH THE DIRECTOR OF PURCHASING OR DESIGNEE, AND DISTRIBUTED; DELINEATING PENALTIES FOR VIOLATIONS OF THE CONE OF SILENCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

***ACTION: (T-10:43 AM) Deferred to the Procurement Committee. (Refer to minutes for full discussion.)***

#### **DEPARTMENT OF URBAN PLANNING AND REDEVELOPMENT**

-  38. MOTION TO ADOPT Resolution 2006-753 approving the Central Lauderhill Community Redevelopment Plan (Plan) and delegating certain powers to implement the Plan based on the understanding that County funding for the Central Lauderhill community redevelopment area will be predicated upon successful negotiation of an Interlocal Agreement (ILA) which specifically enumerates the terms and conditions of County participation. **(Commission Districts 1 and 9)**

***ACTION: (T-10:50 AM) Approved. (Refer to minutes for full discussion.)***

**BUILDING CODE SERVICES DIVISION**

- 39. MOTION TO APPROVE first amendment to Interlocal Agreement for guaranteed partial service building code services between Broward County and the City of Dania Beach, approved by the County Commission on June 8, 2005, to increase the hourly service rates and revise the level of service requested in the original Schedule A, "Annual Service Request"; and, authorize the Mayor and Clerk to execute same. **(Commission Districts 4 and 7).**

***ACTION: (T-10:20 AM) Approved.***

**HOUSING AND COMMUNITY DEVELOPMENT DIVISION**

- 40. A. MOTION TO ADOPT unanticipated revenue Resolution 2006-754 within the Broward County Affordable Housing Trust Fund Account in the amount of \$5,934,794; to recognize State Housing Initiatives Partnership (SHIP) funds for Fiscal Year July 1, 2006 through June 30, 2007, and authorize the County Administrator to take the necessary administrative and budgetary actions to implement same.

***ACTION: (T-10:54 AM) Tabled to the 2:00 Public Hearing. (Refer to minutes for full discussion.)***


***ACTION: (T-4:20 PM) Approved, with staff to bring back modifications. (Refer to minutes for full discussion.)***

- B. MOTION TO ADOPT unanticipated revenue Resolution 2006-755 within the Broward County Affordable Housing Trust Fund Account in the amount of \$410,000 to recognize State Housing Initiatives Partnership (SHIP) recaptured funds, and authorize the County Administrator to take the necessary administrative and budgetary actions to implement same.

***ACTION: (T-10:54 AM) Tabled to the 2:00 Public Hearing. (Refer to minutes for full discussion.)***

***ACTION: (T-4:20 PM) Approved, with staff to bring back modifications. (Refer to minutes for full discussion.)***

**PLANNING SERVICES DIVISION**

-  41. MOTION TO ACCEPT Northwest 27th Avenue Demonstration Area Report prepared by the Urban Planning and Redevelopment Department and the County's consultant Anthony Abbate, P.A. **(Commission District 9)**

***ACTION: (T-10:20 AM) Approved.***

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**QUASI-JUDICIAL CONSENT HEARING**

**DEPARTMENT OF URBAN PLANNING AND REDEVELOPMENT**

**DEVELOPMENT MANAGEMENT DIVISION**

42. DISCUSSION: of plat entitled “43<sup>rd</sup> Street Village” - **Commission District 4**, (100-MP-05).

***ACTION: (Time-10:20 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.***

43. DISCUSSION of plat entitled “Escondido Estates” - **Commission District 8**, (039-MP-04). (Deferred from March 7, 2006).

***ACTION: (Time-10:20 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.***

44. DELEGATION: Leigh Kerr regarding request to amend the note on the Coral Springs Charter School Plat - **Commission District 3**, (091-MP-01).

***ACTION: (Time-10:20 AM) Approved subject to staff's recommendations.***

45. DELEGATION: James Kahn, representing the City of Fort Lauderdale, regarding request to amend the note on the Office of the Fire Marshall Fire Station No. 5 Plat - **Commission District 4**, (183-MP-85).

***ACTION: (Time-10:20 AM) Approved subject to staff's recommendations.***

46. DELEGATION: Scott Bornstein, regarding request to amend the note on the BTHC Plat - **Commission District 4**, (065-MP-90).

***ACTION: (Time-10:20 AM) Approved subject to staff's recommendations.***

47. DELEGATION: Sam Engel, regarding request to amend the note on the Sonshine Acres Plat - **Commission District 8**, (055-UP-82).

***ACTION: (Time-10:20 AM) Deferred to May 15, 2007, or sooner, under Section 5-181(j) of the Land Development Code to study traffic concurrency, the adequacy of potable water service, and the adequacy of wastewater treatment service.***

**END OF QUASI-JUDICIAL CONSENT HEARING**

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**REGULAR AGENDA**

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**DELEGATION**

- 48. **DELEGATION:** Mr. Frank T. Brogan requests to provide presentation of “FAU Hometown Tour”.

***ACTION: (T-10:20 AM) Deferred until December 12, 2006 at the request of the delegate.***

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**PUBLIC HEARING**

- 49. A. **MOTION TO APPROVE** agreement between Broward County, KFK Enterprises, Inc. and 54 N. Madison Avenue Holding Corp, doing business as North Broward Commerce Center, LLC, Exchangee, for the exchange of a portion of the A and M Helwig Plat, PB 136-20, Deerfield Beach, for a portion of the A and M Helwig Plat, PB 136-20, which is located at 4151 N. Dixie Highway, Deerfield Beach for the purpose of straightening the irregular-shaped common boundary line between the County’s and Exchangee’s property; authorize the Mayor and Clerk to execute agreement and Quit Claim Deed, and authorize acceptance and recordation of Warranty and Quit Claim Deeds. **(Commission District 2)**

***ACTION: (T-10:55 AM) Approved. (Refer to minutes for full discussion.)***

- B. **MOTION TO ADOPT** Resolution approving the conveyance of vacant County-owned real property that the Board has determined was not needed for County purposes, in exchange for an equal area of adjacent land that is owned by North Broward Commerce Center, for the purpose of straightening the irregular-shaped common boundary line between the adjoining properties.

***ACTION: (T-10:55 AM) Approved. (Refer to minutes for full discussion.)***

**END PUBLIC HEARING**

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## SAFE PARKS AND LAND PRESERVATION BOND PROGRAM

50. MOTION TO DIRECT Land Preservation Section of the Biological Resources Division to initiate the Phase 7 Open Space Application period, pursuant to Resolution 2006-02 of the Land Preservation and Acquisition Advisory Board. (Deferred from August 22, 2006 - Item No. 55).

***ACTION: (T-10:56 AM) Approved, as amended. Cities wishing to purchase golf courses can put applications in as part of the grant process which will be reviewed on a case-by-case basis. Cities will have 60 days to make an application, starting from the day the application is out on the street. (Refer to minutes for full discussion.)***

## FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

### HUMAN RESOURCES DIVISION

51. MOTION TO APPROVE three-year Collective Bargaining Agreement between Broward County and the Amalgamated Transit Union – Local 1591, representing the County's White Collar employees, for Fiscal Years 2005/2006, 2006/2007, and 2007/2008, and authorize the Mayor to execute the agreement.

***ACTION: (T-11:23 AM) Approved, as corrected. (Scrivener's error – See County Administrator's report: Appendix A2 and A3 include incorrect pay grade references; correct pay grade references are: Library Specialist I – W8007, Library Specialist II – W9001, Payroll Specialist I – W2900, Property Agent I – W3250, and Property Agent II – W3550. Staff will recommend reallocation of these job classifications on October 17, 2006.)***

### PURCHASING DIVISION

For Community Services Department

52. MOTION TO APPOINT Selection Committee (SC) to recommend the most qualified firm to provide ADA Paratransit Eligibility Assessments and approve Request for Letters of Interest (RLI) No. 20060821-0-MT-1RE.

***ACTION: (Time-11:23 AM) Approved the following to serve on the Selection Committee (SC): Commissioners Jacobs, Lieberman and Wexler; Medical Director; Medical Examiner & Trauma Services Division. Plus administrative support staff from the offices of County Attorney, County Auditor, Equal Opportunity, Risk Management, Purchasing and the requesting agency. (Refer to minutes for full discussion.)***

**COMMUNITY SERVICES DEPARTMENT**

**PARKS AND RECREATION DIVISION**

53. A. MOTION TO FILE Report to the Board that provides responses to questions concerning the Central Broward Regional Park that were asked at the September 19, 2006 Commission Meeting, Agenda Item No. 39, and direct staff to proceed with the development of a Request for Letters of Interest (RLI) to engage a firm to build and maintain the planned clock tower at the Central Broward Regional Park, as a cellular transmission tower.

***ACTION: (T-11:24 AM) The Board agreed to send this back before the S/C. (The Board voted to bifurcate Item 53 A & B.) (Refer to minutes for full discussion.)***

- B. MOTION TO DISCUSS County's policy towards alcohol, pouring rights, and scoreboard advertising at the Central Broward Regional Park.

***ACTION: (T-11:24 AM) No Board action was taken. (The Board voted to bifurcate Item 53 A & B.) (Refer to minutes for full discussion.)***

- C. MOTION TO DIRECT staff to prepare the appropriate RLI and procurement processes for identifying those entities in the community who could be public/private partners and to explore those areas where it would work.

***ACTION: (T-11:50 AM) The Board agreed to send this back before the S/C. (Refer to minutes for full discussion.)***

- D. MOTION TO DIRECT staff to bring to the Board a policy for active and passive parks as it relates to advertising and/or naming rights including a caveat outlining how special events will be dealt with on a case-by-case basis; to look at how the County can track it similarly to the bus advertising policy; and to undertake this effort in tandem with the RLI and other efforts staff has been directed to work on so as to not to lose time.

***ACTION: (T-12:07 PM) The Board agreed to send this back before the S/C. (Refer to minutes for full discussion.)***

- E. MOTION TO DIRECT staff to, as a part of the procurement process, first identify those entities in the community who have been a part of public/private partnerships, and others who would be natural partners for the park due to the location and park's focus and, develop a mechanism for giving them notice in addition to the traditional notice mechanisms, to ensure that Broward County had an ample opportunity to put the financial partners on notice.

***ACTION: (T-12:09 PM) Approved. (Refer to minutes for full discussion.)***

## **DEPARTMENT OF URBAN PLANNING AND REDEVELOPMENT**

### **PLANNING SERVICES DIVISION**

54. MOTION TO DISCUSS amendment to agreements between Broward County and 15 Pre-Selected Developers as part of the Affordable Housing Home Construction Program, and if approved, authorize the County Administrator to execute same (as RDC Committee meeting is October 9, 2006). **(Commission Districts 7 and 9)**

***ACTION: (T-3:42 PM) The Board passed approval of the County Attorney's suggestion to change the language under Exhibit 1 to read "whereas County and Developer" as opposed to "whereas County and City" and the recommended amendment to the agreements. (Refer to minutes for full discussion.)***

### **PUBLIC COMMUNICATIONS OFFICE**

55. MOTION TO DISCUSS public information materials for Courthouse Bond and Transportation Improvements Referendums.

***ACTION: (T-4:11 PM) The Board directed staff to do an emergency procurement to print the brochures with an extra 1,000 per district, and to not exceed ten percent of the cost parameters. To be included in the brochure is language on how the Commission voted on the issues. (Refer to full minutes for full discussion.)***

### **AVIATION DEPARTMENT**

56. MOTION TO APPROVE Amendment No. 3 to Lease Agreement dated September 30, 2005, between Broward County and Sheltair Aviation Center, LLC, for approximately 36 acres for the operation of a fixed based operation on the Westside of the Fort Lauderdale-Hollywood International Airport, and Amendment No. 3 to Lease Agreement dated September 30, 2005, between Broward County and Sheltair Aviation Center, LLC, for approximately one acre for the operation of an aircraft fuel farm at Fort Lauderdale-Hollywood International Airport, between Broward County and Sheltair Aviation Center, LLC.

***ACTION: (T-4:21 PM) Approved.***

## COUNTY ADMINISTRATION

57. MOTION TO APPROVE Broward County Transit/Transportation Plan (Executive Summary) for Countywide transit and transportation improvements to be implemented upon passage of the 1% transit system sales surtax referendum. (Deferred From September 26, 2006 – Item No. 60)

***ACTION: (T-10:20 AM) (Transferred to the 2:00 Public Hearing.) (Refer to minutes for full discussion.)***

***ACTION: (T-4:21 PM) Failed. (Refer to minutes for full discussion.)***

58. MOTION TO APPROVE updated Commission calendar from October 3, 2006 through December 26, 2006 to include several newly scheduled workshops through the end of this year.

***ACTION: (T-4:24 PM) Deferred until October 17, 2006.***

59. MOTION TO DISCUSS options for a new office and warehouse facility for the Supervisor of Elections.

***ACTION: (T-5:39 PM) The Board directed staff to return with this item for a formal status update on October 24, 2006, after exploring/reviewing all options recommended with inclusion of the costs, and with the Sheriff's support. (Refer to minutes for full discussion.)***

## COUNTY COMMISSION

60. MOTION TO APPOINT Commissioner Diana Wasseman-Rubin to the HIV Health Services Planning Council for a term to expire November 21, 2006. (Mayor Graber)

***ACTION: (T-10:20 AM) Approved. (Transferred to the Consent Agenda.)***

## COUNTY COMMISSION SELECT COMMITTEE REPORTS

### SELECT COMMITTEE ON ETHICS AND LOBBYING

61. A. MOTION TO DIRECT County Attorney's Office to draft a Broward County Ordinance to establish a conflict of interest section in the County Code for Commissioners, County employees, and individuals appointed to boards, committees, agencies, and authorities in accordance with the recommendations of the Select Committee on Ethics and Lobbying.

***ACTION: (T-5:57 PM) The Board directed the County Attorney to draft an Ordinance addressing conflict of interest and ethics, using existing laws and with consideration of Board discussion and***

**comments. (Refer to minutes for full discussion.)**

- B. MOTION TO DIRECT County Attorney's Office to draft a Broward County Ordinance to establish a Code of Official Conduct for Commissioners, County employees, and individuals appointed to boards, committees, agencies, and authorities in accordance with the recommendations of the Select Committee on Ethics and Lobbying.

**ACTION: (T-5:57 PM) The Board directed the County Attorney to draft an Ordinance addressing conflict of interest and ethics, using existing laws and with consideration of Board discussion and comments. (Refer to minutes for full discussion.)**

- C. MOTION TO DIRECT County Administrator to take the necessary steps to implement the recommendations of the Select Committee on Ethics and Lobbying including implementing a comprehensive mandatory annual ethics training program for all County Commissioners, employees, and individuals appointed to County boards, committees, agencies, and authorities.

**ACTION: (T-5:57 PM) The Board directed the County Attorney to draft an Ordinance addressing conflict of interest and ethics, using existing laws and with consideration of Board discussion and comments. (Refer to minutes for full discussion.)**

62. MOTION TO DIRECT County Attorney to draft an amendment to the Broward County Code of Ordinances, increasing the period during which former appointed officials and employees are restricted from representing others before the Board of County Commissioners from one year to two years; specifying the employees subject to the Ordinance and expanding the restriction to include appearances before individual Board members.

**ACTION: (T-7:07 PM) The Board directed the County Attorney to draft an amendment clarifying the language by addressing the following:**

- 1) Paragraph (a) of Exhibit #1 (proposed amended language) to be clarified as applicable only to *private* sector employees who come before the Board; exempts or not applicable to *public* sector officers and employees; 2) Delete from paragraph (b) (5<sup>th</sup> line) "*of which the individual was an officer or employee*" as redundant to first line of (b).; and 3) Change paragraph (d) to provide that subsections (a) and (b) shall apply *retroactively* as opposed to prospectively, and that such application would be appropriate since there are no fines or penalties imposed for a violation. (Refer to minutes for full discussion.)

63.

**COUNTY ADMINISTRATOR'S REPORT**

***ACTION: (T-7:36 PM) Ms. Brangaccio stated that the Board will receive the First Quarter Report on the Management and Efficiency Study recommendations. She noted that the section related to the Housing initiatives is missing from it and reported that the Housing Director's position is in the interview process. (Refer to minutes for full discussion.)***

64.

**MAYOR'S REPORT**

***ACTION: (T-2:54 PM) No report presented.***

**SUPPLEMENTAL AGENDA**

**COUNTY COMMISSION**

65. MOTION TO NOMINATE Ms. Anne Scherer to serve on the Performing Arts Center Authority Board. (Commissioner Rodstrom).

***ACTION: (T-10:20 AM) Approved. (Transferred to the Consent Agenda.)***

66. MOTION TO FILE Resolution of the Broward League of Cities supporting the adoption of a one-cent (penny) surtax for transportation to support an expanded Mass Transit System in Broward County. (Mayor Graber).

***ACTION: (T-4:23 PM) Approved. (Refer to minutes for full discussion.)***

67. MOTION TO APPROVE allocation of \$400,000 in County District Commissioner's Discretionary Bond funds to the City of Coral Springs for capital improvements at the ten neighborhood parks throughout the City. (**Commission District 3**) (Mayor Graber)

***ACTION: (T-10:20 AM) Approved. (Transferred to the Consent Agenda.)***

68. MOTION TO AUTHORIZE staff to prepare an addendum to RLI 20060706-0-RM-1RE, Managed Care for Workers' Compensation, to allow potential respondents the option of proposing a plan outside of the agency for Health Care Administration (ACHA) Managed Care Arrangement (MCA). (Commissioner Lieberman and Commissioner Wexler)

***ACTION: (T-10:20 AM) Approved, as corrected. (Scrivener's error – See County Administrator's report: - the reference to the Agency for Health Care Administration (AHCA) was incorrectly written in the motion as ACHA.) (Transferred to the Consent Agenda.)***

**NON AGENDA**

69. PERFORMING ARTS BOARD – COMMISSIONER WASSERMAN-RUBIN

***ACTION: (T-7:14 PM) Commissioner Wasserman-Rubin expressed concern regarding the policy of new appointees replacing personnel working on current projects. Commissioner Jacobs suggested that former appointees bring new appointees up to date on projects or find another member to take the project over. (Refer to minutes for full discussion.)***

70. CONGRATULATE COMMISSIONER WEXLER – COMMISSIONER WASSERMAN-RUBIN

***ACTION: (T-7:14 PM) Commissioner Wasserman-Rubin extended congratulations to Commissioner Wexler on her nomination as Outstanding Public Official by the Florida Association of Museums. (Refer to minutes for full discussion.)***

71. DCF BUILDING – COMMISSIONER GUNZBURGER

***ACTION: (T-7:18 PM) Commissioner Gunzburger requested the Board to direct staff to prepare a letter to the Governor, urging his consideration to prevent the potential sale of the DCF building at Broward Boulevard in downtown Fort Lauderdale. (Refer to minutes for full discussion.)***

72. STATE LEGISLATIVE PROGRAM – COMMISSIONER GUNZBURGER

***ACTION: (T-7:18 PM) Commissioner Gunzburger suggested addition of a bill to the State Legislative Program list, to break out the budgets of the County Constitutional Officers when the millage rate goes on. Commissioner Lieberman stated this item has been sponsored. (Refer to minutes for full discussion.)***

73. REPLACEMENT OF SIGNS – COMMISSIONER GUNZBURGER

***ACTION: (T-7:18 PM) Commissioner Gunzburger referred to correspondence regarding the traffic signs lost in Hurricane Wilma and requested staff to follow-up on the replacement of the signs. County Administrator Pamela Brangaccio reported an update will be provided. (Refer to minutes for full discussion.)***

74. COURTHOUSE ARTICLE – COMMISSIONERS RODSTROM/VICE-MAYOR EGGELLETON/LIEBERMAN

**ACTION: (T-7:22 PM)** Commissioner Rodstrom expressed concern that the Greater Fort Lauderdale Chamber of Commerce was reported in a news article as taking no position on the courthouse referendum and requested correspondence be sent to them. Mayor Graber directed County Administrator Pamela Brangaccio to send correspondence to the Chamber of Commerce and the DDA, requesting feedback regarding their position, without objection.

Vice-Mayor Eggelton concurred with Commissioner Rodstrom regarding the article on the courthouse referendum and expressed frustration with the suggestion of secrecy, noting the many notices and Sunshined meetings. Commissioner Rodstrom requested that the letter be sent to the City, the Chamber of Commerce, and the DDA. Mayor Graber directed staff to include the City when corresponding to the Chamber of Commerce, and the DDA, without objection.

Commissioner Lieberman referenced the courthouse article and expressed concern on the spin given of competing bond issues while pointing out they're complimentary to each other. Commissioner Lieberman suggested the County Attorney provide an update on eminent domain property relating to the courthouse. Mayor Graber recommended the eminent domain discussion occur in a Shade meeting. Commissioner Rodstrom requested that staff include in the correspondence to the City, the Chamber of Commerce, and the DDA, that the County has not purchased property yet. (Refer to the minutes for full discussion.)

75. TRACON CONSOLIDATION - COMMISSIONER LIEBERMAN

**ACTION: (T-7:30 PM)** Commissioner Lieberman requested an item opposing the TRACON consolidation (unless the FAA can provide data to the County that shows the safety/security of air travel will not be jeopardized) be added to the Federal Legislative Platform. Mayor Graber directed staff to prepare this item with backup material for the Commissioners, without objection. (Refer to minutes for full discussion.)

76. PARATRANSIT – COMMISSIONER LIEBERMAN

***ACTION: (T-7:30 PM) Due to Paratransit running out of funds and transitioning participants back to the original providers, Commissioner Lieberman requested that staff take another look at the issue and provide another solution in order to continue satisfaction with the service. Mayor Graber directed staff to provide recommendations, without objection. (Refer to minutes for full discussion.)***