

# MEETING OF OCTOBER 15, 1996

(Meeting convened at 10:00 a.m. and adjourned at 1:00 p.m.)

PLEDGE OF ALLEGIANCE

CALL TO ORDER

## CONSENT AGENDA

### PUBLIC WORKS DEPARTMENT

### OFFICE OF ENVIRONMENTAL SERVICES

### FISCAL OPERATIONS DIVISION

1. MOTION TO APPROVE interlocal agreement for the bulk sale of potable water between Broward County, Florida and the City of Hollywood, Florida, and authorize the Chair and Clerk to execute same.

*ACTION: (A-403) Approved.*

### OFFICE OF TRANSPORTATION

### ENGINEERING DIVISION

2. MOTION TO APPROVE reimbursement to Florida Power & Light Company of the estimated cost of \$134,090 for relocating certain Florida Power & Light Company facilities on McNab Road within the project limits of University Drive to Pine Island Road (BCED Project No. 5117) within the City of Tamarac.

**ACTION: (A-403) Approved.**

3. MOTION TO APPROVE license agreement between Broward County and the Florida East Coast Railway for the proposed public grade crossing improvements at the NE 62nd Street (Cypress Creek Road) location; Milepost 335+661', FDOT/RR Crossing No. 272536-F; and authorize the Chair and Clerk to execute same.

**ACTION: (A-403) Approved.**

4. MOTION TO APPROVE Amendment to Roadway Improvement Agreement among Broward County; Excel Country Club, L.P.; Excel Yacht Club, L.P.; and Excel Biltmore, L.P., Excel Riviera

L.P., Excel Granada L.P., Somerset Four L.P., and Somerset Village L.P. related to Miramar Patio Homes (90-MP-94); Somerset Four Plat (055-MP-95) and Somerset Village Plat (086-MP-95); and authorize the Chair and Clerk to execute same.

**ACTION: (A-403) Approved.**

**FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT**

## **OFFICE OF HOUSING FINANCE**

5. MOTION TO ADOPT unanticipated revenue Resolution 96-967 in the amount of \$340,000 for allocation in the 1996-1998 State Housing Initiatives Partnership (SHIP) Program Broward County Joint Local Housing Assistance Plan.

**ACTION: (A-403) Approved.**

## **COUNTY RECORDS DIVISION**

6. MOTION TO APPROVE minutes of the 10:00 a.m. Board of County Commission meetings of September 3 and September 10, 1996; and the minutes of the Land Use Plan meeting of September 11, 1996.

**ACTION: (A-403) Approved.**

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

**ACTION: (A-403) Approved.**

## **PURCHASING DIVISION**

For Community Services Department

8. MOTION TO REJECT single non-responsible bidder MBR Construction for Osswald Park Playground (Bid No. T-07-96-03-OF) in the amount of \$306,343.10 for the Parks & Recreation Division.

**ACTION: (A-403) Approved.**

## **REVENUE COLLECTION DIVISION**

9. MOTION TO ADOPT Resolution 96-968 authorizing cancellation of warrants from Payroll Account No. 96442530.

**ACTION: (A-403) Approved.**

10. MOTION TO APPROVE AND EXECUTE satisfaction of claim of lien(s) against James Hyche, a child.

*ACTION: (A-403) Approved.*

## **HUMAN SERVICES DEPARTMENT**

### **ELDERLY AND VETERANS SERVICES DIVISION**

11. MOTION TO APPROVE agreement between Broward County and Barbara J. Gruber O.T., P.A. from August 1, 1996 to June 30, 1997 in the amount of \$12,000 for the purpose of providing occupational therapy services for the Elderly and Veterans Services Division, and authorize the Chair and Clerk to execute same.

**ACTION: (A-403) Approved.**

## **COMMUNITY SERVICES DEPARTMENT**

### **PARKS AND RECREATION DIVISION**

12. MOTION TO APPROVE agreement between Broward County and the City of Hallandale for a mitigation project at West Lake Park, and authorize the Chair and Clerk to execute same. (No cost to Broward County)

**ACTION: (A-403) Approved.**

## **DEPARTMENT OF STRATEGIC PLANNING & GROWTH MANAGEMENT**

### **COMMUNITY DEVELOPMENT DIVISION**

13. MOTION TO APPROVE subordination agreement for the purpose of permitting Broward County to

accept a second mortgage lien position on a benefit payment in the amount of \$37,000 made to Willie Bell Evans with a remaining balance of \$20,350.00, and authorize the Chair and Clerk to execute same.

**ACTION: (A-403) Approved.**

14. MOTION TO APPROVE satisfaction of mortgage on a deferred payment loan in the amount of \$25,000 made to Olive Bell, and authorize the Chair and Clerk to execute same.

**ACTION: (A-403) Approved.**

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

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

**ACTION: (A-403) Approved.**

## **COUNTY ATTORNEY**

16. MOTION TO APPROVE travel of Assistant County Attorney G. B. Johnson to attend The National Employment Law Institute's Fourteenth Annual Series 1997 Affirmative Action Briefing to be held in Washington, D.C. on October 30, 1996 to November 1, 1996.

**ACTION: (A-403) Approved, as amended.**

## **COUNTY COMMISSION**

17. MOTION TO FILE Resolution No. 1925 of the City Council of the City of Wilton Manors, Florida supporting the Eastward Ho! initiative as recommended by the Governor's Commission for a Sustainable South Florida; urging state, county and local legislators to adopt legislation to implement Eastward Ho!; providing for conflicts; providing for severability; and providing for an effective date. (Chair)

**ACTION: (A-403) Approved.**

18. MOTION TO FILE Resolution of the Greater Fort Lauderdale Chamber of Commerce, Inc. in support of the concept of a proposed permanent homeless shelter to be constructed at the current downtown Fort Lauderdale "Tent City" site, addressing concerns related thereto and insisting on participation by the business community in the shelter's design and implementation. (Chair)

**ACTION: (A-403) Approved.**

## **BOARD APPOINTMENTS**

19. MOTION TO APPOINT Vice Mayor Kathy Cox to the Broward County Planning Council, to represent the District 4 - Elected category. Vice Mayor Cox will complete former Sunrise Mayor Steve Effman's term. Her appointment is effective November 1, 1996. (Commissioner Cowan)

**ACTION: (A-403) Approved.**

20. MOTION TO REAPPOINT Elaine Blattner to the Commission on the Status of Women representing the out-of-district category. Members on the Commission serve at the pleasure of the County Commissioners. (Commissioner Cowan)

**ACTION: (A-403) Approved.**

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

21. MOTION TO ADOPT Resolution 96-969 directing the County Administrator to publish notice of public hearing to be held Tuesday, November 12, 1996 at 2:00 p.m. in Room 422 of the Governmental Center to vacate and abandon a canal maintenance easement, lying and being in Broward County, Florida, located at 6476 NW 22nd Street in the City of Margate. Petitioner: Richard and Shirley Baughman. (Richard & Shirley Baughman - Agent) 30-V-96.

**ACTION: (A-403) Approved.**

22. MOTION TO ADOPT Resolution 96-970 directing the County Administrator to publish a notice of public hearing to be held Tuesday, November 12, 1996 at 2:00 p.m. in Room 422 of the Governmental Center to consider renewing the franchise of Eller & Company, Inc. to conduct cargo handler operations at Port Everglades.

**ACTION: (A-403) Approved.**

23. MOTION TO ADOPT Resolution 96-971 directing the County Administrator to publish a notice of public hearing to be held Tuesday, November 12, 1996 at 2:00 p.m. in Room 422 of the Governmental Center to consider renewing the franchise of Eller & Company, Inc. to conduct stevedoring operations at Port Everglades.

**ACTION: (A-403) Approved.**

24. MOTION TO ADOPT Resolution 96-972 directing the County Administrator to publish a notice of public hearing to be held Tuesday, November 12, 1996 at 2:00 p.m. in Room 422 of the Governmental

Center to consider renewing the franchise of Strachan Shipping Company to conduct cargo handler operations at Port Everglades.

**ACTION: (A-403) Approved.**

25. MOTION TO ADOPT Resolution 96-973 directing the County Administrator to publish a notice of public hearing to be held Tuesday, November 12, 1996 at 2:00 p.m. in Room 422 of the Governmental Center to consider renewing the franchise of Strachan Shipping Company to conduct stevedoring operations at Port Everglades.

**ACTION: (A-403) Approved.**

26. MOTION TO ADOPT Resolution 96-974 directing the County Administrator to publish notice of public hearing to be held Tuesday, November 12, 1996 at 2:00 p.m. in Room 422 of the Governmental Center to consider enactment of a proposed ordinance, the substance of which is as follows:

AN ORDINANCE OF THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 14-99 OF THE LAND CLEARANCE SECTION TO SHORTEN THE AMOUNT OF TIME FOR COMPLIANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

**ACTION: (A-403) Approved.**

**REGULAR AGENDA**

**10:00 A.M. PUBLIC HEARING**

**CONTINUED FROM OCTOBER 8, 1996**

**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.

27. MOTION TO ADOPT Resolution 96-975 transmitting the proposed Country Lakes Development of Regional Impact amendment in the City of Miramar to the Broward County Land Use Plan, an element of the Broward County Comprehensive Plan, to the Florida Department of Community Affairs for

review pursuant to Chapter 163, Section 163.3184(15), Florida Statutes.

## **ACTION: (A-576) Approved.**

28. MOTION TO ADOPT Resolution 96-976 transmitting a proposed amendment, located in Unincorporated Area, Broward County, to the Fort Lauderdale-Hollywood International Airport Development of Regional Impact (DRI) located in Unincorporated Area, Broward County, and partially in the City of Fort Lauderdale, to the Broward County Land Use Plan and the Unincorporated Area Future Land Use Element, elements of the Broward County Comprehensive Plan to the Florida Department of Community Affairs for review

## **ACTION: (A-648) Approved.**

**END OF CONTINUED PUBLIC HEARING OF OCTOBER 8, 1996**

**BEGINNING OF ADDITIONAL QUASI-JUDICIAL HEARING**

# **DEPARTMENT OF STRATEGIC PLANNING**

# **& GROWTH MANAGEMENT**

# **DEVELOPMENT MANAGEMENT DIVISION**

29. DISCUSSION of Plat entitled “Johns Corner” - District 2, (018-MP-96).

***ACTION: (A-734) Approved plat subject to staff recommendations, as outlined in the Development Review Report.***

30. DISCUSSION of Plat entitled “Wynne Commercial Plat” - District 1, (056-MP-95). (Deferred from July 9, 1996)

***ACTION: (A-784) Approved plat subject to staff recommendations, as outlined in the Development Review Report.***

31. DISCUSSION of Plat entitled “Orangewood Farms” - District 4, (012-MP-95).

***ACTION: (A-798) Approved plat subject to staff recommendations, as outlined in the Development Review Report.***

32. DISCUSSION of Plat entitled “Lou’s Acres” - District 4, (036-MP-95).

***ACTION: (A-837) Approved plat subject to staff recommendations, as outlined in the Development Review Report.***

33. DISCUSSION of Plat entitled “Spielman-Margolis Replat” - District 4, (006-MP-96).

***ACTION: (A-740) Deferred to November 5, 1996 at applicant's request.***

34. DISCUSSION of Plat entitled "Alexander-Young Plat" - District 3, (023-MP-95). (Deferred from September 17, 1996)

***ACTION: (A-740) Deferred to April 22, 1997 under Section 5-181(I) of the Land Development Code to study access.***

35. DISCUSSION of Plat entitled "Silver Shores" - District 5, (103-MP-95).

***ACTION: (A-850) Deferred to November 5, 1996 for further review.***

36. DISCUSSION of Plat entitled "Pompano Oaks" - District 2, (045-MP-96).

***ACTION: (A-1217) Approved plat subject to staff recommendations, as outlined in the Development Review Report.***

37. DISCUSSION of Plat entitled "Bluegrass Lakes West" - District 5, (022-MP-96).

***ACTION: (A-850) Deferred to November 5, 1996 for further review.***

38. DISCUSSION of Plat entitled "Sawgrass Exchange Plat" - District 3, (026-MP-96). (Deferred from October 1, 1996)

***ACTION: (A-1228) Deferred to November 12, 1996.***

39. DELEGATION: Michael Covelli regarding request to amend the note on the Centra Pointe Plat (062-MP-88).

***ACTION: (A-1294) Approved, subject to staff recommendations.***

40. DELEGATION: Michael Covelli regarding request to amend the non-vehicular access line on the Centra Pointe Plat (062-MP-88).

***ACTION: (A-1307) Approved, subject to staff recommendations.***

41. DELEGATION: Kim Anderson regarding request to place a note on The Centre of Deer Creek Plat (063-MP-80).

***ACTION: (A-740) Deferred to November 5, 1996 at applicant's request.***

42. DELEGATION: Kim Anderson regarding request to amend the non-vehicular access line on The Centre of Deer Creek Plat (063-MP-80).

***ACTION: (A-740) Deferred to November 5, 1996 at applicant's request.***

43. DELEGATION: Kim Anderson regarding request to amend the note on the Brighton Gardens / NA-34 Plat (128-MP-88).

***ACTION: (A-740) Deferred to November 5, 1996 at applicant's request.***

44. DELEGATION: Louis Cowling regarding request to amend the note on the Stirling Palm Estates Plat (046-MP-89). (Deferred from October 1, 1996)

***ACTION: (A-1319) Deferred to October 22, 1996 for further review.***

45. DELEGATION: Shelley Eichner regarding request to amend the note on the Nasher Plat (024-MP-94). (Deferred from October 1, 1996)

***ACTION: (A-2253) Approved, subject to staff recommendations.***

46. DELEGATION: Rob Sullivan regarding request to amend the non-vehicular access line on the Nasher Plat (024-MP-94).

***ACTION: (A-740) Deferred to November 19, 1996 at applicant's request.***

47. DELEGATION: Gustavo J. Carbonell regarding request to modify conditions of plat approval on The Ciga Freshna Plat (032-UP-83).

***ACTION: (A-2426) Deferred to November 5, 1996.***

48. DELEGATION: Gregory S. Mire regarding request to amend the non-vehicular access line on the Park of Commerce Plat (073-UP-80).

***ACTION: (A-2434) Approved, subject to staff recommendations .***

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

49. DELEGATION: Gus Aguirre regarding request to waive four month requirement for payment of road impact fees on the Stirling Dykes Plat (017-UP-90). (Deferred from October 8, 1996)

***ACTION: (A-2908) Denied, per staff recommendation.***

### **COMPREHENSIVE & NEIGHBORHOOD PLANNING DIVISION**

50. MOTION TO TRANSMIT Future Land Use Map Amendment 4-AC-96, amending the Future Unincorporated Area Land Use Element Map Series and the Future Broward County Land Use Plan Map Series, to the Broward County Planning Council.

**ACTION: (A-4534) Approved.**

51. COUNTY ADMINISTRATOR'S REPORT - The County Administrator advised he had nothing to report at this time.

***ACTION: (A-4568) No board action necessary.***

### **FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT**

52. MOTION TO APPROVE holiday schedule for County employees for calendar year 1997 by the

Board of County Commissioners.

**ACTION: (A-4571) Approved.**

## **OFFICE OF HOUSING FINANCE**

53. MOTION TO ADOPT Resolution 96-977 of the Board of County Commissioners of Broward County, Florida approving the issuance of not to exceed \$8,500,000 aggregate principal amount of the Housing Finance Authority of Broward County, Florida, Multifamily Housing Revenue Refunding Bonds (Deer Chase Apartments Project - GNMA Collateralized), Series 1996A-1 and not to exceed \$1,500,000 aggregate principal amount of the Housing Finance Authority of Broward County, Florida Multifamily Housing Revenue Refunding Bonds (Deer Chase Apartments Project - GNMA Collateralized), Series 1996A-2 (Taxable) (collectively, the "Bonds"); determining the need for a negotiated sale of such Bonds; approving the public hearing held in respect of the issuance of the Bonds; approving the form of Bond Purchase Agreement; approving the form and distribution of a Preliminary Official Statement and approving the distribution of a Final Official Statement with respect to the Bonds; approving the form of the Trust Indenture with regard to the Bonds; approving the form of the Amended and Restated Trust Indenture with regard to \$2,830,000 Housing Finance Authority of Broward County, Florida Multifamily Housing Revenue Bonds (Deer Chase Apartments Project) 1985 Series B (the "Series 1985B Bonds"); approving the Form of First Amended and Restated Loan Agreement with regard to the Series 1985B Bonds; approving the form of Financing Agreement with regard to the Bonds; approving the form of Amended Restated and Regulatory Agreement with regard to the Bonds; approving the form of the Agreement of Deed Restrictions with regard to the Bonds; approving the form of the Amended and Restated Regulatory Agreement with regard to the Series 1985B Bonds; approving the form of the Agreement of Deed Restrictions with regard to the Series 1985B Bonds; approving the form of the Assignment of Mortgage with regard to the Bonds; approving the form of the Escrow Deposit Agreement with regard to the Bonds; approving the designation of a Trustee and approving the form of a Trustee Fee Agreement; approving the Designation of an Escrow Deposit Agent; authorizing other actions required to issue and deliver the Bonds; and providing an effective date.

**ACTION: (A-4633) Approved.**

## **PORT EVERGLADES DEPARTMENT**

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

**ACTION: (A-4731) Approved.**

B. MOTION TO APPROVE agreement between Broward County, Florida and The Florida Alliance, Inc. a Florida corporation, not for profit, effective October 1, 1996 for a one-year term, and authorize the Chair and Clerk to execute same.

**ACTION: (A-4731) Approved.**

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

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

**ACTION: (A-4639) Approved, as amended.**

56. A. MOTION TO ADOPT budget Resolution 96-978 within the General Capital Outlay Fund in the amount of \$4,380,870 to transfer the FY 97 vehicle replacement funding to the Sheriff.

**ACTION: (A-4698) Approved.**

B. MOTION TO ADOPT unanticipated revenue Resolution 96-979 in the General Fund in the amount of \$4,380,870 for the transfer of funds from the General Capital Outlay Fund for the FY 97 Sheriff vehicle replacement program.

**ACTION: (A-4698) Approved.**

## **NON AGENDA ITEMS**

57. PROCLAMATION: Commissioner Parrish read into the record a proclamation designating Saturday, October 19, 1996 as BROWARD COUNTY TRIAD S.A.Y.S.O. SMOKE DETECTOR CAMPAIGN KICKOFF DAY in Broward County, urging all citizens to get involved in the fire prevention effort by supporting this program and its partners in their efforts to reduce the loss of life and injuries due to fire.

***ACTION: (A-30) Commissioner Parrish presented the proclamation to Captain Alex Perri, Fire Marshall's Office; Broward County Sheriff Ron Cochran; Shirley Sumner, Chairperson for Broward TRIAD; Charles Raiken, Broward County Fire Marshall; Lois Wexler, Broward County School Board; and Anthony Romano, Broward County Sheriff's Office. Shirley Sumner, on behalf of the group, accepted and thanked the Commission for the proclamation and, in turn, presented the Commissioners with a small "TRIAD" pin to be "worn with pride".***

58. VISITORS: Commissioner Poitier introduced her friends Tewfik Sherif visiting from Ethiopia and his son Mahir Sherif, visiting here from California.

***ACTION: (A-197) Commissioner Poitier presented to Messrs. Tewfik and Mahir Sherif a glass globe depicting a scenic view of the sandy beach in Broward County as a memento of their visit here.***

59. PROCLAMATION: Commissioner Rodstrom read into the record a proclamation designating the

period of October 20 through 30, 1996 as CONSUMER DAYS in Broward County, and urging both the public and private sectors to advance consumer competence by promoting as well as providing essential information to allow consumers to make intelligent choices and to avoid fraud in the marketplace.

***ACTION: (A-281) Commissioner Rodstrom presented the proclamation to Mona Fandel, Director of Consumer Affairs Division, Larry Kaplan, Assistant Director, and Hy Miller, Chair of the Consumer Protection Board. They presented the Commission with The 1997 Consumer Resource Handbook.***

60. INFORMATIONAL ITEM: Commissioner Gunzburger advised that on October 15, 1996, eleven years ago, Commissioner Poitier became a Broward County Commissioner.

***ACTION: (A-5400) The Board congratulated Commissioner Poitier on her eleven year tenure with the county as County Commissioner.***

61. REQUEST: Commissioner Parrish advised that there is a countywide ordinance in effect relating to unlicensed child day care centers that is not enforceable if the day care owners will not permit county officials to enter the homes in response to a complaint filed.

***ACTION: (A-5439) Requested that the County Attorney and County Administrator find a solution to the problem.***

62. REQUEST: Commissioner Parrish raised the issue of the Tree Management Advisory Committee that has not met in three years and most of the terms have expired. She asked that the County Attorney, with the concurrence of the County Administrator, sunset this committee and “get it off the books”.

***ACTION: (A-5513) Authorized the County Attorney to draft ordinance abolishing the Tree Management Advisory Committee.***

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