

MEETING OF OCTOBER 14, 1997

(Meeting convened at 10:00 a.m. and adjourned at 2:00 p.m.)

PLEDGE OF ALLEGIANCE - Led by Commissioner Scott I. Cowan, Chair

CALL TO ORDER

CONSENT AGENDA

AVIATION DEPARTMENT

1. MOTION TO APPROVE Amendment No. 2 to the Agreement of Lease between Broward County, Florida and Airport Recycling Specialists, Inc. providing for additional land at the Fort Lauderdale-Hollywood International Airport, and authorize the Chair and Clerk to execute same.

ACTION: (A-135) Approved.

2. MOTION TO APPROVE consent to sublease between Sheltair Aviation Center, Inc. and Bombardier Capital, Inc. at Sheltair Aviation Center, Inc.'s leasehold at Fort Lauderdale-Hollywood International Airport, and authorize the Chair and Clerk to execute same.

ACTION: (A-135) Approved.

3. MOTION TO APPROVE building lease agreement between Broward County, Florida and Key Power Technical Institute, Inc. for 2.98 acres of land, including a 13,230 square foot building at North Perry Airport commencing upon Board approval through July 31, 1998 and month to month thereafter until July 31, 1999, and authorize the Chair and Clerk to execute same. (Deferred from October 7, 1997)

ACTION: (A-2905 & B-3307) Approved

PUBLIC WORKS DEPARTMENT

OFFICE OF TRANSPORTATION

ENGINEERING DIVISION

4. MOTION TO APPROVE payment of the actual cost of \$77,348.77, for the relocation of certain Florida Power & Light Company facilities for Project No. 5116, Improvements to Douglas Road, from Sheridan Street to Pembroke Road.

ACTION: (A-135) Approved.

5. MOTION TO ADOPT Resolution 1997-1077 accepting a warranty deed executed by Net Realty Holding Trust, donating right-of-way for U.S. 1 and Sample Road in Section 19, Township 48 South, Range 43 East.

ACTION: (A-135) Approved.

OFFICE OF ENVIRONMENTAL SERVICES

ENVIRONMENTAL ENGINEERING

6. MOTION TO APPROVE developer's agreement between the County and Park Central Industrial, a Florida General Partnership, providing for utility installations by the Developer at an estimated installation cost of \$16,155 (at no cost to the County) to furnish water and wastewater services, and authorize the Chair and Clerk to execute same.

ACTION: (A-135) Approved.

FISCAL OPERATIONS DIVISION

7. MOTION TO APPROVE AND EXECUTE Satisfactions of Claim of Lien to release liens recorded for unpaid water and/or sewer charges.

ACTION: (A-135) Approved.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT

OFFICE OF HOUSING FINANCE

8. MOTION TO APPROVE Satisfaction of Mortgage for a State Housing Incentives Partnership (SHIP) Purchase Assistance Program loan in the amount of \$3,683 to Robert M. Durham, and authorize the Chair and Clerk to execute same.

ACTION: (A-135) Approved.

ACCOUNTING DIVISION

9. MOTION TO APPROVE satisfactions and releases of land clearance liens and releases of notices of non-compliance with the Land Clearing Code of Broward County.

ACTION: (A-135) Approved.

10. MOTION TO APPROVE check lists issued from August 1, 1997 through August 31, 1997 in accordance with Florida Statute 136.06.

ACTION: (A-135) Withdrawn by staff.

COUNTY RECORDS DIVISION

11. MOTION TO APPROVE FOR FILING supplemental papers pertaining to plats and other items that were approved in prior years.

ACTION: (A-135) Approved.

12. MOTION TO APPROVE minutes of the 10:00 a.m. Board of County Commission meeting of August 19, 1997.

ACTION: (A-135) Approved.

PURCHASING DIVISION

For Community Services Department

13. A. MOTION TO APPROVE AS SOLE SOURCE Broward Sheriff's Office for law enforcement services on the Broward County Bus System for the Mass Transit Division.

ACTION: (A-135) Approved.

B. MOTION TO APPROVE agreement between Broward County and Broward Sheriff's Office for law enforcement services for the Mass Transit Division in the approximate annual amount of \$364,660. The initial period of the contract shall begin on October 1, 1997 and end on September 30, 2000 with the option to renew for two one-year periods, and authorize the Chair and Clerk to execute the same.

ACTION: (A-135) Approved.

14. MOTION TO APPROVE eighth amendment to agreement between Broward County and Edward D. Stone, Jr. and Associates, Inc. for consultant services for improvement to West Lake Park; to increase the reimbursables in the amount of \$10,500 for a new total fee with reimbursables of \$115,000 and a new total agreement amount of \$1,107,200.00, and authorize the Chair and Clerk to execute same.

ACTION: (A-135) Approved.

For Finance and Administrative Services Department

15. A. MOTION TO APPROVE first amendment to contract with Sadko Travel for airline travel reservation services (Bid No. J-01-96-03-12), approved by Board of County Commissioners on April 2, 1996, Item No. 29, to allow for a modification to the ticket discount structure to be effective upon execution of this amendment through April 30, 1998, and authorize the Chair and Clerk to execute same.

ACTION: (A-135) Approved.

B. MOTION TO GRANT authority to the Director of Purchasing to approve changes in the discount structure paid to contractor as provided for in accordance with Amendment No. 1.

ACTION: (A-135) Approved.

For Port Everglades Department

16. A. MOTION TO ADOPT budget Resolution 1997-1078 transferring within the Port Everglades Capital Fund (471) the amount of \$110,316 from Capital Reserve for an industrial fire foam pumper.

ACTION: (A-135) Approved.

B. MOTION TO AWARD fixed contract to the single bidder, Group 1, Emergency One, for fire apparatus, industrial foam pumper (Bid No. C-05-97-03-OF) in the amount of \$530,316 for the Port Everglades Department, subject to receipt and acceptance of performance and payment bond.

ACTION: (A-135) Approved.

For Public Works Department

17. MOTION TO AWARD open-end contract to the low bidder, Group 1 World Ford Hollywood for Broward County Cooperative for Electric Vehicles, Pick-up Trucks/ Sport Utility Vehicle Bid No. C-07-97-11-06 in the approximate amount of \$188,866 for the Energy Management Division and to authorize the Director of Purchasing to renew the contract for one six-month period. The initial contract period shall start October 14, 1997, and shall terminate June 30, 1998.

ACTION: (A-135) Approved.

REVENUE COLLECTION DIVISION

18. MOTION TO APPROVE AND EXECUTE Satisfactions of Claim of Liens.

ACTION: (A-155) Approved.

19. MOTION TO ACKNOWLEDGE Receipt of Notice of Lands Available for Taxes submitted per Florida Statutes 197.502(7) and 12D-13.064(1)(2)(3).

ACTION: (A-135) Approved.

HUMAN SERVICES DEPARTMENT

20. MOTION TO ADOPT budget Resolution 1997-1079 transferring funds from the Commission Reserve to the Human Services Department in the amount of \$57,000 to provide funding for first quarter Fiscal Year 1998 operational expenses for Broward Partnership for the Homeless, Incorporated.

ACTION: (A-135) Approved.

COMMUNITY SERVICES DEPARTMENT

EMERGENCY MANAGEMENT DIVISION

21. A. MOTION TO APPROVE grant agreement between Broward County and the State of Florida, Department of Community Affairs in the amount of \$112,826 to implement and administer Broward County's emergency management and preparedness program from October 1, 1997 to September 30, 1998, and authorize the Chair and Clerk to execute same. (County in-kind match is existing program funding; cannot be used to supplant existing funds)

ACTION: (A-135) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 1997-1124 within the Grant Fund for the Emergency Management Division in the amount of \$112,826 for the purpose of enhancing Broward County's emergency management and preparedness programs.

ACTION: (A-135) Approved.

DEPARTMENT OF NATURAL RESOURCE PROTECTION

22. MOTION TO APPROVE Contract No. GC529 between the Florida Department of Environmental Protection and Broward County to provide petroleum contamination site cleanup related services.

ACTION: (A-3325) Approved.

23. MOTION TO APPROVE Contract GC507 between Broward County and the Florida Department of Environmental Protection (FDEP) for the Compliance Verification (CV) Program of Department of Natural Resource Protection (DNRP) for which expenditures are fully funded by the State, authorize the Chair and Clerk to execute same, and authorize the contract manager to execute Task Assignment No. 1

and subsequent task assignments that may be required throughout the term of the contract.

ACTION: (A-135) Approved.

BIOLOGICAL RESOURCES DIVISION

24. MOTION TO ACCEPT conservation easement from the City of Coral Springs for wetland mitigation associated with the construction of industrial buildings, over approximately 2.75 acres of real property in the City of Coral Springs - Park No. 16, for the Biological Resources Division.

ACTION: (A-135) Approved.

25. MOTION TO APPROVE cash bond agreement between Broward County and ISSA Developers II, Inc. in the amount of \$5,000 for the construction of the Waterway Shoppes at Weston in order to establish financial assurance for certain construction, monitoring and maintenance requirements for wetland mitigation, for the Biological Resources Division.

ACTION: (A-135) Approved.

DEPARTMENT OF STRATEGIC PLANNING & GROWTH MANAGEMENT

COMMUNITY DEVELOPMENT DIVISION

26. MOTION TO APPROVE two satisfaction of mortgages on a 7% direct loan in the amount of \$8,500 and a 3% direct loan in the amount of \$8,500 made to Jeremiah Carter a/k/a Jerry Carter, and authorize the Chair and Clerk to execute same.

ACTION: (A-135) Approved.

27. MOTION TO APPROVE satisfaction of mortgage on a deferred payment loan in the amount of \$850 made to Alonza Allen and Sarah Allen, and authorize the Chair and Clerk to execute same.

ACTION: (A-135) Approved.

28. MOTION TO APPROVE two satisfaction of mortgages on a 5% direct loan in the amount of \$250,000 and a 5% direct loan in the amount of \$78,000 made to Leisure Arms, Inc., and authorize the Chair and Clerk to execute same.

ACTION: (A-135) Approved.

PORT EVERGLADES DEPARTMENT

29. MOTION TO ADOPT unanticipated revenue Resolution 1997-1090 within the Port Everglades Capital Fund in the amount of \$75,000,000 to recognize the proceeds of Commercial Paper Notes issued to purchase the Swerdlow property.

ACTION: (A-479, 6107 & B-1864) The Board approved that the Special Counsel be authorized, without having to come back to the commission, to file a cross appeal against Mr. Rodstrom should Mr. Rodstrom and his attorneys file an appeal on either of the two other portions of the case. Approved subject to the following caveats: 1) Commissioner Rodstrom sign a release that he will not appeal the judge's decision of October 13, 1997. 2) The County Attorney's Office, if they are representing the county, get a go-ahead if they do not see any other potential pitfalls of going ahead with the closing, and, if so, the closing cannot proceed. Also, if the county's special counsel, Ruden, McClosky, Russell, they were to see anything else, the Chair is not authorized to sign the documents.

30. MOTION TO APPROVE Port Everglades Taxi/Limo/Bus Service Business Permit between Broward County, Florida and Florida Tourist Enterprises, Inc. d/b/a A Port Shuttle, in accordance with Chapter 32 of the Broward County Administrative Code, effective from the date of approval, with an expiration of December 31, 1997, and authorize the Chair and Clerk to execute same.

ACTION: (A-135) Approved.

31. MOTION TO APPROVE renewal of a lease agreement between Broward County and Discovery Cruise Services, Inc. for Suite No. 402 in the Port Administration Building at Port Everglades, consisting of 8,958 square feet, for the period of November 1, 1997 through October 31, 1998, and authorize the Chair and Clerk to execute same.

ACTION: (A-135) Approved.

32. A. MOTION TO WAIVE Broward County Procurement Code for the purpose of entering into an amendment to agreement with The Florida Alliance, Inc.

ACTION: (A-202) Deferred to October 21, 1997 for further review.

B. MOTION TO APPROVE amendment to agreement between Broward County, Florida and The Florida Alliance, Inc., a Florida corporation, not-for-profit, effective October 1, 1997 for a one-year term, and authorize the Chair and Clerk to execute same.

ACTION: (A-202) Deferred to October 21, 1997 for further review.

OFFICE OF BUDGET AND MANAGEMENT POLICY

33. MOTION TO APPROVE business travel for County employees in accordance with Administrative Order 105.

ACTION: (A-135) Approved.

34. MOTION TO ADOPT budget Resolution 1997-1080 transferring within the General Fund in the amount of \$95,548 from the County Commission Reserve for expenses of Cash Bond Project.

ACTION: (A-135) Approved.

METROPOLITAN PROGRAM COORDINATION

35. A. MOTION TO ADOPT Resolution 1997-1081 approving an agreement between Broward County and Florida Department of Transportation (FDOT) providing for reimbursement to Broward County for the Broward Boulevard project.

ACTION: (A-135) Approved.

B. MOTION TO APPROVE Local Agency Program (LAP) agreement between Broward County and the FDOT.

ACTION: (A-135) Approved.

C. MOTION TO ADOPT Resolution 1997-1082 approving an agreement between FDOT and Broward County for the maintenance on Broward Boulevard.

ACTION: (A-135) Approved.

D. MOTION TO ADOPT Resolution 1997-1083 approving an agreement between FDOT and Broward County for the purchase and installation of highway lighting along Broward Boulevard.

ACTION: (A-135) Approved.

E. MOTION TO APPROVE interlocal agreement among Broward County, City of Plantation and City of Fort Lauderdale relating to a beautification project along Broward Boulevard from State Road 7 to NW 7th Avenue providing for maintenance of landscape, hard scape and lighting by Fort Lauderdale and reimbursement by Broward County and the City of Plantation.

ACTION: (A-135) Approved.

COUNTY ATTORNEY

36. MOTION TO NOTE FOR THE RECORD notice of proposed settlement in the amount of \$14,500 in Paulson v. Broward County, et. al., Circuit Court Case No. 94-0137 (08).

ACTION: (A-135) Approved.

COUNTY ADMINISTRATOR

37. A. MOTION TO ADOPT unanticipated revenue Resolution 1997-1084 within the Alcohol and Drug Abuse Services fund for the amount of (-\$25,000) reducing the transfer from the General Fund.

ACTION: (A-2840) Approved with the provision that there be a 5-year base line study of those going through this system versus those who do not.

B. MOTION TO ADOPT budget Resolution 1997-1085 within the General Fund transferring \$30,000 from Health Care Management Division and \$25,000 from transfer to federal grants to Court Administration for the Support of the Mental Health Court.

ACTION: (A-2840) Approved with the provision that there be a 5-year base line study of those going through this system versus those who do not.

BOARD APPOINTMENTS

38. MOTION TO APPROVE appointment of Mr. Todd I. Stone to the Consumer Protection Board of Broward County. Mr. Stone fills an existing vacancy. (Commissioner Cowan)

ACTION: (A-135) Approved.

39. MOTION TO APPROVE appointment of Robert K. Gross to the Metropolitan Planning Organization-Community Involvement Roundtable. (Commissioner Lieberman)

ACTION: (A-135) Approved.

REQUEST TO SET FOR PUBLIC HEARING

40. MOTION TO ADOPT Resolution 1997-1086 directing the County Administrator to publish a notice of public hearing to be held on Tuesday, October 28, 1997 at 2:00 p.m. in Room 422 of the Governmental Center to consider renewing the franchise of Hvide Marine Incorporated d/b/a Port Everglades Towing to provide tugboat and towing services at Port Everglades.

ACTION: (A-135) Approved.

41. MOTION TO ADOPT Resolution 1997-1089 directing the County Administrator to publish notice of public hearing to be held on Tuesday, October 28, 1997 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 COUNTY BOARDS; ESTABLISHING A VOTING CONFLICTS POLICY APPLICABLE TO CERTAIN COUNTY BOARD MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE BROWARD COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Commissioner Suzanne N. Gunzburger)

ACTION: (A-3341 & A-6090) Approved.

REGULAR AGENDA

COUNTY ADMINISTRATOR'S REPORT

42. A. Acting County Administrator Phillip C. Allen advised that staff thought it would be presenting a draft of the contract on the Convention Center Hotel, but staff has just received extensive changes requested by the developer. Mr. Allen stated that the first item would be to submit this contract to the Board as an agenda item as a notice to set for public hearing. The two public hearing process will be followed with this agreement since the area being leased is in the Port Everglades jurisdictional area.

ACTION: (A-3533) Commissioner Parrish requested Mr. Allen to circulate a copy of the contract to all commissioners; give them one month to review the contract, and if any commissioner has any amendments he or she should place the amendments on the agenda four weeks from today.

B. Acting County Administrator Phillip C. Allen commented on correspondence relative to a decision of the 11th Circuit Court applicable to the Dade County's SDBE program. Mr. Allen reported that staff is reviewing Broward County's program with the County Attorney's Office, and hopefully on October 21 they will present a motion to direct the County Attorney to make amendments to the county's SDBE program. It would primarily be based on economics rather than race or gender.

ACTION: (A-3639) The Board requested staff look into the county prequalifying smaller firms, teaming them with another firm, mentoring those companies for two to three years, giving them a chance to grow and flourish. There will be an evaluation process of this new program in order to judge the movement toward those goals. The staff member who is reviewing the minority certification process should meet with Commissioner Parrish.

PUBLIC WORKS DEPARTMENT

43. MOTION TO ESTABLISH an audit committee to direct and oversee the Browning Ferris Material Resource Recovery Facility Contract compliance audit for Fiscal Year 1996.

ACTION: (A-3816) Approved with Commission Auditor Norman Thabit, Public Works Department

Director Dick Bossard, and Resource Recovery Board Executive Director Joe Moss.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT

PURCHASING DIVISION

For Finance and Administrative Services Department

44. MOTION TO ACCEPT report of the Blue Ribbon Committee and direct the Administrator to implement it within 60 days.

ACTION: (A-3854) Accepted the report as amended.

DEPARTMENT OF NATURAL RESOURCE PROTECTION

BIOLOGICAL RESOURCES DIVISION

45. MOTION TO ADOPT Resolution 1997-1087 amending the Broward County Administrative Code by deleting Sections 24.90 through 24.95; and adding Sections 31.8 through 31.9, for the Biological Resources Division.

ACTION: (A-4814) Approved.

DEPARTMENT OF STRATEGIC PLANNING

& GROWTH MANAGEMENT

COMPREHENSIVE & NEIGHBORHOOD PLANNING DIVISION

46. MOTION TO FIND Application 97-CF-08 for the allocation of commercial flexibility in the City of Coral Springs compatible with the adjacent land uses and that impacts on public school facilities have been adequately considered.

ACTION: (A-4884) Approved.

47. MOTION TO FIND Application 97-RF-04 for the allocation of residential flexibility for 117 residential flex units in the City of Coral Springs compatible with the adjacent land uses and that impacts on public school facilities have been adequately considered.

ACTION: (A-5182) Approved.

OFFICE OF BUDGET AND MANAGEMENT

POLICY

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

ACTION: (A-5327) Approved as amended per staff's addendum.

COUNTY COMMISSION

49. MOTION TO ADOPT Resolution 1997-1088 of the Board of County Commissioners of Broward County, Florida providing for the formal naming of a park situated in unincorporated Broward County and commonly referred to as "St. George Park" as "St. George Community Park"; providing for an effective date. (Commissioner Rodstrom)

ACTION: (A-5333) Approved.

50. MOTION TO DIRECT The County Attorney to obtain an opinion from bond counsel assessing the outstanding obligations of Broward County with regard to the Resource Recovery Board, Broward County Solid Waste Disposal District. (Commissioner Lieberman)

ACTION: (A-5343) Deferred to October 21, 1997 for further consideration.

COMMISSION AUDITOR

51. DISCUSSION: Further consideration of the 11 applicants for County Administrator selected at the October 7, 1997 County Commission meeting.

ACTION: (A-5700) After voting, Phillip C. Hill was eliminated from the selection process. The interviews will commence on October 20, 1997 at 8:30 a.m. and continue October 21, 1997 at 2:00 p.m.

SUPPLEMENTAL AGENDA

COUNTY COMMISSION

52. MOTION TO DIRECT County Attorney's Office to amend the Broward County Land Development Code to provide that the amount of school impact fees shall be determined based upon the fee schedule in effect at the time that the school impact fee is paid; that impact fees cannot be paid more than 90 days prior to the date of application for a building permit; and providing for a vested rights (equitable estoppel) hearing before the Board of County Commissioners. (Commissioner Lieberman)

ACTION: (B-4405) Approved.

OFFICE OF PUBLIC AND EXTERNAL AFFAIRS

53. MOTION TO ADOPT Resolution 1997-1123 supporting full funding for the U.S. Bureau of the Census Continuous Measurement Program in Fiscal Year 1998 in order to include Broward County as a pilot site for the American Community Survey in 1998, and authorize the Chair to send copies to members of the South Florida Congressional Delegation and the U.S. Bureau of the Census.

ACTION: (B-4428) Approved.

BOARD APPOINTMENTS

54. MOTION TO APPROVE appointment of Mr. Arnold C. Grant to the Consumer Protection Board of Broward County. Mr. Grant will fill an existing vacancy. (Commissioner Parrish)

ACTION: (A-135) Approved.

GOOD AND WELFARE

55. PRESENTATION: Commissioner Abramowitz advised that Florida Atlantic University (FAU), the Performing Arts Center, and the elder community in Broward County have instituted a new program. On Monday, October 13, he was asked, as Chair of the Department of Elder Affairs, to accept a plaque on behalf of FAU for the start of this new program.

ACTION: (A-36) Michael Scanlon, Director, Mass Transit Division, presented a plaque to the Chair. Mr. Scanlon advised that they are trying to formulate new partnerships, and on Monday, they met with some senior citizens from FAU and representatives of the Broward Center for Performing Arts; they will cosponsor "Lifelong Learning Lecture Series" and will try with a few experimental transit routes to take people to and from that activity. This is an attempt by Mass Transit to get out of the traditional box and reach out for new partners. More important than the plaque were the words of appreciation that FAU and the Performing Arts Center bestowed upon the county commission for their continued support.